

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

H.R. 2617

To amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

- 1 In lieu of the matter proposed to be inserted by the
- 2 House in Senate amendment 4, insert the following:
- 3 **SECTION 1. SHORT TITLE.**
- 4 This Act may be cited as the “Consolidated Appro-
- 5 priations Act, 2023”.
- 6 **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.

Sec. 6. Adjustments to compensation.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND
DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS
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
President
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

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 DEVELOPMENT,
AND RELATED AGENCIES APPROPRIATIONS ACT, 2023

Title I—Department of Transportation
Title II—Department of Housing and Urban Development
Title III—Related Agencies

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

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 JJ—NORTH ATLANTIC RIGHT WHALES

1 SEC. 3. REFERENCES.

2 Except as expressly provided otherwise, any reference
3 to “this Act” contained in any division of this Act shall
4 be treated as referring only to the provisions of that divi-
5 sion.

6 SEC. 4. EXPLANATORY STATEMENT.

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

15 SEC. 5. STATEMENT OF APPROPRIATIONS.

16 The following sums in this Act are appropriated, out
17 of any money in the Treasury not otherwise appropriated,
18 for the fiscal year ending September 30, 2023.

19 SEC. 6. ADJUSTMENTS TO COMPENSATION.

20 Notwithstanding any other provision of law, no ad-
21 justment shall be made under section 601(a) of the Legis-
22 lative Reorganization Act of 1946 (2 U.S.C. 4501) (relat-

- 1 ing to cost of living adjustments for Members of Congress)
- 2 during 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
13 to exceed \$1,396,000 shall be available for the Office of
14 Homeland Security; not to exceed \$5,190,000 shall be
15 available for the Office of Tribal Relations, of which
16 \$1,000,000 shall be to establish a Tribal Public Health
17 Resource Center at a land grant university with existing
18 indigenous public health expertise to expand current part-
19 nerships and collaborative efforts with indigenous groups,
20 including but not limited to, tribal organizations and insti-
21 tutions such as tribal colleges, tribal technical colleges,
22 tribal community colleges and tribal universities, to im-
23 prove the delivery of culturally appropriate public health
24 services and functions in American Indian communities fo-
25 cusing on indigenous food sovereignty; not to exceed

1 \$9,280,000 shall be available for the Office of Partner-
2 ships and Public Engagement, of which \$1,500,000 shall
3 be for 7 U.S.C. 2279(c)(5); not to exceed \$28,422,000
4 shall be available for the Office of the Assistant Secretary
5 for Administration, of which \$26,716,000 shall be avail-
6 able for Departmental Administration to provide for nec-
7 essary expenses for management support services to of-
8 fices of the Department and for general administration,
9 security, repairs and alterations, and other miscellaneous
10 supplies and expenses not otherwise provided for and nec-
11 essary for the practical and efficient work of the Depart-
12 ment: *Provided*, That funds made available by this Act to
13 an agency in the Administration mission area for salaries
14 and expenses are available to fund up to one administra-
15 tive support staff for the Office; not to exceed \$4,609,000
16 shall be available for the Office of Assistant Secretary for
17 Congressional Relations and Intergovernmental Affairs to
18 carry out the programs funded by this Act, including pro-
19 grams involving intergovernmental affairs and liaison
20 within the executive branch; and not to exceed \$8,738,000
21 shall be available for the Office of Communications: *Pro-*
22 *vided further*, That the Secretary of Agriculture is author-
23 ized to transfer funds appropriated for any office of the
24 Office of the Secretary to any other office of the Office
25 of the Secretary: *Provided further*, That no appropriation

1 for any office shall be increased or decreased by more than
2 5 percent: *Provided further*, That not to exceed \$22,000
3 of the amount made available under this paragraph for
4 the immediate Office of the Secretary shall be available
5 for official reception and representation expenses, not oth-
6 erwise provided for, as determined by the Secretary: *Pro-*
7 *vided further*, That the amount made available under this
8 heading for Departmental Administration shall be reim-
9 bursed from applicable appropriations in this Act for trav-
10 el expenses incident to the holding of hearings as required
11 by 5 U.S.C. 551–558: *Provided further*, That funds made
12 available under this heading for the Office of the Assistant
13 Secretary for Congressional Relations and Intergovern-
14 mental Affairs shall be transferred to agencies of the De-
15 partment of Agriculture funded by this Act to maintain
16 personnel at the agency level: *Provided further*, That no
17 funds made available under this heading for the Office of
18 Assistant Secretary for Congressional Relations may be
19 obligated after 30 days from the date of enactment of this
20 Act, unless the Secretary has notified the Committees on
21 Appropriations of both Houses of Congress on the alloca-
22 tion of these funds by USDA agency: *Provided further*,
23 That during any 30 day notification period referenced in
24 section 716 of this Act, the Secretary of Agriculture shall
25 take no action to begin implementation of the action that

1 is subject to section 716 of this Act or make any public
2 announcement of such action in any form.

3 EXECUTIVE OPERATIONS

4 OFFICE OF THE CHIEF ECONOMIST

5 For necessary expenses of the Office of the Chief
6 Economist, \$28,181,000, of which \$8,000,000 shall be for
7 grants or cooperative agreements for policy research under
8 7 U.S.C. 3155: *Provided*, That of the amounts made avail-
9 able under this heading, \$500,000 shall be available to
10 carry out section 224 of subtitle A of the Department of
11 Agriculture Reorganization Act of 1994 (7 U.S.C. 6924),
12 as amended 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
18 Program Analysis, \$14,967,000.

19 OFFICE OF THE CHIEF INFORMATION OFFICER

20 For necessary expenses of the Office of the Chief In-
21 formation Officer, \$92,284,000, of which not less than
22 \$77,428,000 is for cybersecurity requirements of the de-
23 partment.

11

1 OFFICE OF THE CHIEF FINANCIAL OFFICER

2 For necessary expenses of the Office of the Chief Fi-
3 nancial 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 Of-
11 fice.

12 OFFICE OF CIVIL RIGHTS

13 For necessary expenses of the Office of Civil Rights,
14 \$37,595,000.

15 AGRICULTURE BUILDINGS AND FACILITIES

16 (INCLUDING TRANSFERS OF FUNDS)

17 For payment of space rental and related costs pursu-
18 ant to Public Law 92–313, including authorities pursuant
19 to the 1984 delegation of authority from the Adminis-
20 trator of General Services to the Department of Agri-
21 culture under 40 U.S.C. 121, for programs and activities
22 of the Department which are included in this Act, and for
23 alterations and other actions needed for the Department
24 and its agencies to consolidate unneeded space into con-
25 figurations suitable for release to the Administrator of

1 General Services, and for the operation, maintenance, im-
2 provement, and repair of Agriculture buildings and facili-
3 ties, and for related costs, \$40,581,000, to remain avail-
4 able until expended.

5 HAZARDOUS MATERIALS MANAGEMENT

6 (INCLUDING TRANSFERS OF FUNDS)

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

17 OFFICE OF SAFETY, SECURITY, AND PROTECTION

18 For necessary expenses of the Office of Safety, Secu-
19 rity, and Protection, \$21,800,000.

20 OFFICE OF INSPECTOR GENERAL

21 For necessary expenses of the Office of Inspector
22 General, including employment pursuant to the Inspector
23 General Act of 1978 (Public Law 95–452; 5 U.S.C. App.),
24 \$111,561,000, including such sums as may be necessary
25 for contracting and other arrangements with public agen-

1 cies and private persons pursuant to section 6(a)(9) of the
2 Inspector General Act of 1978 (Public Law 95–452; 5
3 U.S.C. App.), and including not to exceed \$125,000 for
4 certain confidential operational expenses, including the
5 payment of informants, to be expended under the direction
6 of the Inspector General pursuant to the Inspector Gen-
7 eral Act of 1978 (Public Law 95–452; 5 U.S.C. App.) and
8 section 1337 of the Agriculture and Food Act of 1981
9 (Public Law 97–98).

10 OFFICE OF THE GENERAL COUNSEL

11 For necessary expenses of the Office of the General
12 Counsel, \$60,537,000.

13 OFFICE OF ETHICS

14 For necessary expenses of the Office of Ethics,
15 \$5,556,000.

16 OFFICE OF THE UNDER SECRETARY FOR RESEARCH,
17 EDUCATION, AND ECONOMICS

18 For necessary expenses of the Office of the Under
19 Secretary for Research, Education, and Economics,
20 \$2,384,000: *Provided*, That funds made available by this
21 Act to an agency in the Research, Education, and Eco-
22 nomics mission area for salaries and expenses are avail-
23 able to fund up to one administrative support staff for
24 the Office: *Provided further*, That of the amounts made

1 available under this heading, \$1,000,000 shall be made
2 available for the Office of the Chief Scientist.

3 ECONOMIC RESEARCH SERVICE

4 For necessary expenses of the Economic Research
5 Service, \$92,612,000.

6 NATIONAL AGRICULTURAL STATISTICS SERVICE

7 For necessary expenses of the National Agricultural
8 Statistics Service, \$211,076,000, of which up to
9 \$66,413,000 shall be available until expended for the Cen-
10 sus of Agriculture: *Provided*, That amounts made available
11 for the Census of Agriculture may be used to conduct Cur-
12 rent Industrial Report surveys subject to 7 U.S.C.
13 2204g(d) and (f).

14 AGRICULTURAL RESEARCH SERVICE

15 SALARIES AND EXPENSES

16 For necessary expenses of the Agricultural Research
17 Service and for acquisition of lands by donation, exchange,
18 or purchase at a nominal cost not to exceed \$100, and
19 for land exchanges where the lands exchanged shall be of
20 equal value or shall be equalized by a payment of money
21 to the grantor which shall not exceed 25 percent of the
22 total value of the land or interests transferred out of Fed-
23 eral ownership, \$1,744,279,000: *Provided*, That appro-
24 priations hereunder shall be available for the operation
25 and maintenance of aircraft and the purchase of not to

1 exceed one for replacement only: *Provided further*, That
2 appropriations hereunder shall be available pursuant to 7
3 U.S.C. 2250 for the construction, alteration, and repair
4 of buildings and improvements, but unless otherwise pro-
5 vided, the cost of constructing any one building shall not
6 exceed \$500,000, except for headhouses or greenhouses
7 which shall each be limited to \$1,800,000, except for 10
8 buildings to be constructed or improved at a cost not to
9 exceed \$1,100,000 each, and except for four buildings to
10 be constructed at a cost not to exceed \$5,000,000 each,
11 and the cost of altering any one building during the fiscal
12 year shall not exceed 10 percent of the current replace-
13 ment value of the building or \$500,000, whichever is
14 greater: *Provided further*, That appropriations hereunder
15 shall be available for entering into lease agreements at any
16 Agricultural Research Service location for the construction
17 of a research facility by a non-Federal entity for use by
18 the Agricultural Research Service and a condition of the
19 lease shall be that any facility shall be owned, operated,
20 and maintained by the non-Federal entity and shall be re-
21 moved upon the expiration or termination of the lease
22 agreement: *Provided further*, That the limitations on alter-
23 ations contained in this Act shall not apply to moderniza-
24 tion or replacement of existing facilities at Beltsville,
25 Maryland: *Provided further*, That appropriations here-

1 under shall be available for granting easements at the
2 Beltsville Agricultural Research Center: *Provided further*,
3 That the foregoing limitations shall not apply to replace-
4 ment of buildings needed to carry out the Act of April
5 24, 1948 (21 U.S.C. 113a): *Provided further*, That appro-
6 priations hereunder shall be available for granting ease-
7 ments at any Agricultural Research Service location for
8 the construction of a research facility by a non-Federal
9 entity for use by, and acceptable to, the Agricultural Re-
10 search Service and a condition of the easements shall be
11 that upon completion the facility shall be accepted by the
12 Secretary, subject to the availability of funds herein, if the
13 Secretary finds that acceptance of the facility is in the
14 interest of the United States: *Provided further*, That funds
15 may be received from any State, other political subdivi-
16 sion, organization, or individual for the purpose of estab-
17 lishing or operating any research facility or research
18 project of the Agricultural Research Service, as authorized
19 by law.

20 BUILDINGS AND FACILITIES

21 For the acquisition of land, construction, repair, im-
22 provement, extension, alteration, and purchase of fixed
23 equipment or facilities as necessary to carry out the agri-
24 cultural research programs of the Department of Agri-
25 culture, where not otherwise provided, \$74,297,000 to re-

1 main available until expended, of which \$56,697,000 shall
2 be for the purposes, and in the amounts, specified for this
3 account in the table titled “Community Project Funding/
4 Congressionally Directed Spending” in the explanatory
5 statement described in section 4 (in the matter preceding
6 division A of this consolidated Act).

7 NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

8 RESEARCH AND EDUCATION ACTIVITIES

9 For payments to agricultural experiment stations, for
10 cooperative forestry and other research, for facilities, and
11 for other expenses, \$1,094,121,000 which shall be for the
12 purposes, and in the amounts, specified in the table titled
13 “National Institute of Food and Agriculture, Research
14 and Education Activities” in the explanatory statement
15 described in section 4 (in the matter preceding division
16 A of this consolidated Act): *Provided*, That funds for re-
17 search grants for 1994 institutions, education grants for
18 1890 institutions, Hispanic serving institutions education
19 grants, capacity building for non-land-grant colleges of ag-
20 riculture, the agriculture and food research initiative, vet-
21 erinary medicine loan repayment, multicultural scholars,
22 graduate fellowship and institution challenge grants,
23 grants management systems, tribal colleges education eq-
24 uity grants, and scholarships at 1890 institutions shall re-
25 main available until expended: *Provided further*, That each

1 institution eligible to receive funds under the Evans-Allen
2 program receives no less than \$1,000,000: *Provided fur-*
3 *ther*, That funds for education grants for Alaska Native
4 and Native Hawaiian-serving institutions be made avail-
5 able to individual eligible institutions or consortia of eligi-
6 ble institutions with funds awarded equally to each of the
7 States of Alaska and Hawaii: *Provided further*, That funds
8 for providing grants for food and agricultural sciences for
9 Alaska Native and Native Hawaiian-Serving institutions
10 and for Insular Areas shall remain available until Sep-
11 tember 30, 2024: *Provided further*, That funds for edu-
12 cation grants for 1890 institutions shall be made available
13 to institutions eligible to receive funds under 7 U.S.C.
14 3221 and 3222: *Provided further*, That not more than 5
15 percent of the amounts made available by this or any other
16 Act to carry out the Agriculture and Food Research Initia-
17 tive under 7 U.S.C. 3157 may be retained by the Secretary
18 of Agriculture to pay administrative costs incurred by the
19 Secretary in carrying out that authority.

20 NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

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

1 EXTENSION ACTIVITIES

2 For payments to States, the District of Columbia,
3 Puerto Rico, Guam, the Virgin Islands, Micronesia, the
4 Northern Marianas, and American Samoa, \$565,410,000
5 which shall be for the purposes, and in the amounts, speci-
6 fied in the table titled “National Institute of Food and
7 Agriculture, Extension Activities” in the explanatory
8 statement described in section 4 (in the matter preceding
9 division A of this consolidated Act): *Provided*, That funds
10 for extension services at 1994 institutions and for facility
11 improvements at 1890 institutions shall remain available
12 until expended: *Provided further*, That institutions eligible
13 to receive funds under 7 U.S.C. 3221 for cooperative ex-
14 tension receive no less than \$1,000,000: *Provided further*,
15 That funds for cooperative extension under sections 3(b)
16 and (c) of the Smith-Lever Act (7 U.S.C. 343(b) and (c))
17 and section 208(c) of Public Law 93–471 shall be avail-
18 able for retirement and employees’ compensation costs for
19 extension agents.

20 INTEGRATED ACTIVITIES

21 For the integrated research, education, and extension
22 grants programs, including necessary administrative ex-
23 penses, \$41,500,000, which shall be for the purposes, and
24 in the amounts, specified in the table titled “National In-
25 stitute of Food and Agriculture, Integrated Activities” in

1 the explanatory statement described in section 4 (in the
2 matter preceding division A of this consolidated Act): *Pro-*
3 *vided*, That funds for the Food and Agriculture Defense
4 Initiative shall remain available until September 30, 2024:
5 *Provided further*, That notwithstanding any other provi-
6 sion of law, indirect costs shall not be charged against any
7 Extension Implementation Program Area grant awarded
8 under the Crop Protection/Pest Management Program (7
9 U.S.C. 7626).

10 OFFICE OF THE UNDER SECRETARY FOR MARKETING
11 AND REGULATORY PROGRAMS

12 For necessary expenses of the Office of the Under
13 Secretary for Marketing and Regulatory Programs,
14 \$1,617,000: *Provided*, That funds made available by this
15 Act to an agency in the Marketing and Regulatory Pro-
16 grams mission area for salaries and expenses are available
17 to fund up to one administrative support staff for the Of-
18 fice.

19 ANIMAL AND PLANT HEALTH INSPECTION SERVICE
20 SALARIES AND EXPENSES
21 (INCLUDING TRANSFERS OF FUNDS)

22 For necessary expenses of the Animal and Plant
23 Health Inspection Service, including up to \$30,000 for
24 representation allowances and for expenses pursuant to
25 the Foreign Service Act of 1980 (22 U.S.C. 4085),

1 \$1,171,071,000 of which up to \$9,552,000 shall be for
2 the purposes, and in the amounts, specified for this ac-
3 count in the table titled “Community Project Funding/
4 Congressionally Directed Spending” in the explanatory
5 statement described in section 4 (in the matter preceding
6 division A of this consolidated Act); of which \$514,000,
7 to remain available until expended, shall be available for
8 the control of outbreaks of insects, plant diseases, animal
9 diseases and for control of pest animals and birds (“con-
10 tingency fund”) to the extent necessary to meet emergency
11 conditions; of which \$15,450,000, to remain available until
12 expended, shall be used for the cotton pests program, in-
13 cluding for cost share purposes or for debt retirement for
14 active eradication zones; of which \$39,183,000, to remain
15 available until expended, shall be for Animal Health Tech-
16 nical Services; of which \$4,096,000 shall be for activities
17 under the authority of the Horse Protection Act of 1970,
18 as amended (15 U.S.C. 1831); of which \$64,930,000, to
19 remain available until expended, shall be used to support
20 avian health; of which \$4,251,000, to remain available
21 until expended, shall be for information technology infra-
22 structure; of which \$216,117,000, to remain available
23 until expended, shall be for specialty crop pests, of which
24 \$8,500,000, to remain available until September 30, 2024,
25 shall be for one-time control and management and associ-

1 ated activities directly related to the multiple-agency re-
2 sponse to citrus greening; of which, \$14,986,000, to re-
3 main available until expended, shall be for field crop and
4 rangeland ecosystem pests; of which \$21,567,000, to re-
5 main available until expended, shall be for zoonotic disease
6 management; of which \$44,067,000, to remain available
7 until expended, shall be for emergency preparedness and
8 response; of which \$62,562,000, to remain available until
9 expended, shall be for tree and wood pests; of which
10 \$6,500,000, to remain available until expended, shall be
11 for the National Veterinary Stockpile; of which up to
12 \$1,500,000, to remain available until expended, shall be
13 for the scrapie program for indemnities; of which
14 \$2,500,000, to remain available until expended, shall be
15 for the wildlife damage management program for aviation
16 safety: *Provided*, That of amounts available under this
17 heading for wildlife services methods development,
18 \$1,000,000 shall remain available until expended: *Pro-*
19 *vided further*, That of amounts available under this head-
20 ing for the screwworm program, \$4,990,000 shall remain
21 available until expended; of which \$24,527,000, to remain
22 available until expended, shall be used to carry out the
23 science program and transition activities for the National
24 Bio and Agro-defense Facility located in Manhattan, Kan-
25 sas: *Provided further*, That no funds shall be used to for-

1 mulate or administer a brucellosis eradication program for
2 the current fiscal year that does not require minimum
3 matching by the States of at least 40 percent: *Provided*
4 *further*, That this appropriation shall be available for the
5 purchase, replacement, operation, and maintenance of air-
6 craft: *Provided further*, That in addition, in emergencies
7 which threaten any segment of the agricultural production
8 industry of the United States, the Secretary may transfer
9 from other appropriations or funds available to the agen-
10 cies or corporations of the Department such sums as may
11 be deemed necessary, to be available only in such emer-
12 gencies for the arrest and eradication of contagious or in-
13 fectious disease or pests of animals, poultry, or plants, and
14 for expenses in accordance with sections 10411 and 10417
15 of the Animal Health Protection Act (7 U.S.C. 8310 and
16 8316) and sections 431 and 442 of the Plant Protection
17 Act (7 U.S.C. 7751 and 7772), and any unexpended bal-
18 ances of funds transferred for such emergency purposes
19 in the preceding fiscal year shall be merged with such
20 transferred amounts: *Provided further*, That appropria-
21 tions hereunder shall be available pursuant to law (7
22 U.S.C. 2250) for the repair and alteration of leased build-
23 ings and improvements, but unless otherwise provided the
24 cost of altering any one building during the fiscal year

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

3 In fiscal year 2023, the agency is authorized to collect
4 fees to cover the total costs of providing technical assist-
5 ance, goods, or services requested by States, other political
6 subdivisions, domestic and international organizations,
7 foreign governments, or individuals, provided that such
8 fees are structured such that any entity's liability for such
9 fees is reasonably based on the technical assistance, goods,
10 or services provided to the entity by the agency, and such
11 fees shall be reimbursed to this account, to remain avail-
12 able until expended, without further appropriation, for
13 providing such assistance, goods, or services.

14 BUILDINGS AND FACILITIES

15 For plans, construction, repair, preventive mainte-
16 nance, environmental support, improvement, extension, al-
17 teration, and purchase of fixed equipment or facilities, as
18 authorized by 7 U.S.C. 2250, and acquisition of land as
19 authorized by 7 U.S.C. 2268a, \$3,175,000, to remain
20 available until expended.

21 AGRICULTURAL MARKETING SERVICE

22 MARKETING SERVICES

23 For necessary expenses of the Agricultural Marketing
24 Service, \$237,695,000, of which \$7,504,000 shall be avail-
25 able for the purposes of section 12306 of Public Law 113-

1 79, and of which \$1,000,000 shall be available for the pur-
2 poses of section 779 of division A of Public Law 117-
3 103: *Provided*, That of the amounts made available under
4 this heading, \$25,000,000, to remain available until ex-
5 pended, shall be to carry out section 12513 of Public Law
6 115-334, of which \$23,000,000 shall be for dairy business
7 innovation initiatives established in Public Law 116-6 and
8 the Secretary shall take measures to ensure an equal dis-
9 tribution of funds between these three regional innovation
10 initiatives: *Provided further*, That this appropriation shall
11 be available pursuant to law (7 U.S.C. 2250) for the alter-
12 ation and repair of buildings and improvements, but the
13 cost of altering any one building during the fiscal year
14 shall not exceed 10 percent of the current replacement
15 value of the building.

16 Fees may be collected for the cost of standardization
17 activities, as established by regulation pursuant to law (31
18 U.S.C. 9701), except for the cost of activities relating to
19 the development or maintenance of grain standards under
20 the United States Grain Standards Act, 7 U.S.C. 71 et
21 seq.

22 LIMITATION ON ADMINISTRATIVE EXPENSES

23 Not to exceed \$62,596,000 (from fees collected) shall
24 be obligated during the current fiscal year for administra-
25 tive expenses: *Provided*, That if crop size is understated

1 and/or other uncontrollable events occur, the agency may
2 exceed this limitation by up to 10 percent with notification
3 to the Committees on Appropriations of both Houses of
4 Congress.

5 FUNDS FOR STRENGTHENING MARKETS, INCOME, AND
6 SUPPLY (SECTION 32)

7 (INCLUDING TRANSFERS OF FUNDS)

8 Funds available under section 32 of the Act of Au-
9 gust 24, 1935 (7 U.S.C. 612c), shall be used only for com-
10 modity program expenses as authorized therein, and other
11 related operating expenses, except for: (1) transfers to the
12 Department of Commerce as authorized by the Fish and
13 Wildlife Act of 1956 (16 U.S.C. 742a et seq.); (2) trans-
14 fers otherwise provided in this Act; and (3) not more than
15 \$21,501,000 for formulation and administration of mar-
16 keting agreements and orders pursuant to the Agricultural
17 Marketing Agreement Act of 1937 and the Agricultural
18 Act of 1961 (Public Law 87–128).

19 PAYMENTS TO STATES AND POSSESSIONS

20 For payments to departments of agriculture, bureaus
21 and departments of markets, and similar agencies for
22 marketing activities under section 204(b) of the Agricul-
23 tural Marketing Act of 1946 (7 U.S.C. 1623(b)),
24 \$1,235,000.

1 oratory accreditation as authorized by section 1327 of the
2 Food, Agriculture, Conservation and Trade Act of 1990
3 (7 U.S.C. 138f): *Provided*, That funds provided for the
4 Public Health Data Communication Infrastructure system
5 shall remain available until expended: *Provided further*,
6 That no fewer than 148 full-time equivalent positions shall
7 be employed during fiscal year 2023 for purposes dedi-
8 cated solely to inspections and enforcement related to the
9 Humane Methods of Slaughter Act (7 U.S.C. 1901 et
10 seq.): *Provided further*, That the Food Safety and Inspec-
11 tion Service shall continue implementation of section
12 11016 of Public Law 110–246 as further clarified by the
13 amendments made in section 12106 of Public Law 113–
14 79: *Provided further*, That this appropriation shall be
15 available pursuant to law (7 U.S.C. 2250) for the alter-
16 ation and repair of buildings and improvements, but the
17 cost of altering any one building during the fiscal year
18 shall not exceed 10 percent of the current replacement
19 value of the building.

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
7 Secretary for Farm Production and Conservation,
8 \$1,727,000: *Provided*, That funds made available by this
9 Act to an agency in the Farm Production and Conserva-
10 tion mission area for salaries and expenses are available
11 to fund up to one administrative support staff for the Of-
12 fice.

13 FARM PRODUCTION AND CONSERVATION BUSINESS
14 CENTER

15 SALARIES AND EXPENSES

16 (INCLUDING TRANSFERS OF FUNDS)

17 For necessary expenses of the Farm Production and
18 Conservation Business Center, \$248,684,000: *Provided*,
19 That \$60,228,000 of amounts appropriated for the cur-
20 rent fiscal year pursuant to section 1241(a) of the Farm
21 Security and Rural Investment Act of 1985 (16 U.S.C.
22 3841(a)) shall be transferred to and merged with this ac-
23 count.

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
6 be for the hiring of new employees to fill vacancies and
7 anticipated vacancies at Farm Service Agency county of-
8 fices and farm loan officers and shall be available until
9 September 30, 2024: *Provided*, That not more than 50
10 percent of the funding made available under this heading
11 for information technology related to farm program deliv-
12 ery may be obligated until the Secretary submits to the
13 Committees on Appropriations of both Houses of Con-
14 gress, and receives written or electronic notification of re-
15 ceipt from such Committees of, a plan for expenditure that
16 (1) identifies for each project/investment over \$25,000 (a)
17 the functional and performance capabilities to be delivered
18 and the mission benefits to be realized, (b) the estimated
19 lifecycle cost for the entirety of the project/investment, in-
20 cluding estimates for development as well as maintenance
21 and operations, and (c) key milestones to be met; (2) dem-
22 onstrates that each project/investment is, (a) consistent
23 with the Farm Service Agency Information Technology
24 Roadmap, (b) being managed in accordance with applica-
25 ble lifecycle management policies and guidance, and (c)

1 subject to the applicable Department's capital planning
2 and investment control requirements; and (3) has been re-
3 viewed by the Government Accountability Office and ap-
4 proved by the Committees on Appropriations of both
5 Houses of Congress: *Provided further*, That the agency
6 shall submit a report by the end of the fourth quarter of
7 fiscal year 2023 to the Committees on Appropriations and
8 the Government Accountability Office, that identifies for
9 each project/investment that is operational (a) current
10 performance against key indicators of customer satisfac-
11 tion, (b) current performance of service level agreements
12 or other technical metrics, (c) current performance against
13 a pre-established cost baseline, (d) a detailed breakdown
14 of current and planned spending on operational enhance-
15 ments or upgrades, and (e) an assessment of whether the
16 investment continues to meet business needs as intended
17 as well as alternatives to the investment: *Provided further*,
18 That the Secretary is authorized to use the services, facili-
19 ties, and authorities (but not the funds) of the Commodity
20 Credit Corporation to make program payments for all pro-
21 grams administered by the Agency: *Provided further*, That
22 other funds made available to the Agency for authorized
23 activities may be advanced to and merged with this ac-
24 count: *Provided further*, That of the amount appropriated
25 under this heading, \$696,594,000 shall be made available

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

16 STATE MEDIATION GRANTS

17 For grants pursuant to section 502(b) of the Agricul-
18 tural Credit Act of 1987, as amended (7 U.S.C. 5101–
19 5106), \$7,000,000.

20 GRASSROOTS SOURCE WATER PROTECTION PROGRAM

21 For necessary expenses to carry out wellhead or
22 groundwater protection activities under section 12400 of
23 the Food Security Act of 1985 (16 U.S.C. 3839bb–2),
24 \$7,500,000, to remain available until expended.

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

19 For the cost of direct and guaranteed loans and
20 grants, including the cost of modifying loans as defined
21 in section 502 of the Congressional Budget Act of 1974,
22 as follows: \$249,000 for emergency loans, to remain avail-
23 able until expended; and \$23,520,000 for direct farm op-
24 erating loans, \$11,228,000 for unsubsidized guaranteed
25 farm operating loans, \$10,983,000 for the relending pro-

1 gram, and \$894,000 for Indian highly fractionated land
2 loans.

3 In addition, for administrative expenses necessary to
4 carry out the direct and guaranteed loan programs,
5 \$326,461,000: *Provided*, That of this amount,
6 \$305,803,000 shall be transferred to and merged with the
7 appropriation for “Farm Service Agency, Salaries and Ex-
8 penses”.

9 Funds appropriated by this Act to the Agricultural
10 Credit Insurance Program Account for farm ownership,
11 operating and conservation direct loans and guaranteed
12 loans may be transferred among these programs: *Pro-*
13 *vided*, That the Committees on Appropriations of both
14 Houses of Congress are notified at least 15 days in ad-
15 vance of any transfer.

16 RISK MANAGEMENT AGENCY

17 SALARIES AND EXPENSES

18 For necessary expenses of the Risk Management
19 Agency, \$66,870,000: *Provided*, That \$1,000,000 of the
20 amount appropriated under this heading in this Act shall
21 be available for compliance and integrity activities re-
22 quired under section 516(b)(2)(C) of the Federal Crop In-
23 surance Act of 1938 (7 U.S.C. 1516(b)(2)(C)), and shall
24 be in addition to amounts otherwise provided for such pur-
25 pose: *Provided further*, That not to exceed \$1,000 shall

1 be available for official reception and representation ex-
2 penses, as authorized by 7 U.S.C. 1506(i).

3 NATURAL RESOURCES CONSERVATION SERVICE

4 CONSERVATION OPERATIONS

5 For necessary expenses for carrying out the provi-
6 sions of the Act of April 27, 1935 (16 U.S.C. 590a–f),
7 including preparation of conservation plans and establish-
8 ment of measures to conserve soil and water (including
9 farm irrigation and land drainage and such special meas-
10 ures for soil and water management as may be necessary
11 to prevent floods and the siltation of reservoirs and to con-
12 trol agricultural related pollutants); operation of conserva-
13 tion plant materials centers; classification and mapping of
14 soil; dissemination of information; acquisition of lands,
15 water, and interests therein for use in the plant materials
16 program by donation, exchange, or purchase at a nominal
17 cost not to exceed \$100 pursuant to the Act of August
18 3, 1956 (7 U.S.C. 2268a); purchase and erection or alter-
19 ation or improvement of permanent and temporary build-
20 ings; and operation and maintenance of aircraft,
21 \$941,124,000, to remain available until September 30,
22 2024, of which up to \$22,973,000 shall be for the pur-
23 poses, and in the amounts, specified for this account in
24 the table titled “Community Project Funding/Congres-
25 sionally Directed Spending” in the explanatory statement

1 described in section 4 (in the matter preceding division
2 A of this consolidated Act): *Provided further*, That appro-
3 priations hereunder shall be available pursuant to 7
4 U.S.C. 2250 for construction and improvement of build-
5 ings and public improvements at plant materials centers,
6 except that the cost of alterations and improvements to
7 other buildings and other public improvements shall not
8 exceed \$250,000: *Provided further*, That when buildings
9 or other structures are erected on non-Federal land, that
10 the right to use such land is obtained as provided in 7
11 U.S.C. 2250a.

12 WATERSHED AND FLOOD PREVENTION OPERATIONS

13 For necessary expenses to carry out preventive meas-
14 ures, including but not limited to surveys and investiga-
15 tions, engineering operations, works of improvement, and
16 changes in use of land, in accordance with the Watershed
17 Protection and Flood Prevention Act (16 U.S.C. 1001–
18 1005 and 1007–1009) and in accordance with the provi-
19 sions of laws relating to the activities of the Department,
20 \$75,000,000, to remain available until expended, of which
21 up to \$20,591,000 shall be for the purposes, and in the
22 amounts, specified for this account in the table titled
23 “Community Project Funding/Congressionally Directed
24 Spending” in the explanatory statement described in sec-
25 tion 4 (in the matter preceding division A of this consoli-

1 dated Act): *Provided*, That for funds provided by this Act
2 or any other prior Act, the limitation regarding the size
3 of the watershed or subwatershed exceeding two hundred
4 and fifty thousand acres in which such activities can be
5 undertaken shall only apply for activities undertaken for
6 the primary purpose of flood prevention (including struc-
7 tural and land treatment measures): *Provided further*,
8 That of the amounts made available under this heading,
9 \$10,000,000 shall be allocated to projects and activities
10 that can commence promptly following enactment; that
11 address regional priorities for flood prevention, agricul-
12 tural water management, inefficient irrigation systems,
13 fish and wildlife habitat, or watershed protection; or that
14 address authorized ongoing projects under the authorities
15 of section 13 of the Flood Control Act of December 22,
16 1944 (Public Law 78–534) with a primary purpose of wa-
17 tershed protection by preventing floodwater damage and
18 stabilizing stream channels, tributaries, and banks to re-
19 duce erosion and sediment transport: *Provided further*,
20 That of the amounts made available under this heading,
21 \$10,000,000 shall remain available until expended for the
22 authorities under 16 U.S.C. 1001–1005 and 1007–1009
23 for authorized ongoing watershed projects with a primary
24 purpose of providing water to rural communities.

1 WATERSHED REHABILITATION PROGRAM

2 Under the authorities of section 14 of the Watershed
3 Protection and Flood Prevention Act, \$2,000,000 is pro-
4 vided.

5 HEALTHY FORESTS RESERVE PROGRAM

6 For necessary expenses to carry out the Healthy For-
7 ests Reserve Program under the Healthy Forests Restora-
8 tion Act of 2003 (16 U.S.C. 6571–6578), \$7,000,000, to
9 remain available until expended.

10 URBAN AGRICULTURE AND INNOVATIVE PRODUCTION

11 For necessary expenses to carry out the Urban Agri-
12 culture and Innovative Production Program under section
13 222 of subtitle A of the Department of Agriculture Reor-
14 ganization Act of 1994 (7 U.S.C. 6923), as added by sec-
15 tion 12302 of Public Law 115–334, \$8,500,000.

16 CORPORATIONS

17 The following corporations and agencies are hereby
18 authorized to make expenditures, within the limits of
19 funds and borrowing authority available to each such cor-
20 poration or agency and in accord with law, and to make
21 contracts and commitments without regard to fiscal year
22 limitations as provided by section 104 of the Government
23 Corporation Control Act as may be necessary in carrying
24 out the programs set forth in the budget for the current

1 fiscal year for such corporation or agency, except as here-
2 inafter provided.

3 FEDERAL CROP INSURANCE CORPORATION FUND

4 For payments as authorized by section 516 of the
5 Federal Crop Insurance Act (7 U.S.C. 1516), such sums
6 as may be necessary, to remain available until expended.

7 COMMODITY CREDIT CORPORATION FUND

8 REIMBURSEMENT FOR NET REALIZED LOSSES

9 (INCLUDING TRANSFERS OF FUNDS)

10 For the current fiscal year, such sums as may be nec-
11 essary to reimburse the Commodity Credit Corporation for
12 net realized losses sustained, but not previously reim-
13 bursed, pursuant to section 2 of the Act of August 17,
14 1961 (15 U.S.C. 713a–11): *Provided*, That of the funds
15 available to the Commodity Credit Corporation under sec-
16 tion 11 of the Commodity Credit Corporation Charter Act
17 (15 U.S.C. 714i) for the conduct of its business with the
18 Foreign Agricultural Service, up to \$5,000,000 may be
19 transferred to and used by the Foreign Agricultural Serv-
20 ice for information resource management activities of the
21 Foreign Agricultural Service that are not related to Com-
22 modity Credit Corporation business: *Provided further*,
23 That the Secretary shall notify the Committees on Appro-
24 priations of the House and Senate in writing 15 days prior

1 to the obligation or commitment of any emergency funds
2 from the Commodity Credit Corporation.

3 HAZARDOUS WASTE MANAGEMENT

4 (LIMITATION ON EXPENSES)

5 For the current fiscal year, the Commodity Credit
6 Corporation shall not expend more than \$15,000,000 for
7 site investigation and cleanup expenses, and operations
8 and maintenance expenses to comply with the requirement
9 of section 107(g) of the Comprehensive Environmental
10 Response, Compensation, and Liability Act (42 U.S.C.
11 9607(g)), and section 6001 of the Solid Waste Disposal
12 Act (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
6 Secretary for Rural Development, \$1,620,000: *Provided*,
7 That funds made available by this Act to an agency in
8 the Rural Development mission area for salaries and ex-
9 penses are available to fund up to one administrative sup-
10 port staff for 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;
18 and for cooperative agreements; \$351,087,000: *Provided*,
19 That of the amount made available under this heading,
20 up to \$5,000,000, to remain available until September 30,
21 2024, shall be for the Rural Partners Network activities
22 of the Department of Agriculture, and may be transferred
23 to other agencies of the Department for such purpose, con-
24 sistent with the missions and authorities of such agencies:
25 *Provided further*, That of the amount made available

1 under this heading, no less than \$135,000,000, to remain
2 available until expended, shall be used for information
3 technology expenses: *Provided further*, That notwith-
4 standing any other provision of law, funds appropriated
5 under this heading may be used for advertising and pro-
6 motional activities that support Rural Development pro-
7 grams: *Provided further*, That in addition to any other
8 funds appropriated for purposes authorized by section
9 502(i) of the Housing Act of 1949 (42 U.S.C. 1472(i)),
10 any amounts collected under such section, as amended by
11 this Act, will immediately be credited to this account and
12 will remain available until expended for 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
19 rural housing insurance fund, as follows: \$1,250,000,000
20 shall be for direct loans, \$7,500,000 shall be for a Single
21 Family Housing Relending demonstration program for
22 Native American Tribes, and \$30,000,000,000 shall be for
23 unsubsidized guaranteed loans; \$28,000,000 for section
24 504 housing repair loans; \$70,000,000 for section 515
25 rental housing; \$400,000,000 for section 538 guaranteed

1 multi-family housing loans; \$10,000,000 for credit sales
2 of single family housing acquired property; \$5,000,000 for
3 section 523 self-help housing land development loans; and
4 \$5,000,000 for 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
10 Native American Tribes, \$2,468,000; section 504 housing
11 repair loans, \$2,324,000; section 523 self-help housing
12 land development loans, \$267,000; section 524 site devel-
13 opment loans, \$208,000; and repair, rehabilitation, and
14 new construction of section 515 rental housing,
15 \$13,377,000: *Provided*, That to support the loan program
16 level for section 538 guaranteed loans made available
17 under this heading the Secretary may charge or adjust
18 any fees to cover the projected cost of such loan guaran-
19 tees pursuant to the provisions of the Credit Reform Act
20 of 1990 (2 U.S.C. 661 et seq.), and the interest on such
21 loans may not be subsidized: *Provided further*, That appli-
22 cants in communities that have a current rural area waiv-
23 er under section 541 of the Housing Act of 1949 (42
24 U.S.C. 1490q) shall be treated as living in a rural area
25 for purposes of section 502 guaranteed loans provided

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

24 In addition, for the cost of direct loans and grants,
25 including the cost of modifying loans, as defined in section

1 502 of the Congressional Budget Act of 1974,
2 \$36,000,000, to remain available until expended, for a
3 demonstration program for the preservation and revital-
4 ization of the sections 514, 515, and 516 multi-family
5 rental housing properties to restructure existing USDA
6 multi-family housing loans, as the Secretary deems appro-
7 priate, expressly for the purposes of ensuring the project
8 has sufficient resources to preserve the project for the pur-
9 pose of providing safe and affordable housing for low-in-
10 come residents and farm laborers including reducing or
11 eliminating interest; deferring loan payments, subordi-
12 nating, reducing or re-amortizing loan debt; and other fi-
13 nancial assistance including advances, payments and in-
14 centives (including the ability of owners to obtain reason-
15 able returns on investment) required by the Secretary:
16 *Provided*, That the Secretary shall, as part of the preser-
17 vation and revitalization agreement, obtain a restrictive
18 use agreement consistent with the terms of the restruc-
19 turing.

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

1 tenance, repair, or rehabilitation of any existing projects;
2 preservation; and rental assistance activities authorized
3 under title V of the Act: *Provided further*, That rental as-
4 sistance provided under agreements entered into prior to
5 fiscal year 2023 for a farm labor multi-family housing
6 project financed under section 514 or 516 of the Act may
7 not be recaptured for use in another project until such
8 assistance has remained unused for a period of 12 con-
9 secutive months, if such project has a waiting list of ten-
10 ants seeking such assistance or the project has rental as-
11 sistance eligible tenants who are not receiving such assist-
12 ance: *Provided further*, That such recaptured rental assist-
13 ance shall, to the extent practicable, be applied to another
14 farm labor multi-family housing project financed under
15 section 514 or 516 of the Act: *Provided further*, That ex-
16 cept as provided in the fourth proviso under this heading
17 and notwithstanding any other provision of the Act, the
18 Secretary may recapture rental assistance provided under
19 agreements entered into prior to fiscal year 2023 for a
20 project that the Secretary determines no longer needs
21 rental assistance and use such recaptured funds for cur-
22 rent needs.

23 RURAL HOUSING VOUCHER ACCOUNT

24 For the rural housing voucher program as authorized
25 under section 542 of the Housing Act of 1949, but not-

1 withstanding subsection (b) of such section, \$48,000,000,
2 to remain available until expended: *Provided*, That the
3 funds made available under this heading shall be available
4 for rural housing vouchers to any low-income household
5 (including those not receiving rental assistance) residing
6 in a property financed with a section 515 loan which has
7 been prepaid or otherwise paid off after September 30,
8 2005: *Provided further*, That the amount of such voucher
9 shall be the difference between comparable market rent
10 for the section 515 unit and the tenant paid rent for such
11 unit: *Provided further*, That funds made available for such
12 vouchers shall be subject to the availability of annual ap-
13 propriations: *Provided further*, That the Secretary shall,
14 to the maximum extent practicable, administer such
15 vouchers with current regulations and administrative guid-
16 ance applicable to section 8 housing vouchers administered
17 by the Secretary of the Department of Housing and Urban
18 Development: *Provided further*, That in addition to any
19 other available funds, the Secretary may expend not more
20 than \$1,000,000 total, from the program funds made
21 available under this heading, for administrative expenses
22 for activities funded under this heading.

1 MUTUAL AND SELF-HELP HOUSING GRANTS

2 For grants and contracts pursuant to section
3 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C.
4 1490c), \$32,000,000, to remain available until expended.

5 RURAL HOUSING ASSISTANCE GRANTS

6 For grants for very low-income housing repair and
7 rural housing preservation made by the Rural Housing
8 Service, as authorized by 42 U.S.C. 1474, and 1490m,
9 \$48,000,000, to remain available until expended.

10 RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

11 (INCLUDING TRANSFERS OF FUNDS)

12 For gross obligations for the principal amount of di-
13 rect and guaranteed loans as authorized by section 306
14 and described in section 381E(d)(1) of the Consolidated
15 Farm and Rural Development Act, \$2,800,000,000 for di-
16 rect loans and \$650,000,000 for guaranteed loans.

17 For the cost of direct loans, loan guarantees and
18 grants, including the cost of modifying loans, as defined
19 in section 502 of the Congressional Budget Act of 1974,
20 for rural community facilities programs as authorized by
21 section 306 and described in section 381E(d)(1) of the
22 Consolidated Farm and Rural Development Act,
23 \$341,490,328, to remain available until expended, of
24 which up to \$325,490,328 shall be for the purposes, and
25 in the amounts, specified for this account in the table ti-

1 tled “Community Project Funding/Congressional-ly Di-
2 rected Spending” in the explanatory statement described
3 in section 4 (in the matter preceding division A of this
4 consolidated Act): *Provided*, That \$6,000,000 of the
5 amount appropriated under this heading shall be available
6 for a Rural Community Development Initiative: *Provided*
7 *further*, That such funds shall be used solely to develop
8 the capacity and ability of private, nonprofit community-
9 based housing and community development organizations,
10 low-income rural communities, and Federally Recognized
11 Native American Tribes to undertake projects to improve
12 housing, community facilities, community and economic
13 development projects in rural areas: *Provided further*,
14 That such funds shall be made available to qualified pri-
15 vate, nonprofit and public intermediary organizations pro-
16 posing to carry out a program of financial and technical
17 assistance: *Provided further*, That such intermediary orga-
18 nizations shall provide matching funds from other sources,
19 including Federal funds for related activities, in an
20 amount not less than funds provided: *Provided further*,
21 That any unobligated balances from prior year appropria-
22 tions under this heading for the cost of direct loans, loan
23 guarantees and grants, including amounts deobligated or
24 cancelled, may be made available to cover the subsidy costs
25 for direct loans and or loan guarantees under this heading

1 in this fiscal year: *Provided further*, That no amounts may
2 be made available pursuant to the preceding proviso from
3 amounts that were designated by the Congress as an
4 emergency requirement pursuant to a Concurrent Resolu-
5 tion on the Budget or the Balanced Budget and Emer-
6 gency Deficit Control Act of 1985, or that were specified
7 in the table titled “Community Project Funding/Congres-
8 sionally Directed Spending” in the explanatory statement
9 for division A of Public Law 117-103 described in section
10 4 in the matter preceding such division A: *Provided fur-*
11 *ther*, That \$10,000,000 of the amount appropriated under
12 this heading shall be available for community facilities
13 grants to tribal colleges, as authorized by section
14 306(a)(19) of such Act: *Provided further*, That sections
15 381E–H and 381N of the Consolidated Farm and Rural
16 Development Act are not applicable to the funds made
17 available under this heading.

18 RURAL BUSINESS—COOPERATIVE SERVICE

19 RURAL BUSINESS PROGRAM ACCOUNT

20 For the cost of loan guarantees and grants, for the
21 rural business development programs authorized by sec-
22 tion 310B and described in subsections (a), (c), (f) and
23 (g) of section 310B of the Consolidated Farm and Rural
24 Development Act, \$86,520,000, to remain available until
25 expended: *Provided*, That of the amount appropriated

1 under this heading, not to exceed \$500,000 shall be made
2 available for one grant to a qualified national organization
3 to provide technical assistance for rural transportation in
4 order to promote economic development and \$9,000,000
5 shall be for grants to the Delta Regional Authority (7
6 U.S.C. 2009aa et seq.), the Northern Border Regional
7 Commission (40 U.S.C. 15101 et seq.), and the Appa-
8 lachian Regional Commission (40 U.S.C. 14101 et seq.)
9 for any Rural Community Advancement Program purpose
10 as described in section 381E(d) of the Consolidated Farm
11 and Rural Development Act, of which not more than 5
12 percent may be used for administrative expenses: *Provided*
13 *further*, That \$4,000,000 of the amount appropriated
14 under this heading shall be for business grants to benefit
15 Federally Recognized Native American Tribes, including
16 \$250,000 for a grant to a qualified national organization
17 to provide technical assistance for rural transportation in
18 order to promote economic development: *Provided further*,
19 That of the amount appropriated under this heading,
20 \$2,000,000 shall be for the Rural Innovation Stronger
21 Economy Grant Program (7 U.S.C. 2008w): *Provided fur-*
22 *ther*, That sections 381E–H and 381N of the Consolidated
23 Farm and Rural Development Act are not applicable to
24 funds made available under this heading.

1 INTERMEDIARY RELENDING PROGRAM FUND ACCOUNT
2 (INCLUDING TRANSFER OF FUNDS)

3 For the principal amount of direct loans, as author-
4 ized by the Intermediary Relending Program Fund Ac-
5 count (7 U.S.C. 1936b), \$18,889,000.

6 For the cost of direct loans, \$3,313,000, as author-
7 ized by the Intermediary Relending Program Fund Ac-
8 count (7 U.S.C. 1936b), of which \$331,000 shall be avail-
9 able through June 30, 2023, for Federally Recognized Na-
10 tive American Tribes; and of which \$663,000 shall be
11 available through June 30, 2023, for Mississippi Delta Re-
12 gion counties (as determined in accordance with Public
13 Law 100–460): *Provided*, That such costs, including the
14 cost of modifying such loans, shall be as defined in section
15 502 of the Congressional Budget Act of 1974.

16 In addition, for administrative expenses to carry out
17 the direct loan programs, \$4,468,000 shall be paid to the
18 appropriation for “Rural Development, Salaries and Ex-
19 penses”.

20 RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM
21 ACCOUNT

22 For the principal amount of direct loans, as author-
23 ized under section 313B(a) of the Rural Electrification
24 Act, for the purpose of promoting rural economic develop-
25 ment and job creation projects, \$75,000,000.

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

5 RURAL COOPERATIVE DEVELOPMENT GRANTS

6 For rural cooperative development grants authorized
7 under section 310B(e) of the Consolidated Farm and
8 Rural Development Act (7 U.S.C. 1932), \$28,300,000, of
9 which \$3,500,000 shall be for cooperative agreements for
10 the appropriate technology transfer for rural areas pro-
11 gram: *Provided*, That not to exceed \$3,000,000 shall be
12 for grants for cooperative development centers, individual
13 cooperatives, or groups of cooperatives that serve socially
14 disadvantaged groups and a majority of the boards of di-
15 rectors or governing boards of which are comprised of in-
16 dividuals who are members of socially disadvantaged
17 groups; and of which \$16,000,000, to remain available
18 until expended, shall be for value-added agricultural prod-
19 uct market development grants, as authorized by section
20 210A of the Agricultural Marketing Act of 1946, of which
21 \$3,000,000, to remain available until expended, shall be
22 for Agriculture Innovation Centers authorized pursuant to
23 section 6402 of Public Law 107–171.

1 RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM

2 For the principal amount of direct loans as author-
3 ized by section 379E of the Consolidated Farm and Rural
4 Development Act (7 U.S.C. 2008s), \$25,000,000.

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

9 RURAL ENERGY FOR AMERICA PROGRAM

10 For the principal amount of loan guarantees, under
11 the same terms and conditions as authorized by section
12 9007 of the Farm Security and Rural Investment Act of
13 2002 (7 U.S.C. 8107), \$20,000,000.

14 For the cost of a program of loan guarantees, under
15 the same terms and conditions as authorized by section
16 9007 of the Farm Security and Rural Investment Act of
17 2002 (7 U.S.C. 8107), \$18,000: *Provided*, That the cost
18 of loan guarantees, including the cost of modifying such
19 loans, shall be as defined in section 502 of the Congres-
20 sional Budget Act of 1974.

21 HEALTHY FOOD FINANCING INITIATIVE

22 For the cost of loans and grants that is consistent
23 with section 243 of subtitle D of title II of the Department
24 of Agriculture Reorganization Act of 1994 (7 U.S.C.
25 6953), as added by section 4206 of the Agricultural Act

1 of 2014, for necessary expenses of the Secretary to sup-
2 port projects that provide access to healthy food in under-
3 served areas, to create and preserve quality jobs, and to
4 revitalize low-income communities, \$3,000,000, to remain
5 available until expended: *Provided*, That such costs of
6 loans, including the cost of modifying such loans, shall be
7 as defined in section 502 of the Congressional Budget Act
8 of 1974.

9 RURAL UTILITIES SERVICE

10 RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

11 (INCLUDING TRANSFERS OF FUNDS)

12 For gross obligations for the principal amount of di-
13 rect and guaranteed loans as authorized by section 306
14 and described in section 381E(d)(2) of the Consolidated
15 Farm and Rural Development Act, as follows:
16 \$1,420,000,000 for direct loans; and \$50,000,000 for
17 guaranteed loans.

18 For the cost of loan guarantees and grants, including
19 the cost of modifying loans, as defined in section 502 of
20 the Congressional Budget Act of 1974, for rural water,
21 waste water, waste disposal, and solid waste management
22 programs authorized by sections 306, 306A, 306C, 306D,
23 306E, and 310B and described in sections 306C(a)(2),
24 306D, 306E, and 381E(d)(2) of the Consolidated Farm
25 and Rural Development Act, \$596,404,000, to remain

1 available until expended, of which not to exceed
2 \$1,000,000 shall be available for the rural utilities pro-
3 gram described in section 306(a)(2)(B) of such Act, and
4 of which not to exceed \$5,000,000 shall be available for
5 the rural utilities program described in section 306E of
6 such Act: *Provided*, That not to exceed \$15,000,000 of
7 the amount appropriated under this heading shall be for
8 grants authorized by section 306A(i)(2) of the Consoli-
9 dated Farm and Rural Development Act in addition to
10 funding authorized by section 306A(i)(1) of such Act: *Pro-*
11 *vided further*, That \$70,000,000 of the amount appro-
12 priated under this heading shall be for loans and grants
13 including water and waste disposal systems grants author-
14 ized by section 306C(a)(2)(B) and section 306D of the
15 Consolidated Farm and Rural Development Act, and Fed-
16 erally Recognized Native American Tribes authorized by
17 306C(a)(1) of such Act: *Provided further*, That funding
18 provided for section 306D of the Consolidated Farm and
19 Rural Development Act may be provided to a consortium
20 formed pursuant to section 325 of Public Law 105–83:
21 *Provided further*, That not more than 2 percent of the
22 funding provided for section 306D of the Consolidated
23 Farm and Rural Development Act may be used by the
24 State of Alaska for training and technical assistance pro-
25 grams and not more than 2 percent of the funding pro-

1 vided for section 306D of the Consolidated Farm and
2 Rural Development Act may be used by a consortium
3 formed pursuant to section 325 of Public Law 105–83 for
4 training and technical assistance programs: *Provided fur-*
5 *ther*, That not to exceed \$37,500,000 of the amount ap-
6 propriated under this heading shall be for technical assist-
7 ance grants for rural water and waste systems pursuant
8 to section 306(a)(14) of such Act, unless the Secretary
9 makes a determination of extreme need, of which
10 \$8,500,000 shall be made available for a grant to a quali-
11 fied nonprofit multi-State regional technical assistance or-
12 ganization, with experience in working with small commu-
13 nities on water and waste water problems, the principal
14 purpose of such grant shall be to assist rural communities
15 with populations of 3,300 or less, in improving the plan-
16 ning, financing, development, operation, and management
17 of water and waste water systems, and of which not less
18 than \$800,000 shall be for a qualified national Native
19 American organization to provide technical assistance for
20 rural water systems for tribal communities: *Provided fur-*
21 *ther*, That not to exceed \$21,180,000 of the amount ap-
22 propriated under this heading shall be for contracting with
23 qualified national organizations for a circuit rider program
24 to provide technical assistance for rural water systems:
25 *Provided further*, That not to exceed \$4,000,000 of the

1 amounts made available under this heading shall be for
2 solid waste management grants: *Provided further*, That
3 not to exceed \$2,724,000 of the amounts appropriated
4 under this heading shall be available as the Secretary
5 deems appropriate for water and waste direct one percent
6 loans for distressed communities: *Provided further*, That
7 if the Secretary determines that any portion of the amount
8 made available for one percent loans is not needed for such
9 loans, the Secretary may use such amounts for grants au-
10 thorized by section 306(a)(2) of the Consolidated Farm
11 and Rural Development Act: *Provided further*, That if any
12 funds made available for the direct loan subsidy costs re-
13 main unobligated after July 31, 2024, such unobligated
14 balances may be used for grant programs funded under
15 this heading: *Provided further*, That \$10,000,000 of the
16 amount appropriated under this heading shall be trans-
17 ferred to, and merged with, the Rural Utilities Service,
18 High Energy Cost Grants Account to provide grants au-
19 thorized under section 19 of the Rural Electrification Act
20 of 1936 (7 U.S.C. 918a): *Provided further*, That sections
21 381E–H and 381N of the Consolidated Farm and Rural
22 Development Act are not applicable to the funds made
23 available under this heading.

1 RURAL ELECTRIFICATION AND TELECOMMUNICATIONS
2 LOANS PROGRAM ACCOUNT
3 (INCLUDING TRANSFER OF FUNDS)

4 The principal amount of loans and loan guarantees
5 as authorized by sections 4, 305, 306, 313A, and 317 of
6 the Rural Electrification Act of 1936 (7 U.S.C. 904, 935,
7 936, 940c-1, and 940g) shall be made as follows: guaran-
8 teed rural electric loans made pursuant to section 306 of
9 that Act, \$2,167,000,000; cost of money direct loans made
10 pursuant to sections 4, notwithstanding the one-eighth of
11 one percent in 4(c)(2), and 317, notwithstanding 317(c),
12 of that Act, \$4,333,000,000; guaranteed underwriting
13 loans pursuant to section 313A of that Act, \$900,000,000;
14 and for cost-of-money rural telecommunications loans
15 made pursuant to section 305(d)(2) of that Act,
16 \$690,000,000: *Provided*, That up to \$2,000,000,000 shall
17 be used for the construction, acquisition, design, engineer-
18 ing or improvement of fossil-fueled electric generating
19 plants (whether new or existing) that utilize carbon sub-
20 surface utilization and storage systems.

21 For the cost of direct loans as authorized by section
22 305(d)(2) of the Rural Electrification Act of 1936 (7
23 U.S.C. 935(d)(2)), including the cost of modifying loans,
24 as defined in section 502 of the Congressional Budget Act

1 of 1974, cost of money rural telecommunications loans,
2 \$3,726,000.

3 In addition, \$11,500,000 to remain available until ex-
4 pended, to carry out section 6407 of the Farm Security
5 and Rural Investment Act of 2002 (7 U.S.C. 8107a): *Pro-*
6 *vided*, That the energy efficiency measures supported by
7 the funding in this paragraph shall contribute in a demon-
8 strable way to the reduction of greenhouse gases.

9 In addition, for administrative expenses necessary to
10 carry out the direct and guaranteed loan programs,
11 \$33,270,000, which shall be paid to the appropriation for
12 “Rural Development, Salaries and Expenses”.

13 DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND
14 PROGRAM

15 For grants for telemedicine and distance learning
16 services in rural areas, as authorized by 7 U.S.C. 950aaa
17 et seq., \$64,991,000, to remain available until expended,
18 of which up to \$4,991,000 shall be for the purposes, and
19 in the amounts, specified for this account in the table ti-
20 tled “Community Project Funding/Congressionally Di-
21 rected Spending” in the explanatory statement described
22 in section 4 (in the matter preceding division A of this
23 consolidated Act): *Provided*, That \$3,000,000 shall be
24 made available for grants authorized by section 379G of
25 the Consolidated Farm and Rural Development Act: *Pro-*

1 *vided further*, That funding provided under this heading
2 for grants under section 379G of the Consolidated Farm
3 and Rural Development Act may only be provided to enti-
4 ties that meet all of the eligibility criteria for a consortium
5 as established by this section.

6 For the cost of broadband loans, as authorized by
7 sections 601 and 602 of the Rural Electrification Act,
8 \$3,000,000, to remain available until expended: *Provided*,
9 That the cost of direct loans shall be as defined in section
10 502 of the Congressional Budget Act of 1974.

11 For the cost to continue a broadband loan and grant
12 pilot program established by section 779 of division A of
13 the Consolidated Appropriations Act, 2018 (Public Law
14 115–141) under the Rural Electrification Act of 1936, as
15 amended (7 U.S.C. 901 et seq.), \$363,512,317, to remain
16 available until expended, of which up to \$15,512,317 shall
17 be for the purposes, and in the amounts, specified for this
18 account in the table titled “Community Project Funding/
19 Congressionally Directed Spending” in the explanatory
20 statement described in section 4 (in the matter preceding
21 division A of this consolidated Act): *Provided*, That the
22 Secretary may award grants described in section 601(a)
23 of the Rural Electrification Act of 1936, as amended (7
24 U.S.C. 950bb(a)) for the purposes of carrying out such
25 pilot program: *Provided further*, That the cost of direct

1 loans shall be defined in section 502 of the Congressional
2 Budget Act of 1974: *Provided further*, That at least 90
3 percent of the households to be served by a project receiv-
4 ing a loan or grant under the pilot program shall be in
5 a rural area without sufficient access to broadband: *Pro-*
6 *vided further*, That for purposes of such pilot program,
7 a rural area without sufficient access to broadband shall
8 be defined as twenty-five megabits per second downstream
9 and three megabits per second upstream: *Provided further*,
10 That to the extent possible, projects receiving funds pro-
11 vided under the pilot program must build out service to
12 at least one hundred megabits per second downstream,
13 and twenty megabits per second upstream: *Provided fur-*
14 *ther*, That an entity to which a loan or grant is made
15 under the pilot program shall not use the loan or grant
16 to overbuild or duplicate broadband service in a service
17 area by any entity that has received a broadband loan
18 from the Rural Utilities Service unless such service is not
19 provided sufficient access to broadband at the minimum
20 service threshold: *Provided further*, That not more than
21 four percent of the funds made available in this paragraph
22 can be used for administrative costs to carry out the pilot
23 program and up to three percent of funds made available
24 in this paragraph may be available for technical assistance
25 and pre-development planning activities to support the

1 most rural communities: *Provided further*, That the Rural
2 Utilities Service is directed to expedite program delivery
3 methods that would implement this paragraph: *Provided*
4 *further*, That for purposes of this paragraph, the Secretary
5 shall adhere to the notice, reporting and service area as-
6 sessment requirements set forth in section 701 of the
7 Rural Electrification Act (7 U.S.C. 950cc).

8 In addition, \$35,000,000, to remain available until
9 expended, for the Community Connect Grant Program au-
10 thorized by 7 U.S.C. 950bb-3.

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
6 Secretary 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
11 the 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
17 seq.), except section 21, and the Child Nutrition Act of
18 1966 (42 U.S.C. 1771 et seq.), except sections 17 and
19 21; \$28,545,432,000 to remain available through Sep-
20 tember 30, 2024, of which such sums as are made avail-
21 able under section 14222(b)(1) of the Food, Conservation,
22 and Energy Act of 2008 (Public Law 110–246), as
23 amended by this Act, shall be merged with and available
24 for the same time period and purposes as provided herein:
25 *Provided*, That of the total amount available, \$20,162,000

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

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

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

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

1 dated vendor moratorium and subject to terms and condi-
2 tions established by the Secretary, the Secretary may
3 waive the requirement at 7 CFR 246.12(g)(6) at the re-
4 quest of a State agency.

5 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

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

1 That funds made available for Employment and Training
2 under this heading shall remain available through Sep-
3 tember 30, 2024: *Provided further*, That funds made avail-
4 able under this heading for section 28(d)(1), section 4(b),
5 and section 27(a) of the Food and Nutrition Act of 2008
6 shall remain available through September 30, 2024: *Pro-*
7 *vided further*, That none of the funds made available under
8 this heading may be obligated or expended in contraven-
9 tion of section 213A of the Immigration and Nationality
10 Act (8 U.S.C. 1183A): *Provided further*, That funds made
11 available under this heading may be used to enter into
12 contracts and employ staff to conduct studies, evaluations,
13 or to conduct activities related to program integrity pro-
14 vided that such activities are authorized by the Food and
15 Nutrition Act of 2008.

16 COMMODITY ASSISTANCE PROGRAM

17 For necessary expenses to carry out disaster assist-
18 ance and the Commodity Supplemental Food Program as
19 authorized by section 4(a) of the Agriculture and Con-
20 sumer Protection Act of 1973 (7 U.S.C. 612c note); the
21 Emergency Food Assistance Act of 1983; special assist-
22 ance for the nuclear affected islands, as authorized by sec-
23 tion 103(f)(2) of the Compact of Free Association Amend-
24 ments Act of 2003 (Public Law 108–188); and the Farm-
25 ers’ Market Nutrition Program, as authorized by section

1 17(m) of the Child Nutrition Act of 1966, \$457,710,000,
2 to remain available through September 30, 2024: *Pro-*
3 *vided*, That none of these funds shall be available to reim-
4 burse the Commodity Credit Corporation for commodities
5 donated to the program: *Provided further*, That notwith-
6 standing any other provision of law, effective with funds
7 made available in fiscal year 2023 to support the Seniors
8 Farmers' Market Nutrition Program, as authorized by
9 section 4402 of the Farm Security and Rural Investment
10 Act of 2002, such funds shall remain available through
11 September 30, 2024: *Provided further*, That of the funds
12 made available under section 27(a) of the Food and Nutri-
13 tion Act of 2008 (7 U.S.C. 2036(a)), the Secretary may
14 use up to 20 percent for costs associated with the distribu-
15 tion of commodities.

16 NUTRITION PROGRAMS ADMINISTRATION

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

1 TITLE V
2 FOREIGN ASSISTANCE AND RELATED
3 PROGRAMS

4 OFFICE OF THE UNDER SECRETARY FOR TRADE AND
5 FOREIGN AGRICULTURAL AFFAIRS

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

13 OFFICE OF CODEX ALIMENTARIUS

14 For necessary expenses of the Office of Codex
15 Alimentarius, \$4,922,000, including not to exceed
16 \$40,000 for official reception and representation expenses.

17 FOREIGN AGRICULTURAL SERVICE

18 SALARIES AND EXPENSES

19 (INCLUDING TRANSFERS OF FUNDS)

20 For necessary expenses of the Foreign Agricultural
21 Service, including not to exceed \$250,000 for representa-
22 tion allowances and for expenses pursuant to section 8 of
23 the Act approved August 3, 1956 (7 U.S.C. 1766),
24 \$237,330,000, of which no more than 6 percent shall re-
25 main available until September 30, 2024, for overseas op-

1 erations to include the payment of locally employed staff:
2 *Provided*, That the Service may utilize advances of funds,
3 or reimburse this appropriation for expenditures made on
4 behalf of Federal agencies, public and private organiza-
5 tions and institutions under agreements executed pursu-
6 ant to the agricultural food production assistance pro-
7 grams (7 U.S.C. 1737) and the foreign assistance pro-
8 grams of the United States Agency for International De-
9 velopment: *Provided further*, That funds made available
10 for middle-income country training programs, funds made
11 available for the Borlaug International Agricultural
12 Science and Technology Fellowship program, and up to
13 \$2,000,000 of the Foreign Agricultural Service appropria-
14 tion solely for the purpose of offsetting fluctuations in
15 international currency exchange rates, subject to docu-
16 mentation by the Foreign Agricultural Service, shall re-
17 main available until expended.

18 FOOD FOR PEACE TITLE II GRANTS

19 For expenses during the current fiscal year, not oth-
20 erwise recoverable, and unrecovered prior years' costs, in-
21 cluding interest thereon, under the Food for Peace Act
22 (Public Law 83-480), for commodities supplied in connec-
23 tion with dispositions abroad under title II of said Act,
24 \$1,750,000,000, to remain available until expended.

1 MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION
2 AND CHILD NUTRITION PROGRAM GRANTS

3 For necessary expenses to carry out the provisions
4 of section 3107 of the Farm Security and Rural Invest-
5 ment Act of 2002 (7 U.S.C. 1736o–1), \$243,331,000, to
6 remain available until expended: *Provided*, That the Com-
7 modity Credit Corporation is authorized to provide the
8 services, facilities, and authorities for the purpose of im-
9 plementing such section, subject to reimbursement from
10 amounts provided herein: *Provided further*, That of the
11 amount made available under this heading, not more than
12 10 percent, but not less than \$24,300,000, shall remain
13 available until expended to purchase agricultural commod-
14 ities as described in subsection 3107(a)(2) of the Farm
15 Security and Rural Investment Act of 2002 (7 U.S.C.
16 1736o–1(a)(2)).

17 COMMODITY CREDIT CORPORATION EXPORT (LOANS)

18 CREDIT GUARANTEE PROGRAM ACCOUNT

19 (INCLUDING TRANSFERS OF FUNDS)

20 For administrative expenses to carry out the Com-
21 modity Credit Corporation’s Export Guarantee Program,
22 GSM 102 and GSM 103, \$6,063,000, to cover common
23 overhead expenses as permitted by section 11 of the Com-
24 modity Credit Corporation Charter Act and in conformity
25 with the Federal Credit Reform Act of 1990, which shall

- 1 be transferred to and merged with the appropriation for
- 2 “Foreign Agricultural Service, Salaries and Expenses”.

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

1 count and remain available until expended; \$324,777,000
2 shall be derived from medical device user fees authorized
3 by 21 U.S.C. 379j, and shall be credited to this account
4 and remain available until expended; \$582,500,000 shall
5 be derived from human generic drug user fees authorized
6 by 21 U.S.C. 379j-42, and shall be credited to this ac-
7 count and remain available until expended; \$41,600,000
8 shall be derived from biosimilar biological product user
9 fees authorized by 21 U.S.C. 379j-52, and shall be cred-
10 ited to this account and remain available until expended;
11 \$32,144,000 shall be derived from animal drug user fees
12 authorized by 21 U.S.C. 379j-12, and shall be credited
13 to this account and remain available until expended;
14 \$29,303,000 shall be derived from generic new animal
15 drug user fees authorized by 21 U.S.C. 379j-21, and shall
16 be credited to this account and remain available until ex-
17 pended; \$712,000,000 shall be derived from tobacco prod-
18 uct user fees authorized by 21 U.S.C. 387s, and shall be
19 credited to this account and remain available until ex-
20 pended: *Provided further*, That in addition to and notwith-
21 standing any other provision under this heading, amounts
22 collected for prescription drug user fees, medical device
23 user fees, human generic drug user fees, biosimilar biologi-
24 cal product user fees, animal drug user fees, and generic
25 new animal drug user fees that exceed the respective fiscal

1 year 2023 limitations are appropriated and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, human generic drug, biosimilar biological product, animal drug, and generic new animal drug assessments for fiscal year 2023, including any such fees collected prior to fiscal year 2023 but credited for fiscal year 2023, shall be subject to the fiscal year 2023 limitations: *Provided further*, That the Secretary may accept payment during fiscal year 2023 of user fees specified under this heading and authorized for fiscal year 2024, prior to the due date for such fees, and that amounts of such fees assessed for fiscal year 2024 for which the Secretary accepts payment in fiscal year 2023 shall not be included in amounts under this heading: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) \$1,196,097,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs, of which no less than \$15,000,000 shall be used for inspections of foreign seafood manufacturers and field examinations of imported seafood; (2) \$2,289,290,000 shall be for the Center for Drug Evaluation and Research and related

1 field activities in the Office of Regulatory Affairs, of which
2 no less than \$10,000,000 shall be for pilots to increase
3 unannounced foreign inspections and shall remain avail-
4 able until expended; (3) \$489,594,000 shall be for the
5 Center for Biologics Evaluation and Research and for re-
6 lated field activities in the Office of Regulatory Affairs;
7 (4) \$287,339,000 shall be for the Center for Veterinary
8 Medicine and for related field activities in the Office of
9 Regulatory Affairs; (5) \$736,359,000 shall be for the Cen-
10 ter for Devices and Radiological Health and for related
11 field activities in the Office of Regulatory Affairs; (6)
12 \$76,919,000 shall be for the National Center for Toxi-
13 cological Research; (7) \$677,165,000 shall be for the Cen-
14 ter for Tobacco Products and for related field activities
15 in the Office of Regulatory Affairs; (8) \$214,082,000 shall
16 be for Rent and Related activities, of which \$55,893,000
17 is for White Oak Consolidation, other than the amounts
18 paid to the General Services Administration for rent; (9)
19 \$236,166,000 shall be for payments to the General Serv-
20 ices Administration for rent; and (10) \$359,782,000 shall
21 be for other activities, including the Office of the Commis-
22 sioner of Food and Drugs, the Office of Food Policy and
23 Response, the Office of Operations, the Office of the Chief
24 Scientist, and central services for these offices: *Provided*
25 *further*, That not to exceed \$25,000 of this amount shall

1 be for official reception and representation expenses, not
2 otherwise provided for, as determined by the Commis-
3 sioner: *Provided further*, That any transfer of funds pursu-
4 ant to, and for the administration of, section 770(n) of
5 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
6 379dd(n)) shall only be from amounts made available
7 under this heading for other activities and shall not exceed
8 \$2,000,000: *Provided further*, That of the amounts that
9 are made available under this heading for “other activi-
10 ties”, and that are not derived from user fees, \$1,500,000
11 shall be transferred to and merged with the appropriation
12 for “Department of Health and Human Services—Office
13 of Inspector General” for oversight of the programs and
14 operations of the Food and Drug Administration and shall
15 be in addition to funds otherwise made available for over-
16 sight of the Food and Drug Administration: *Provided fur-*
17 *ther*, That funds may be transferred from one specified
18 activity to another with the prior approval of the Commit-
19 tees on Appropriations of both Houses of Congress.

20 In addition, mammography user fees authorized by
21 42 U.S.C. 263b, export certification user fees authorized
22 by 21 U.S.C. 381, priority review user fees authorized by
23 21 U.S.C. 360n and 360ff, food and feed recall fees, food
24 reinspection fees, and voluntary qualified importer pro-
25 gram fees authorized by 21 U.S.C. 379j–31, outsourcing

1 facility fees authorized by 21 U.S.C. 379j–62, prescription
2 drug wholesale distributor licensing and inspection fees
3 authorized by 21 U.S.C. 353(e)(3), third-party logistics
4 provider licensing and inspection fees authorized by 21
5 U.S.C. 360eee–3(c)(1), third-party auditor fees authorized
6 by 21 U.S.C. 384d(c)(8), medical countermeasure priority
7 review voucher user fees authorized by 21 U.S.C. 360bbb–
8 4a, and fees relating to over-the-counter monograph drugs
9 authorized by 21 U.S.C. 379j–72 shall be credited to this
10 account, to remain available until expended.

11 BUILDINGS AND FACILITIES

12 For plans, construction, repair, improvement, exten-
13 sion, alteration, demolition, and purchase of fixed equip-
14 ment or facilities of or used by the Food and Drug Admin-
15 istration, where not otherwise provided, \$12,788,000, to
16 remain available until expended.

17 FDA INNOVATION ACCOUNT, CURES ACT

18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary expenses to carry out the purposes de-
20 scribed under section 1002(b)(4) of the 21st Century
21 Cures Act, in addition to amounts available for such pur-
22 poses under the heading “Salaries and Expenses”,
23 \$50,000,000, to remain available until expended: *Pro-*
24 *vided*, That amounts appropriated in this paragraph are
25 appropriated pursuant to section 1002(b)(3) of the 21st

1 Century Cures Act, are to be derived from amounts trans-
2 ferred under section 1002(b)(2)(A) of such Act, and may
3 be transferred by the Commissioner of Food and Drugs
4 to the appropriation for “Department of Health and
5 Human Services Food and Drug Administration Salaries
6 and Expenses” solely for the purposes provided in such
7 Act: *Provided further*, That upon a determination by the
8 Commissioner that funds transferred pursuant to the pre-
9 vious proviso are not necessary for the purposes provided,
10 such amounts may be transferred back to the account:
11 *Provided further*, That such transfer authority is in addi-
12 tion to any other transfer authority provided by law.

13 INDEPENDENT AGENCY

14 FARM CREDIT ADMINISTRATION

15 LIMITATION ON ADMINISTRATIVE EXPENSES

16 Not to exceed \$88,500,000 (from assessments col-
17 lected from farm credit institutions, including the Federal
18 Agricultural Mortgage Corporation) shall be obligated
19 during the current fiscal year for administrative expenses
20 as authorized under 12 U.S.C. 2249: *Provided*, That this
21 limitation shall not apply to expenses associated with re-
22 ceiverships: *Provided further*, That the agency may exceed
23 this limitation by up to 10 percent with notification to the
24 Committees on Appropriations of both Houses of Con-
25 gress: *Provided further*, That the purposes of section

1 3.7(b)(2)(A)(i) of the Farm Credit Act of 1971 (12 U.S.C.
2 2128(b)(2)(A)(i)), the Farm Credit Administration may
3 exempt, an amount in its sole discretion, from the applica-
4 tion of the limitation provided in that clause of export
5 loans described in the clause guaranteed or insured in a
6 manner other than described in subclause (II) of the
7 clause.

1

TITLE VII

2

GENERAL PROVISIONS

3

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

4

SEC. 701. The Secretary may use any appropriations made available to the Department of Agriculture in this Act to purchase new passenger motor vehicles, in addition to specific appropriations for this purpose, so long as the total number of vehicles purchased in fiscal year 2023 does not exceed the number of vehicles owned or leased in fiscal year 2018: *Provided*, That, prior to purchasing additional motor vehicles, the Secretary must determine that such vehicles are necessary for transportation safety, to reduce operational costs, and for the protection of life, property, and public safety: *Provided further*, That the Secretary may not increase the Department of Agriculture's fleet above the 2018 level unless the Secretary notifies in writing, and receives approval from, the Committees on Appropriations of both Houses of Congress within 30 days of the notification.

20

SEC. 702. Notwithstanding any other provision of this Act, the Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or any other available unobligated discretionary balances that are remaining available of the Department of Agriculture to the Working Capital Fund for the acquisi-

25

1 tion of property, plant and equipment and for the improve-
2 ment, delivery, and implementation of Department finan-
3 cial, and administrative information technology services,
4 and other support systems necessary for the delivery of
5 financial, administrative, and information technology serv-
6 ices, including cloud adoption and migration, of primary
7 benefit to the agencies of the Department of Agriculture,
8 such transferred funds to remain available until expended:
9 *Provided*, That none of the funds made available by this
10 Act or any other Act shall be transferred to the Working
11 Capital Fund without the prior approval of the agency ad-
12 ministrator: *Provided further*, That none of the funds
13 transferred to the Working Capital Fund pursuant to this
14 section shall be available for obligation without written no-
15 tification to and the prior approval of the Committees on
16 Appropriations of both Houses of Congress: *Provided fur-*
17 *ther*, That none of the funds appropriated by this Act or
18 made available to the Department's Working Capital
19 Fund shall be available for obligation or expenditure to
20 make any changes to the Department's National Finance
21 Center without written notification to and prior approval
22 of the Committees on Appropriations of both Houses of
23 Congress as required by section 716 of this Act: *Provided*
24 *further*, That none of the funds appropriated by this Act
25 or made available to the Department's Working Capital

1 Fund shall be available for obligation or expenditure to
2 initiate, plan, develop, implement, or make any changes
3 to remove or relocate any systems, missions, personnel, or
4 functions of the offices of the Chief Financial Officer and
5 the Chief Information Officer, co-located with or from the
6 National Finance Center prior to written notification to
7 and prior approval of the Committee on Appropriations
8 of both Houses of Congress and in accordance with the
9 requirements of section 716 of this Act: *Provided further,*
10 That the National Finance Center Information Tech-
11 nology Services Division personnel and data center man-
12 agement responsibilities, and control of any functions,
13 missions, and systems for current and future human re-
14 sources management and integrated personnel and payroll
15 systems (PPS) and functions provided by the Chief Finan-
16 cial Officer and the Chief Information Officer shall remain
17 in the National Finance Center and under the manage-
18 ment responsibility and administrative control of the Na-
19 tional Finance Center: *Provided further,* That the Sec-
20 retary of Agriculture and the offices of the Chief Financial
21 Officer shall actively market to existing and new Depart-
22 ments and other government agencies National Finance
23 Center shared services including, but not limited to, pay-
24 roll, financial management, and human capital shared
25 services and allow the National Finance Center to perform

1 technology upgrades: *Provided further*, That of annual in-
2 come amounts in the Working Capital Fund of the De-
3 partment of Agriculture attributable to the amounts in ex-
4 cess of the true costs of the shared services provided by
5 the National Finance Center and budgeted for the Na-
6 tional Finance Center, the Secretary shall reserve not
7 more than 4 percent for the replacement or acquisition
8 of capital equipment, including equipment for the improve-
9 ment, delivery, and implementation of financial, adminis-
10 trative, and information technology services, and other
11 systems of the National Finance Center or to pay any un-
12 foreseen, extraordinary cost of the National Finance Cen-
13 ter: *Provided further*, That none of the amounts reserved
14 shall be available for obligation unless the Secretary sub-
15 mits written notification of the obligation to the Commit-
16 tees on Appropriations of both Houses of Congress: *Pro-*
17 *vided further*, That the limitations on the obligation of
18 funds pending notification to Congressional Committees
19 shall not apply to any obligation that, as determined by
20 the Secretary, is necessary to respond to a declared state
21 of emergency that significantly impacts the operations of
22 the National Finance Center; or to evacuate employees of
23 the National Finance Center to a safe haven to continue
24 operations of the National Finance Center.

1 SEC. 703. No part of any appropriation contained in
2 this Act shall remain available for obligation beyond the
3 current fiscal year unless expressly so provided herein.

4 SEC. 704. No funds appropriated by this Act may be
5 used to pay negotiated indirect cost rates on cooperative
6 agreements or similar arrangements between the United
7 States Department of Agriculture and nonprofit institu-
8 tions in excess of 10 percent of the total direct cost of
9 the agreement when the purpose of such cooperative ar-
10 rangements is to carry out programs of mutual interest
11 between the two parties. This does not preclude appro-
12 priate payment of indirect costs on grants and contracts
13 with such institutions when such indirect costs are com-
14 puted on a similar basis for all agencies for which appro-
15 priations are provided in this Act.

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

24 SEC. 706. None of the funds made available to the
25 Department of Agriculture by this Act may be used to ac-

1 quire new information technology systems or significant
2 upgrades, as determined by the Office of the Chief Infor-
3 mation Officer, without the approval of the Chief Informa-
4 tion Officer and the concurrence of the Executive Informa-
5 tion Technology Investment Review Board: *Provided*, That
6 notwithstanding any other provision of law, none of the
7 funds appropriated or otherwise made available by this
8 Act may be transferred to the Office of the Chief Informa-
9 tion Officer without written notification to and the prior
10 approval of the Committees on Appropriations of both
11 Houses of Congress: *Provided further*, That notwith-
12 standing section 11319 of title 40, United States Code,
13 none of the funds available to the Department of Agri-
14 culture for information technology shall be obligated for
15 projects, contracts, or other agreements over \$25,000
16 prior to receipt of written approval by the Chief Informa-
17 tion Officer: *Provided further*, That the Chief Information
18 Officer may authorize an agency to obligate funds without
19 written approval from the Chief Information Officer for
20 projects, contracts, or other agreements up to \$250,000
21 based upon the performance of an agency measured
22 against the performance plan requirements described in
23 the explanatory statement accompanying Public Law 113–
24 235.

1 SEC. 707. Funds made available under section 524(b)
2 of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in
3 the current fiscal year shall remain available until ex-
4 pended to disburse obligations made in the current fiscal
5 year.

6 SEC. 708. Notwithstanding any other provision of
7 law, any former Rural Utilities Service borrower that has
8 repaid or prepaid an insured, direct or guaranteed loan
9 under the Rural Electrification Act of 1936, or any not-
10 for-profit utility that is eligible to receive an insured or
11 direct loan under such Act, shall be eligible for assistance
12 under section 313B(a) of such Act in the same manner
13 as a borrower under such Act.

14 SEC. 709. Except as otherwise specifically provided
15 by law, not more than \$20,000,000 in unobligated bal-
16 ances from appropriations made available for salaries and
17 expenses in this Act for the Farm Service Agency shall
18 remain available through September 30, 2024, for infor-
19 mation technology expenses.

20 SEC. 710. None of the funds appropriated or other-
21 wise made available by this Act may be used for first-class
22 travel by the employees of agencies funded by this Act in
23 contravention of sections 301–10.122 through 301–10.124
24 of title 41, Code of Federal Regulations.

1 SEC. 711. In the case of each program established
2 or amended by the Agricultural Act of 2014 (Public Law
3 113–79) or by a successor to that Act, other than by title
4 I or subtitle A of title III of such Act, or programs for
5 which indefinite amounts were provided in that Act, that
6 is authorized or required to be carried out using funds
7 of the Commodity Credit Corporation—

8 (1) such funds shall be available for salaries
9 and related administrative expenses, including tech-
10 nical assistance, associated with the implementation
11 of the program, without regard to the limitation on
12 the total amount of allotments and fund transfers
13 contained in section 11 of the Commodity Credit
14 Corporation Charter Act (15 U.S.C. 714i); and

15 (2) the use of such funds for such purpose shall
16 not be considered to be a fund transfer or allotment
17 for purposes of applying the limitation on the total
18 amount of allotments and fund transfers contained
19 in such section.

20 SEC. 712. Of the funds made available by this Act,
21 not more than \$2,900,000 shall be used to cover necessary
22 expenses of activities related to all advisory committees,
23 panels, commissions, and task forces of the Department
24 of Agriculture, except for panels used to comply with nego-

1 tiated rule makings and panels used to evaluate competi-
2 tively awarded grants.

3 SEC. 713. (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 blocks the viewing,
6 downloading, and exchanging of pornography.

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 SEC. 714. Notwithstanding subsection (b) of section
12 14222 of Public Law 110–246 (7 U.S.C. 612c–6; in this
13 section referred to as “section 14222”), none of the funds
14 appropriated or otherwise made available by this or any
15 other Act shall be used to pay the salaries and expenses
16 of personnel to carry out a program under section 32 of
17 the Act of August 24, 1935 (7 U.S.C. 612c; in this section
18 referred to as “section 32”) in excess of \$1,483,309,000
19 (exclusive of carryover appropriations from prior fiscal
20 years), as follows: Child Nutrition Programs Entitlement
21 Commodities—\$485,000,000; State Option Contracts—
22 \$5,000,000; Removal of Defective Commodities—
23 \$2,500,000; Administration of section 32 Commodity Pur-
24 chases—\$37,178,000: *Provided*, That, of the total funds
25 made available in the matter preceding this proviso that

1 remain unobligated on October 1, 2023, such unobligated
2 balances shall carryover into fiscal year 2024 and shall
3 remain available until expended for any of the purposes
4 of section 32, except that any such carryover funds used
5 in accordance with clause (3) of section 32 may not exceed
6 \$350,000,000 and may not be obligated until the Sec-
7 retary of Agriculture provides written notification of the
8 expenditures to the Committees on Appropriations of both
9 Houses of Congress at least two weeks in advance: *Pro-*
10 *vided further*, That, with the exception of any available
11 carryover funds authorized in any prior appropriations Act
12 to be used for the purposes of clause (3) of section 32,
13 none of the funds appropriated or otherwise made avail-
14 able by this or any other Act shall be used to pay the
15 salaries or expenses of any employee of the Department
16 of Agriculture to carry out clause (3) of section 32.

17 SEC. 715. None of the funds appropriated by this or
18 any other Act shall be used to pay the salaries and ex-
19 penses of personnel who prepare or submit appropriations
20 language as part of the President's budget submission to
21 the Congress for programs under the jurisdiction of the
22 Appropriations Subcommittees on Agriculture, Rural De-
23 velopment, Food and Drug Administration, and Related
24 Agencies that assumes revenues or reflects a reduction
25 from the previous year due to user fees proposals that

1 have not been enacted into law prior to the submission
2 of the budget unless such budget submission identifies
3 which additional spending reductions should occur in the
4 event the user fees proposals are not enacted prior to the
5 date of the convening of a committee of conference for
6 the fiscal year 2024 appropriations Act.

7 SEC. 716. (a) None of the funds provided by this Act,
8 or provided by previous appropriations Acts to the agen-
9 cies funded by this Act that remain available for obligation
10 or expenditure in the current fiscal year, or provided from
11 any accounts in the Treasury derived by the collection of
12 fees available to the agencies funded by this Act, shall be
13 available for obligation or expenditure through a re-
14 programming, transfer of funds, or reimbursements as au-
15 thorized by the Economy Act, or in the case of the Depart-
16 ment of Agriculture, through use of the authority provided
17 by section 702(b) of the Department of Agriculture Or-
18 ganic Act of 1944 (7 U.S.C. 2257) or section 8 of Public
19 Law 89–106 (7 U.S.C. 2263), that—

- 20 (1) creates new programs;
- 21 (2) eliminates a program, project, or activity;
- 22 (3) increases funds or personnel by any means
23 for any project or activity for which funds have been
24 denied or restricted;
- 25 (4) relocates an office or employees;

1 (5) reorganizes offices, programs, or activities;

2 or

3 (6) contracts out or privatizes any functions or

4 activities presently performed by Federal employees;

5 unless the Secretary of Agriculture or the Secretary of

6 Health and Human Services (as the case may be) notifies

7 in writing and receives approval from the Committees on

8 Appropriations of both Houses of Congress at least 30

9 days in advance of the reprogramming of such funds or

10 the use of such authority.

11 (b) None of the funds provided by this Act, or pro-

12 vided by previous Appropriations Acts to the agencies

13 funded by this Act that remain available for obligation or

14 expenditure in the current fiscal year, or provided from

15 any accounts in the Treasury derived by the collection of

16 fees available to the agencies funded by this Act, shall be

17 available for obligation or expenditure for activities, pro-

18 grams, or projects through a reprogramming or use of the

19 authorities referred to in subsection (a) involving funds

20 in excess of \$500,000 or 10 percent, whichever is less,

21 that—

22 (1) augments existing programs, projects, or ac-

23 tivities;

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

4 (3) results from any general savings from a re-
5 duction in personnel which would result in a change
6 in existing programs, activities, or projects as ap-
7 proved by Congress;

8 unless the Secretary of Agriculture or the Secretary of
9 Health and Human Services (as the case may be) notifies
10 in writing and receives approval from the Committees on
11 Appropriations of both Houses of Congress at least 30
12 days in advance of the reprogramming or transfer of such
13 funds or the use of such authority.

14 (c) The Secretary of Agriculture or the Secretary of
15 Health and Human Services shall notify in writing and
16 receive approval from the Committees on Appropriations
17 of both Houses of Congress before implementing any pro-
18 gram or activity not carried out during the previous fiscal
19 year unless the program or activity is funded by this Act
20 or specifically funded by any other Act.

21 (d) None of the funds provided by this Act, or pro-
22 vided by previous Appropriations Acts to the agencies
23 funded by this Act that remain available for obligation or
24 expenditure in the current fiscal year, or provided from
25 any accounts in the Treasury derived by the collection of

1 fees available to the agencies funded by this Act, shall be
2 available for—

3 (1) modifying major capital investments fund-
4 ing levels, including information technology systems,
5 that involves increasing or decreasing funds in the
6 current fiscal year for the individual investment in
7 excess of \$500,000 or 10 percent of the total cost,
8 whichever is less;

9 (2) realigning or reorganizing new, current, or
10 vacant positions or agency activities or functions to
11 establish a center, office, branch, or similar entity
12 with ten or more personnel; or

13 (3) carrying out activities or functions that
14 were not described in the budget request;
15 unless the agencies funded by this Act notify, in writing,
16 the Committees on Appropriations of both Houses of Con-
17 gress at least 30 days in advance of using the funds for
18 these purposes.

19 (e) As described in this section, no funds may be used
20 for any activities unless the Secretary of Agriculture or
21 the Secretary of Health and Human Services receives from
22 the Committee on Appropriations of both Houses of Con-
23 gress written or electronic mail confirmation of receipt of
24 the notification as required in this section.

1 SEC. 717. Notwithstanding section 310B(g)(5) of the
2 Consolidated Farm and Rural Development Act (7 U.S.C.
3 1932(g)(5)), the Secretary may assess a one-time fee for
4 any guaranteed business and industry loan in an amount
5 that does not exceed 3 percent of the guaranteed principal
6 portion of the loan.

7 SEC. 718. None of the funds appropriated or other-
8 wise made available to the Department of Agriculture, the
9 Food and Drug Administration or the Farm Credit Ad-
10 ministration shall be used to transmit or otherwise make
11 available reports, questions, or responses to questions that
12 are a result of information requested for the appropria-
13 tions hearing process to any non-Department of Agri-
14 culture, non-Department of Health and Human Services,
15 or non-Farm Credit Administration employee.

16 SEC. 719. Unless otherwise authorized by existing
17 law, none of the funds provided in this Act, may be used
18 by an executive branch agency to produce any pre-
19 packaged news story intended for broadcast or distribution
20 in the United States unless the story includes a clear noti-
21 fication within the text or audio of the prepackaged news
22 story that the prepackaged news story was prepared or
23 funded by that executive branch agency.

24 SEC. 720. No employee of the Department of Agri-
25 culture may be detailed or assigned from an agency or

1 office funded by this Act or any other Act to any other
2 agency or office of the Department for more than 60 days
3 in a fiscal year unless the individual's employing agency
4 or office is fully reimbursed by the receiving agency or
5 office for the salary and expenses of the employee for the
6 period of assignment.

7 SEC. 721. Not later than 30 days after the date of
8 enactment of this Act, the Secretary of Agriculture, the
9 Commissioner of the Food and Drug Administration and
10 the Chairman of the Farm Credit Administration shall
11 submit to the Committees on Appropriations of both
12 Houses of Congress a detailed spending plan by program,
13 project, and activity for all the funds made available under
14 this Act including appropriated user fees, as defined in
15 the explanatory statement described in section 4 (in the
16 matter preceding division A of this consolidated Act).

17 SEC. 722. None of the funds made available by this
18 Act may be used to propose, promulgate, or implement
19 any rule, or take any other action with respect to, allowing
20 or requiring information intended for a prescribing health
21 care professional, in the case of a drug or biological prod-
22 uct subject to section 503(b)(1) of the Federal Food,
23 Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)), to be dis-
24 tributed to such professional electronically (in lieu of in

1 paper form) unless and until a Federal law is enacted to
2 allow or require such distribution.

3 SEC. 723. For the purposes of determining eligibility
4 or level of program assistance for Rural Development pro-
5 grams the Secretary shall not include incarcerated prison
6 populations.

7 SEC. 724. For loans and loan guarantees that do not
8 require budget authority and the program level has been
9 established in this Act, the Secretary of Agriculture may
10 increase the program level for such loans and loan guaran-
11 tees by not more than 25 percent: *Provided*, That prior
12 to the Secretary implementing such an increase, the Sec-
13 retary notifies, in writing, the Committees on Appropria-
14 tions of both Houses of Congress at least 15 days in ad-
15 vance.

16 SEC. 725. None of the credit card refunds or rebates
17 transferred to the Working Capital Fund pursuant to sec-
18 tion 729 of the Agriculture, Rural Development, Food and
19 Drug Administration, and Related Agencies Appropria-
20 tions Act, 2002 (7 U.S.C. 2235a; Public Law 107-76)
21 shall be available for obligation without written notifica-
22 tion to, and the prior approval of, the Committees on Ap-
23 propriations of both Houses of Congress: *Provided*, That
24 the refunds or rebates so transferred shall be available for
25 obligation only for the acquisition of property, plant and

1 equipment, including equipment for the improvement, de-
2 livery, and implementation of Departmental financial
3 management, information technology, and other support
4 systems necessary for the delivery of financial, administra-
5 tive, and information technology services, including cloud
6 adoption and migration, of primary benefit to the agencies
7 of the Department of Agriculture.

8 SEC. 726. None of the funds made available by this
9 Act may be used to implement, administer, or enforce the
10 “variety” requirements of the final rule entitled “Enhanc-
11 ing Retailer Standards in the Supplemental Nutrition As-
12 sistance Program (SNAP)” published by the Department
13 of Agriculture in the Federal Register on December 15,
14 2016 (81 Fed. Reg. 90675) until the Secretary of Agri-
15 culture amends the definition of the term “variety” as de-
16 fined in section 278.1(b)(1)(ii)(C) of title 7, Code of Fed-
17 eral Regulations, and “variety” as applied in the definition
18 of the term “staple food” as defined in section 271.2 of
19 title 7, Code of Federal Regulations, to increase the num-
20 ber of items that qualify as acceptable varieties in each
21 staple food category so that the total number of such items
22 in each staple food category exceeds the number of such
23 items in each staple food category included in the final
24 rule as published on December 15, 2016: *Provided*, That
25 until the Secretary promulgates such regulatory amend-

1 ments, the Secretary shall apply the requirements regard-
2 ing acceptable varieties and breadth of stock to Supple-
3 mental Nutrition Assistance Program retailers that were
4 in effect on the day before the date of the enactment of
5 the Agricultural Act of 2014 (Public Law 113–79).

6 SEC. 727. In carrying out subsection (h) of section
7 502 of the Housing Act of 1949 (42 U.S.C. 1472), the
8 Secretary of Agriculture shall have the same authority
9 with respect to loans guaranteed under such section and
10 eligible lenders for such loans as the Secretary has under
11 subsections (h) and (j) of section 538 of such Act (42
12 U.S.C. 1490p–2) with respect to loans guaranteed under
13 such section 538 and eligible lenders for such loans.

14 SEC. 728. None of the funds appropriated or other-
15 wise made available by this Act shall be available for the
16 United States Department of Agriculture to propose, fi-
17 nalize or implement any regulation that would promulgate
18 new user fees pursuant to 31 U.S.C. 9701 after the date
19 of the enactment of this Act.

20 SEC. 729. Of the unobligated balances from amounts
21 made available for the supplemental nutrition program as
22 authorized by section 17 of the Child Nutrition Act of
23 1966 (42 U.S.C. 1786), \$315,000,000 are hereby re-
24 scinded: *Provided*, That no amounts may be rescinded
25 from amounts that were designated by the Congress as

1 an emergency requirement pursuant to a Concurrent Res-
2 olution on the Budget or the Balanced Budget and Emer-
3 gency Deficit Control Act of 1985.

4 SEC. 730. Notwithstanding any provision of law that
5 regulates the calculation and payment of overtime and hol-
6 iday pay for FSIS inspectors, the Secretary may charge
7 establishments subject to the inspection requirements of
8 the Poultry Products Inspection Act, 21 U.S.C. 451 et
9 seq., the Federal Meat Inspection Act, 21 U.S.C. 601 et
10 seq, and the Egg Products Inspection Act, 21 U.S.C. 1031
11 et seq., for the cost of inspection services provided outside
12 of an establishment’s approved inspection shifts, and for
13 inspection services provided on Federal holidays: *Provided*,
14 That any sums charged pursuant to this paragraph shall
15 be deemed as overtime pay or holiday pay under section
16 1001(d) of the American Rescue Plan Act of 2021 (Public
17 Law 117–2, 135 Stat. 242): *Provided further*, That sums
18 received by the Secretary under this paragraph shall, in
19 addition to other available funds, remain available until
20 expended to the Secretary without further appropriation
21 for the purpose of funding all costs associated with FSIS
22 inspections.

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

1 (1) conduct audits in a manner that evaluates
2 the following factors in the country or region being
3 audited, as applicable—

4 (A) veterinary control and oversight;

5 (B) disease history and vaccination prac-
6 tices;

7 (C) livestock demographics and
8 traceability;

9 (D) epidemiological separation from poten-
10 tial sources of infection;

11 (E) surveillance practices;

12 (F) diagnostic laboratory capabilities; and

13 (G) emergency preparedness and response;
14 and

15 (2) promptly make publicly available the final
16 reports of any audits or reviews conducted pursuant
17 to subsection (1).

18 (b) This section shall be applied in a manner con-
19 sistent with United States obligations under its inter-
20 national trade agreements.

21 SEC. 732. In this fiscal year and thereafter, and not-
22 withstanding any other provision of law, none of the funds
23 made available by this Act may be used to implement sec-
24 tion 3.7(f) of the Farm Credit Act of 1971 in a manner

1 inconsistent with section 343(a)(13) of the Consolidated
2 Farm and Rural Development Act.

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

11 SEC. 734. (a)(1) No Federal funds made available for
12 this fiscal year for the rural water, waste water, waste dis-
13 posal, and solid waste management programs authorized
14 by sections 306, 306A, 306C, 306D, 306E, and 310B of
15 the Consolidated Farm and Rural Development Act (7
16 U.S.C. 1926 et seq.) shall be used for a project for the
17 construction, alteration, maintenance, or repair of a public
18 water or wastewater system unless all of the iron and steel
19 products used in the project are produced in the United
20 States.

21 (2) In this section, the term “iron and steel products”
22 means the following products made primarily of iron or
23 steel: lined or unlined pipes and fittings, manhole covers
24 and other municipal castings, hydrants, tanks, flanges,

1 pipe clamps and restraints, valves, structural steel, rein-
2 forced precast concrete, and construction materials.

3 (b) Subsection (a) shall not apply in any case or cat-
4 egory of cases in which the Secretary of Agriculture (in
5 this section referred to as the “Secretary”) or the designee
6 of the Secretary finds that—

7 (1) applying subsection (a) would be incon-
8 sistent with the public interest;

9 (2) iron and steel products are not produced in
10 the United States in sufficient and reasonably avail-
11 able quantities or of a satisfactory quality; or

12 (3) inclusion of iron and steel products pro-
13 duced in the United States will increase the cost of
14 the overall project by more than 25 percent.

15 (c) If the Secretary or the designee receives a request
16 for a waiver under this section, the Secretary or the des-
17 ignee shall make available to the public on an informal
18 basis a copy of the request and information available to
19 the Secretary or the designee concerning the request, and
20 shall allow for informal public input on the request for
21 at least 15 days prior to making a finding based on the
22 request. The Secretary or the designee shall make the re-
23 quest and accompanying information available by elec-
24 tronic means, including on the official public Internet Web
25 site of the Department.

1 (d) This section shall be applied in a manner con-
2 sistent with United States obligations under international
3 agreements.

4 (e) The Secretary may retain up to 0.25 percent of
5 the funds appropriated in this Act for “Rural Utilities
6 Service—Rural Water and Waste Disposal Program Ac-
7 count” for carrying out the provisions described in sub-
8 section (a)(1) for management and oversight of the re-
9 quirements of this section.

10 (f) Subsection (a) shall not apply with respect to a
11 project for which the engineering plans and specifications
12 include use of iron and steel products otherwise prohibited
13 by such subsection if the plans and specifications have re-
14 ceived required approvals from State agencies prior to the
15 date of enactment of this Act.

16 (g) For purposes of this section, the terms “United
17 States” and “State” shall include each of the several
18 States, the District of Columbia, and each Federally rec-
19 ognized Indian Tribe.

20 SEC. 735. None of the funds appropriated by this Act
21 may be used in any way, directly or indirectly, to influence
22 congressional action on any legislation or appropriation
23 matters pending before Congress, other than to commu-
24 nicate to Members of Congress as described in 18 U.S.C.
25 1913.

1 SEC. 736. Of the total amounts made available by
2 this Act for direct loans and grants under the following
3 headings: “Rural Housing Service—Rural Housing Insur-
4 ance Fund Program Account”; “Rural Housing Service—
5 Mutual and Self-Help Housing Grants”; “Rural Housing
6 Service—Rural Housing Assistance Grants”; “Rural
7 Housing Service—Rural Community Facilities Program
8 Account”; “Rural Business-Cooperative Service—Rural
9 Business Program Account”; “Rural Business-Coopera-
10 tive Service—Rural Economic Development Loans Pro-
11 gram Account”; “Rural Business-Cooperative Service—
12 Rural Cooperative Development Grants”; “Rural Busi-
13 ness-Cooperative Service—Rural Microentrepreneur As-
14 sistance Program”; “Rural Utilities Service—Rural Water
15 and Waste Disposal Program Account”; “Rural Utilities
16 Service—Rural Electrification and Telecommunications
17 Loans Program Account”; and “Rural Utilities Service—
18 Distance Learning, Telemedicine, and Broadband Pro-
19 gram”, to the maximum extent feasible, at least 10 per-
20 cent of the funds shall be allocated for assistance in per-
21 sistent poverty counties under this section, including, not-
22 withstanding any other provision regarding population
23 limits, any county seat of such a persistent poverty county
24 that has a population that does not exceed the authorized
25 population limit by more than 10 percent: *Provided*, That

1 for purposes of this section, the term “persistent poverty
2 counties” means any county that has had 20 percent or
3 more of its population living in poverty over the past 30
4 years, as measured by the 1990 and 2000 decennial cen-
5 suses, and 2007–2011 American Community Survey 5-
6 year average, or any territory or possession of the United
7 States: *Provided further*, That with respect to specific ac-
8 tivities for which program levels have been made available
9 by this Act that are not supported by budget authority,
10 the requirements of this section shall be applied to such
11 program level.

12 SEC. 737. None of the funds made available by this
13 Act may be used to notify a sponsor or otherwise acknowl-
14 edge receipt of a submission for an exemption for inves-
15 tigational use of a drug or biological product under section
16 505(i) of the Federal Food, Drug, and Cosmetic Act (21
17 U.S.C. 355(i)) or section 351(a)(3) of the Public Health
18 Service Act (42 U.S.C. 262(a)(3)) in research in which
19 a human embryo is intentionally created or modified to
20 include a heritable genetic modification. Any such submis-
21 sion shall be deemed to have not been received by the Sec-
22 retary, and the exemption may not go into effect.

23 SEC. 738. None of the funds made available by this
24 or any other Act may be used to enforce the final rule
25 promulgated by the Food and Drug Administration enti-

1 tled “Standards for the Growing, Harvesting, Packing,
2 and Holding of Produce for Human Consumption,” and
3 published on November 27, 2015, with respect to the regu-
4 lation of entities that grow, harvest, pack, or hold wine
5 grapes, hops, pulse crops, or almonds.

6 SEC. 739. There is hereby appropriated \$5,000,000,
7 to remain available until September 30, 2024, for a pilot
8 program for the National Institute of Food and Agri-
9 culture to provide grants to nonprofit organizations for
10 programs and services to establish and enhance farming
11 and ranching opportunities for military veterans.

12 SEC. 740. For school years 2022–2023 and 2023–
13 2024, none of the funds made available by this Act may
14 be used to implement or enforce the matter following the
15 first comma in the second sentence of footnote (c) of sec-
16 tion 220.8(c) of title 7, Code of Federal Regulations, with
17 respect to the substitution of vegetables for fruits under
18 the school breakfast program established under section 4
19 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

20 SEC. 741. None of the funds made available by this
21 Act or any other Act may be used—

22 (1) in contravention of section 7606 of the Agri-
23 cultural Act of 2014 (7 U.S.C. 5940), subtitle G
24 of the Agricultural Marketing Act of 1946, or sec-

1 tion 10114 of the Agriculture Improvement Act of
2 2018; or

3 (2) to prohibit the transportation, processing,
4 sale, or use of hemp, or seeds of such plant, that is
5 grown or cultivated in accordance with section 7606
6 of the Agricultural Act of 2014 or subtitle G of the
7 Agricultural Marketing Act of 1946, within or out-
8 side the State in which the hemp is grown or cul-
9 tivated.

10 SEC. 742. There is hereby appropriated \$3,000,000,
11 to remain available until expended, for grants under sec-
12 tion 12502 of Public Law 115–334.

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

15 SEC. 744. The Secretary of Agriculture may waive
16 the matching funds requirement under section 412(g) of
17 the Agricultural Research, Extension, and Education Re-
18 form Act of 1998 (7 U.S.C. 7632(g)).

19 SEC. 745. There is hereby appropriated \$2,000,000,
20 to remain available until expended, for a pilot program
21 for the Secretary to provide grants to qualified non-profit
22 organizations and public housing authorities to provide
23 technical assistance, including financial and legal services,
24 to RHS multi-family housing borrowers to facilitate the
25 acquisition of RHS multi-family housing properties in

1 areas where the Secretary determines a risk of loss of af-
2 fordable housing, by non-profit housing organizations and
3 public housing authorities as authorized by law that com-
4 mit to keep such properties in the RHS multi-family hous-
5 ing program for a period of time as determined by the
6 Secretary.

7 SEC. 746. There is hereby appropriated \$4,000,000,
8 to carry out section 4208 of Public Law 115–334, includ-
9 ing for project locations in additional regions.

10 SEC. 747. There is hereby appropriated \$4,000,000
11 to carry out section 12301 of Public Law 115–334, Farm-
12 ing Opportunities Training and Outreach.

13 SEC. 748. In response to an eligible community where
14 the drinking water supplies are inadequate due to a nat-
15 ural disaster, as determined by the Secretary, including
16 drought or severe weather, the Secretary may provide po-
17 table water through the Emergency Community Water As-
18 sistance Grant Program for an additional period of time
19 not to exceed 120 days beyond the established period pro-
20 vided under the Program in order to protect public health.

21 SEC. 749. Funds made available under title II of the
22 Food for Peace Act (7 U.S.C. 1721 et seq.) may only be
23 used to provide assistance to recipient nations if adequate
24 monitoring and controls, as determined by the Adminis-
25 trator, are in place to ensure that emergency food aid is

1 received by the intended beneficiaries in areas affected by
2 food shortages and not diverted for unauthorized or inap-
3 propriate purposes.

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

14 SEC. 751. None of the funds made available by this
15 Act may be used to procure raw or processed poultry prod-
16 ucts imported into the United States from the People’s
17 Republic of China for use in the school lunch program
18 under the Richard B. Russell National School Lunch Act
19 (42 U.S.C. 1751 et seq.), the Child and Adult Care Food
20 Program under section 17 of such Act (42 U.S.C. 1766),
21 the Summer Food Service Program for Children under
22 section 13 of such Act (42 U.S.C. 1761), or the school
23 breakfast program under the Child Nutrition Act of 1966
24 (42 U.S.C. 1771 et seq.).

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

7 SEC. 753. There is hereby appropriated \$2,000,000,
8 to remain available until expended, for the Secretary of
9 Agriculture to carry out a pilot program that assists rural
10 hospitals to improve long-term operations and financial
11 health by providing technical assistance through analysis
12 of current hospital management practices.

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

21 SEC. 755. There is hereby appropriated \$400,000 to
22 carry out section 1672(g)(4)(B) of the Food, Agriculture,
23 Conservation, and Trade Act of 1990 (7 U.S.C.
24 5925(g)(4)(B)) as amended by section 7209 of Public Law
25 115–334.

1 SEC. 756. Hereafter, none of the funds made avail-
2 able by this Act or any other Act, may be used to pay
3 the salaries or expenses of personnel to implement any ac-
4 tivities related to the permitting of non-recording of ob-
5 served violations of the Animal Welfare Act or its regula-
6 tions on official inspection reports.

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

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

23 SEC. 759. The Secretary, acting through the Chief
24 of the Natural Resources Conservation Service, may use
25 funds appropriated under this Act or any other Act for

1 the Watershed and Flood Prevention Operations Program
2 and the Watershed Rehabilitation Program carried out
3 pursuant to the Watershed Protection and Flood Preven-
4 tion Act (16 U.S.C. 1001 et seq.), and for the Emergency
5 Watershed Protection Program carried out pursuant to
6 section 403 of the Agricultural Credit Act of 1978 (16
7 U.S.C. 2203) to provide technical services for such pro-
8 grams pursuant to section 1252(a)(1) of the Food Secu-
9 rity Act of 1985 (16 U.S.C. 3851(a)(1)), notwithstanding
10 subsection (c) of such section.

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

22 SEC. 761. None of the funds made available by this
23 Act may be used to pay the salaries or expenses of per-
24 sonnel—

1 (1) to inspect horses under section 3 of the
2 Federal Meat Inspection Act (21 U.S.C. 603);

3 (2) to inspect horses under section 903 of the
4 Federal Agriculture Improvement and Reform Act of
5 1996 (7 U.S.C. 1901 note; Public Law 104–127); or

6 (3) to implement or enforce section 352.19 of
7 title 9, Code of Federal Regulations (or a successor
8 regulation).

9 SEC. 762. In addition to amounts otherwise made
10 available by this Act and notwithstanding the last sentence
11 of 16 U.S.C. 1310, there is appropriated \$4,000,000, to
12 remain available until expended, to implement non-renew-
13 able agreements on eligible lands, including flooded agri-
14 cultural lands, as determined by the Secretary, under the
15 Water Bank Act (16 U.S.C. 1301–1311).

16 SEC. 763. Out of amounts appropriated to the Food
17 and Drug Administration under title VI, the Secretary of
18 Health and Human Services, acting through the Commis-
19 sioner of Food and Drugs, shall, not later than September
20 30, 2023, and following the review required under Execu-
21 tive Order No. 12866 (5 U.S.C. 601 note; relating to regu-
22 latory planning and review), issue advice revising the ad-
23 vice provided in the notice of availability entitled “Advice
24 About Eating Fish, From the Environmental Protection
25 Agency and Food and Drug Administration; Revised Fish

1 Advice; Availability” (82 Fed. Reg. 6571 (January 19,
2 2017)), in a manner that is consistent with nutrition
3 science recognized by the Food and Drug Administration
4 on the net effects of seafood consumption.

5 SEC. 764. There is hereby appropriated \$5,000,000,
6 to remain available until expended, to carry out section
7 2103 of Public Law 115–334: *Provided*, That the Sec-
8 retary shall prioritize the wetland compliance needs of
9 areas with significant numbers of individual wetlands, wet-
10 land acres, and conservation compliance requests.

11 SEC. 765. Notwithstanding any other provision of
12 law, the acceptable market name of any engineered animal
13 approved prior to the effective date of the National Bio-
14 engineered Food Disclosure Standard (February 19,
15 2019) shall include the words “genetically engineered”
16 prior to the existing acceptable market name.

17 SEC. 766. There is appropriated to the Department
18 of Agriculture, for an additional amount for “Agricultural
19 Programs—Processing, Research, and Marketing—Office
20 of the Secretary”, \$5,000,000, which shall remain avail-
21 able until expended, for necessary expenses, under such
22 terms and conditions determined by the Secretary, related
23 to testing soil, water, or agricultural products for per- and
24 polyfluoroalkyl substances (PFAS) at the request of an
25 agricultural producer, assisting agricultural producers af-

1 fected by PFAS contamination with costs related to miti-
2 gate the impacts to their operation that have resulted from
3 such contamination and indemnifying agricultural pro-
4 ducers for the value of unmarketable crops, livestock, and
5 other agricultural products related to PFAS contamina-
6 tion: *Provided*, That the Secretary shall prioritize such as-
7 sistance to agricultural producers in states and territories
8 that have established a tolerance threshold for PFAS in
9 a food or agricultural product: *Provided further*, That, not
10 later than 90 days after the end of fiscal year 2023, the
11 Secretary shall submit a report to the Congress specifying
12 the type, amount, and method of such assistance by state
13 and territory and the status of the amounts obligated and
14 plans for further expenditure, and include improvements
15 that can be made to U.S. Department of Agriculture pro-
16 grams, either administratively or legislatively, to increase
17 support for agricultural producers impacted by PFAS con-
18 tamination and to enhance scientific knowledge on PFAS
19 uptake in crops and livestock and PFAS mitigation and
20 remediation methods and disseminate such knowledge to
21 agricultural producers.

22 SEC. 767. The Secretary shall set aside for Rural
23 Economic Area Partnership (REAP) Zones, until August
24 15, 2023, an amount of funds made available in title III
25 under the headings of Rural Housing Insurance Fund

1 Program Account, Mutual and Self-Help Housing Grants,
2 Rural Housing Assistance Grants, Rural Community Fa-
3 cilities Program Account, Rural Business Program Ac-
4 count, Rural Development Loan Fund Program Account,
5 and Rural Water and Waste Disposal Program Account,
6 equal to the amount obligated in REAP Zones with re-
7 spect to funds provided under such headings in the most
8 recent fiscal year any such funds were obligated under
9 such headings for REAP Zones.

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

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

1 SEC. 770. Of the unobligated balances from prior
2 year appropriations made available under the heading
3 “Farm Service Agency—Agricultural Credit Insurance
4 Fund Program Account”, \$73,000,000 are hereby re-
5 scinded.

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

22 SEC. 772. For an additional amount for the “Office
23 of the Secretary”, \$1,300,000, to remain available until
24 expended, for the Secretary, in consultation with the Sec-
25 retary of the Department of Health and Human Services,

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

1 United States Code: *Provided further*, That the Secretary
2 of Agriculture shall ensure the process is fully transparent
3 and includes a balanced representation of individuals who
4 are unbiased and free from conflicts of interest.

5 SEC. 773. The Secretary, as part of the report on
6 foreign landholding required under the Agricultural For-
7 eign Investment Disclosure Act (Public Law 95–460),
8 shall report to Congress on foreign investments in agricul-
9 tural land in the United States, including the impact for-
10 eign ownership has on family farms, rural communities,
11 and the domestic food supply: *Provided*, That within 3
12 years after the enactment of this Act, the Secretary shall
13 establish a streamlined process for electronic submission
14 and retention of disclosures made under the Agricultural
15 Foreign Investment Disclosure Act, including an internet
16 database that contains disaggregated data from each dis-
17 closure submitted: *Provided further*, That all prior year
18 disclosures of foreign investments in agricultural land in
19 the United States are published in the database: *Provided*
20 *further*, That the plan includes a process to ensure the
21 protection of personally identifiable information and that
22 all disclosures of foreign investments in agricultural land
23 on the USDA website be disaggregated by: (1) in any case
24 in which such foreign person is an individual, the citizen-
25 ship of such foreign person; and (2) in any case in which

1 such foreign person is not an individual or a government,
2 the nature of the legal entity holding the interest, the
3 country in which such foreign person is created or orga-
4 nized, and the principal place of business of such foreign
5 person.

6 SEC. 774. Notwithstanding any other provision of
7 law, the common name “Kanpachi” shall serve as an ac-
8 ceptable market name under the Federal Food, Drug, and
9 Cosmetic Act (21 U.S.C. 301 et seq.) for labeling and
10 marketing of 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 Fa-
15 cility 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
18 the effective date of the transfer of function, as jointly
19 determined 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 strik-
22 ing “2022” and inserting “2023”.

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

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

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

12 SEC. 779. Of the unobligated balances in the “Non-
13 recurring Expenses Fund” established in section 742 of
14 division A of Public Law 113–235, \$150,000,000 are
15 hereby 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 di-
21 rect loans are to remain available through fiscal year 2028
22 for the liquidation of valid obligations incurred in fiscal
23 year 2018.

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

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
5 pursuant to a Concurrent Resolution on the Budget or the
6 Balanced Budget and Emergency Deficit Control Act of
7 1985.

8 This division may be cited as the “Agriculture, Rural
9 Development, Food and Drug Administration, and Re-
10 lated Agencies Appropriations Act, 2023”.

1 **DIVISION B—COMMERCE, JUSTICE,**
2 **SCIENCE, AND RELATED AGENCIES**
3 **APPROPRIATIONS 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
14 agreements for the purpose of promoting exports of
15 United States firms, without regard to sections 3702 and
16 3703 of title 44, United States Code; full medical coverage
17 for dependent members of immediate families of employees
18 stationed overseas and employees temporarily posted over-
19 seas; travel and transportation of employees of the Inter-
20 national Trade Administration between two points abroad,
21 without regard to section 40118 of title 49, United States
22 Code; employment of citizens of the United States and
23 aliens by contract for services; rental of space abroad for
24 periods not exceeding 10 years, and expenses of alteration,
25 repair, or improvement; purchase or construction of tem-

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

1 clude payment for assessments for services provided as
2 part of these activities: *Provided further*, That, of amounts
3 provided under this heading, up to \$3,000,000, to remain
4 available until expended, shall be for the purpose of car-
5 rying out a pilot fellowship program of the United States
6 Commercial Service under which the Secretary of Com-
7 merce may make competitive grants to appropriate institu-
8 tions of higher education or students to increase the level
9 of knowledge and awareness of, and interest in employ-
10 ment with, that Service among minority students: *Pro-*
11 *vided further*, That any grants awarded under such pro-
12 gram shall be made pursuant to regulations to be pre-
13 scribed by the Secretary, which shall require as a condition
14 of the initial receipt of grant funds, a commitment by pro-
15 spective grantees to accept full-time employment in the
16 Global Markets unit of the International Trade Adminis-
17 tration upon the completion of participation in the pro-
18 gram.

19 BUREAU OF INDUSTRY AND SECURITY

20 OPERATIONS AND ADMINISTRATION

21 For necessary expenses for export administration and
22 national security activities of the Department of Com-
23 merce, including costs associated with the performance of
24 export administration field activities both domestically and
25 abroad; full medical coverage for dependent members of

1 immediate families of employees stationed overseas; em-
2 ployment of citizens of the United States and aliens by
3 contract for services abroad; payment of tort claims, in
4 the manner authorized in the first paragraph of section
5 2672 of title 28, United States Code, when such claims
6 arise in foreign countries; not to exceed \$13,500 for offi-
7 cial representation expenses abroad; awards of compensa-
8 tion to informers under the Export Control Reform Act
9 of 2018 (subtitle B of title XVII of the John S. McCain
10 National Defense Authorization Act for Fiscal Year 2019;
11 Public Law 115–232; 132 Stat. 2208; 50 U.S.C. 4801 et
12 seq.), and as authorized by section 1(b) of the Act of June
13 15, 1917 (40 Stat. 223; 22 U.S.C. 401(b)); and purchase
14 of passenger motor vehicles for official use and motor vehi-
15 cles for law enforcement use with special requirement vehi-
16 cles eligible for purchase without regard to any price limi-
17 tation otherwise established by law, \$191,000,000, of
18 which \$76,000,000 shall remain available until expended:
19 *Provided*, That the provisions of the first sentence of sec-
20 tion 105(f) and all of section 108(c) of the Mutual Edu-
21 cational and Cultural Exchange Act of 1961 (22 U.S.C.
22 2455(f) and 2458(c)) shall apply in carrying out these ac-
23 tivities: *Provided further*, That payments and contribu-
24 tions collected and accepted for materials or services pro-
25 vided as part of such activities may be retained for use

1 in covering the cost of such activities, and for providing
2 information to the public with respect to the export admin-
3 istration and national security activities of the Depart-
4 ment of Commerce and other export control programs of
5 the United States and other governments.

6 ECONOMIC DEVELOPMENT ADMINISTRATION

7 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

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

133

1 SALARIES AND EXPENSES

2 For necessary expenses of administering the eco-
3 nomic development assistance programs as provided for by
4 law, \$68,000,000: *Provided*, That funds provided under
5 this heading may be used to monitor projects approved
6 pursuant to title I of the Public Works Employment Act
7 of 1976; title II of the Trade Act of 1974; sections 27
8 through 30 of the Stevenson-Wydler Technology Innova-
9 tion Act of 1980 (15 U.S.C. 3722–3723), as amended; and
10 the Community Emergency Drought Relief Act of 1977.

11 MINORITY BUSINESS DEVELOPMENT AGENCY

12 MINORITY BUSINESS DEVELOPMENT

13 For necessary expenses of the Minority Business De-
14 velopment Agency in fostering, promoting, and developing
15 minority business enterprises, as authorized by law,
16 \$70,000,000.

17 ECONOMIC AND STATISTICAL ANALYSIS

18 SALARIES AND EXPENSES

19 For necessary expenses, as authorized by law, of eco-
20 nomic and statistical analysis programs of the Department
21 of Commerce, \$130,000,000, to remain available until
22 September 30, 2024.

1 BUREAU OF THE CENSUS

2 CURRENT SURVEYS AND PROGRAMS

3 For necessary expenses for collecting, compiling, ana-
4 lyzing, preparing, and publishing statistics, provided for
5 by law, \$330,000,000: *Provided*, That, from amounts pro-
6 vided herein, funds may be used for promotion, outreach,
7 and marketing activities.

8 PERIODIC CENSUSES AND PROGRAMS

9 For necessary expenses for collecting, compiling, ana-
10 lyzing, preparing, and publishing statistics for periodic
11 censuses and programs provided for by law,
12 \$1,155,000,000, to remain available until September 30,
13 2024: *Provided*, That, from amounts provided herein,
14 funds may be used for promotion, outreach, and mar-
15 keting activities.

16 NATIONAL TELECOMMUNICATIONS AND INFORMATION

17 ADMINISTRATION

18 SALARIES AND EXPENSES

19 For necessary expenses, as provided for by law, of
20 the National Telecommunications and Information Ad-
21 ministration (NTIA), \$62,000,000, to remain available
22 until September 30, 2024: *Provided*, That, notwith-
23 standing 31 U.S.C. 1535(d), the Secretary of Commerce
24 shall charge Federal agencies for costs incurred in spec-
25 trum management, analysis, operations, and related serv-

1 ices, and such fees shall be retained and used as offsetting
2 collections for costs of such spectrum services, to remain
3 available until expended: *Provided further*, That the Sec-
4 retary of Commerce is authorized to retain and use as off-
5 setting collections all funds transferred, or previously
6 transferred, from other Government agencies for all costs
7 incurred in telecommunications research, engineering, and
8 related activities by the Institute for Telecommunication
9 Sciences of NTLA, in furtherance of its assigned functions
10 under this paragraph, and such funds received from other
11 Government agencies shall remain available until ex-
12 pended.

13 PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING
14 AND CONSTRUCTION

15 For the administration of prior-year grants, recov-
16 eries and unobligated balances of funds previously appro-
17 priated are available for the administration of all open
18 grants until their expiration.

19 UNITED STATES PATENT AND TRADEMARK OFFICE
20 SALARIES AND EXPENSES
21 (INCLUDING TRANSFERS OF FUNDS)

22 For necessary expenses of the United States Patent
23 and Trademark Office (USPTO) provided for by law, in-
24 cluding defense of suits instituted against the Under Sec-
25 retary of Commerce for Intellectual Property and Director

1 of the USPTO, \$4,253,404,000, to remain available until
2 expended: *Provided*, That the sum herein appropriated
3 from the general fund shall be reduced as offsetting collec-
4 tions of fees and surcharges assessed and collected by the
5 USPTO under any law are received during fiscal year
6 2023, so as to result in a fiscal year 2023 appropriation
7 from the general fund estimated at \$0: *Provided further*,
8 That during fiscal year 2023, should the total amount of
9 such offsetting collections be less than \$4,253,404,000,
10 this amount shall be reduced accordingly: *Provided further*,
11 That any amount received in excess of \$4,253,404,000 in
12 fiscal year 2023 and deposited in the Patent and Trade-
13 mark Fee Reserve Fund shall remain available until ex-
14 pended: *Provided further*, That the Director of USPTO
15 shall submit a spending plan to the Committees on Appro-
16 priations of the House of Representatives and the Senate
17 for any amounts made available by the preceding proviso
18 and such spending plan shall be treated as a reprogram-
19 ming under section 505 of this Act and shall not be avail-
20 able for obligation or expenditure except in compliance
21 with the procedures set forth in that section: *Provided fur-*
22 *ther*, That any amounts reprogrammed in accordance with
23 the preceding proviso shall be transferred to the United
24 States Patent and Trademark Office “Salaries and Ex-
25 penses” account: *Provided further*, That the budget of the

1 President submitted for fiscal year 2024 under section
2 1105 of title 31, United States Code, shall include within
3 amounts provided under this heading for necessary ex-
4 penses of the USPTO any increases that are expected to
5 result from an increase promulgated through rule or regu-
6 lation in offsetting collections of fees and surcharges as-
7 sessed and collected by the USPTO under any law in ei-
8 ther fiscal year 2023 or fiscal year 2024: *Provided further,*
9 That from amounts provided herein, not to exceed
10 \$13,500 shall be made available in fiscal year 2023 for
11 official reception and representation expenses: *Provided*
12 *further,* That in fiscal year 2023 from the amounts made
13 available for “Salaries and Expenses” for the USPTO, the
14 amounts necessary to pay (1) the difference between the
15 percentage of basic pay contributed by the USPTO and
16 employees under section 8334(a) of title 5, United States
17 Code, and the normal cost percentage (as defined by sec-
18 tion 8331(17) of that title) as provided by the Office of
19 Personnel Management (OPM) for USPTO’s specific use,
20 of basic pay, of employees subject to subchapter III of
21 chapter 83 of that title, and (2) the present value of the
22 otherwise unfunded accruing costs, as determined by OPM
23 for USPTO’s specific use of post-retirement life insurance
24 and post-retirement health benefits coverage for all
25 USPTO employees who are enrolled in Federal Employees

1 Health Benefits (FEHB) and Federal Employees Group
2 Life Insurance (FEGLI), shall be transferred to the Civil
3 Service Retirement and Disability Fund, the FEGLI
4 Fund, and the Employees FEHB Fund, as appropriate,
5 and shall be available for the authorized purposes of those
6 accounts: *Provided further*, That any differences between
7 the present value factors published in OPM's yearly 300
8 series benefit letters and the factors that OPM provides
9 for USPTO's specific use shall be recognized as an im-
10 puted cost on USPTO's financial statements, where appli-
11 cable: *Provided further*, That, notwithstanding any other
12 provision of law, all fees and surcharges assessed and col-
13 lected by USPTO are available for USPTO only pursuant
14 to section 42(c) of title 35, United States Code, as amend-
15 ed by section 22 of the Leahy-Smith America Invents Act
16 (Public Law 112–29): *Provided further*, That within the
17 amounts appropriated, \$2,450,000 shall be transferred to
18 the “Office of Inspector General” account for activities as-
19 sociated with carrying out investigations and audits re-
20 lated to the USPTO.

21 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
22 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES
23 (INCLUDING TRANSFER OF FUNDS)

24 For necessary expenses of the National Institute of
25 Standards and Technology (NIST), \$953,000,000, to re-

1 main available until expended, of which not to exceed
2 \$9,000,000 may be transferred to the “Working Capital
3 Fund”: *Provided*, That of the amounts appropriated under
4 this heading, \$62,532,000 shall be used for the projects,
5 and in the amounts, specified in the table immediately fol-
6 lowing the paragraph “NIST STRS Community Project
7 Funding/NIST External Projects” in the explanatory
8 statement described in section 4 (in the matter preceding
9 division A of this consolidated Act): *Provided further*, That
10 the amounts made available for the projects referenced in
11 the preceding proviso may not be transferred for any other
12 purpose: *Provided further*, That not to exceed \$5,000 shall
13 be for official reception and representation expenses: *Pro-*
14 *vided further*, That NIST may provide local transportation
15 for summer undergraduate research fellowship program
16 participants.

17 INDUSTRIAL TECHNOLOGY SERVICES

18 For necessary expenses for industrial technology
19 services, \$212,000,000, to remain available until ex-
20 pended, of which \$175,000,000 shall be for the Hollings
21 Manufacturing Extension Partnership, and of which
22 \$37,000,000 shall be for the Manufacturing USA Pro-
23 gram.

1 CONSTRUCTION OF RESEARCH FACILITIES

2 For construction of new research facilities, including
3 architectural and engineering design, and for renovation
4 and maintenance of existing facilities, not otherwise pro-
5 vided for the National Institute of Standards and Tech-
6 nology, as authorized by sections 13 through 15 of the
7 National Institute of Standards and Technology Act (15
8 U.S.C. 278c–278e), \$462,285,000, to remain available
9 until expended: *Provided*, That of the amounts appro-
10 priated under this heading, \$332,285,000 shall be used
11 for the projects, and in the amounts, specified in the table
12 immediately following the paragraph “NIST Construction
13 Community Project Funding/NIST Extramural Construc-
14 tion” in the explanatory statement described in section 4
15 (in the matter preceding division A of this consolidated
16 Act): *Provided further*, That up to one percent of amounts
17 made available for the projects referenced in the preceding
18 proviso may be used for the administrative costs of such
19 projects: *Provided further*, That the Director of the Na-
20 tional Institute of Standards and Technology shall submit
21 a spending plan to the Committees on Appropriations of
22 the House of Representatives and the Senate for any
23 amounts made available by the preceding proviso and such
24 spending plan shall be treated as a reprogramming under
25 section 505 of this Act and shall not be available for obli-

1 gation or expenditure except in compliance with the proce-
2 dures set forth in that section: *Provided further*, That the
3 Secretary of Commerce shall include in the budget jus-
4 tification materials for fiscal year 2024 that the Secretary
5 submits to Congress in support of the Department of
6 Commerce budget (as submitted with the budget of the
7 President under section 1105(a) of title 31, United States
8 Code) an estimate for each National Institute of Stand-
9 ards and Technology construction project having a total
10 multi-year program cost of more than \$5,000,000, and si-
11 multaneously the budget justification materials shall in-
12 clude an estimate of the budgetary requirements for each
13 such project for each of the 5 subsequent fiscal years.

14 NATIONAL OCEANIC AND ATMOSPHERIC

15 ADMINISTRATION

16 OPERATIONS, RESEARCH, AND FACILITIES

17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses of activities authorized by law
19 for the National Oceanic and Atmospheric Administration,
20 including maintenance, operation, and hire of aircraft and
21 vessels; pilot programs for State-led fisheries manage-
22 ment, notwithstanding any other provision of law; grants,
23 contracts, or other payments to nonprofit organizations
24 for the purposes of conducting activities pursuant to coop-
25 erative agreements; and relocation of facilities,

1 \$4,500,997,000, to remain available until September 30,
2 2024: *Provided*, That fees and donations received by the
3 National Ocean Service for the management of national
4 marine sanctuaries may be retained and used for the sala-
5 ries and expenses associated with those activities, notwith-
6 standing section 3302 of title 31, United States Code: *Pro-*
7 *vided further*, That in addition, \$344,901,000 shall be de-
8 rived by transfer from the fund entitled “Promote and De-
9 velop Fishery Products and Research Pertaining to Amer-
10 ican Fisheries”, which shall only be used for fishery activi-
11 ties related to the Saltonstall-Kennedy Grant Program;
12 Fisheries Data Collections, Surveys, and Assessments; Ob-
13 servers and Training; Fisheries Management Programs
14 and Services; and Interjurisdictional Fisheries Grants:
15 *Provided further*, That not to exceed \$71,299,000 shall be
16 for payment to the “Department of Commerce Working
17 Capital Fund”: *Provided further*, That of the
18 \$4,868,898,000 provided for in direct obligations under
19 this heading, \$4,500,997,000 is appropriated from the
20 general fund, \$344,901,000 is provided by transfer, and
21 \$23,000,000 is derived from recoveries of prior year obli-
22 gations: *Provided further*, That of the amounts appro-
23 priated under this heading, \$111,465,000 shall be used
24 for the projects, and in the amounts, specified in the table
25 immediately following the paragraph “NOAA Community

1 Project Funding/NOAA Special Projects” in the explana-
2 tory statement described in section 4 (in the matter pre-
3 ceding division A of this consolidated Act): *Provided fur-*
4 *ther*, That the amounts made available for the projects ref-
5 erenced in the preceding proviso may not be transferred
6 for any other purpose: *Provided further*, That any devi-
7 ation from the amounts designated for specific activities
8 in the explanatory statement described in section 4 (in the
9 matter preceding division A of this consolidated Act), or
10 any use of deobligated balances of funds provided under
11 this heading in previous years, shall be subject to the pro-
12 cedures set forth in section 505 of this Act: *Provided fur-*
13 *ther*, That in addition, for necessary retired pay expenses
14 under the Retired Serviceman’s Family Protection and
15 Survivor Benefits Plan, and for payments for the medical
16 care of retired personnel and their dependents under the
17 Dependents’ Medical Care Act (10 U.S.C. ch. 55), such
18 sums as may be necessary.

19 PROCUREMENT, ACQUISITION AND CONSTRUCTION

20 For procurement, acquisition and construction of
21 capital assets, including alteration and modification costs,
22 of the National Oceanic and Atmospheric Administration,
23 \$1,653,630,000, to remain available until September 30,
24 2025, except that funds provided for acquisition and con-
25 struction of vessels and aircraft, and construction of facili-

1 ties shall remain available until expended: *Provided*, That
2 of the \$1,666,630,000 provided for in direct obligations
3 under this heading, \$1,653,630,000 is appropriated from
4 the general fund and \$13,000,000 is provided from recov-
5 eries of prior year obligations: *Provided further*, That any
6 deviation from the amounts designated for specific activi-
7 ties in the explanatory statement described in section 4
8 (in the matter preceding division A of this consolidated
9 Act), or any use of deobligated balances of funds provided
10 under this heading in previous years, shall be subject to
11 the procedures set forth in section 505 of this Act: *Pro-*
12 *vided further*, That the Secretary of Commerce shall in-
13 clude in budget justification materials for fiscal year 2024
14 that the Secretary submits to Congress in support of the
15 Department of Commerce budget (as submitted with the
16 budget of the President under section 1105(a) of title 31,
17 United States Code) an estimate for each National Oce-
18 anic and Atmospheric Administration procurement, acqui-
19 sition or construction project having a total of more than
20 \$5,000,000 and simultaneously the budget justification
21 shall include an estimate of the budgetary requirements
22 for each such project for each of the 5 subsequent fiscal
23 years.

1 PACIFIC COASTAL SALMON RECOVERY

2 For necessary expenses associated with the restora-
3 tion of Pacific salmon populations, \$65,000,000, to re-
4 main available until September 30, 2024: *Provided*, That,
5 of the funds provided herein, the Secretary of Commerce
6 may issue grants to the States of Washington, Oregon,
7 Idaho, Nevada, California, and Alaska, and to the feder-
8 ally recognized Tribes of the Columbia River and Pacific
9 Coast (including Alaska), for projects necessary for con-
10 servation of salmon and steelhead populations that are
11 listed as threatened or endangered, or that are identified
12 by a State as at-risk to be so listed, for maintaining popu-
13 lations necessary for exercise of Tribal treaty fishing
14 rights or native subsistence fishing, or for conservation of
15 Pacific coastal salmon and steelhead habitat, based on
16 guidelines to be developed by the Secretary of Commerce:
17 *Provided further*, That all funds shall be allocated based
18 on scientific and other merit principles and shall not be
19 available for marketing activities: *Provided further*, That
20 funds disbursed to States shall be subject to a matching
21 requirement of funds or documented in-kind contributions
22 of at least 33 percent of the Federal funds.

23 FISHERIES DISASTER ASSISTANCE

24 For necessary expenses of administering the fishery
25 disaster assistance programs authorized by the Magnuson-

1 Stevens Fishery Conservation and Management Act (Pub-
2 lic Law 94–265) and the Interjurisdictional Fisheries Act
3 (title III of Public Law 99–659), \$300,000.

4 FISHERMEN’S CONTINGENCY FUND

5 For carrying out the provisions of title IV of Public
6 Law 95–372, not to exceed \$349,000, to be derived from
7 receipts collected pursuant to that Act, to remain available
8 until expended.

9 FISHERIES FINANCE PROGRAM ACCOUNT

10 Subject to section 502 of the Congressional Budget
11 Act of 1974, during fiscal year 2023, obligations of direct
12 loans may not exceed \$24,000,000 for Individual Fishing
13 Quota loans and not to exceed \$100,000,000 for tradi-
14 tional direct loans as authorized by the Merchant Marine
15 Act of 1936.

16 DEPARTMENTAL MANAGEMENT

17 SALARIES AND EXPENSES

18 For necessary expenses for the management of the
19 Department of Commerce provided for by law, including
20 not to exceed \$4,500 for official reception and representa-
21 tion, \$95,000,000: *Provided*, That no employee of the De-
22 partment of Commerce may be detailed or assigned from
23 a bureau or office funded by this Act or any other Act
24 to offices within the Office of the Secretary of the Depart-
25 ment of Commerce for more than 180 days in a fiscal year

1 unless the individual's employing bureau or office is fully
2 reimbursed for the salary and expenses of the employee
3 for the entire period of assignment using funds provided
4 under this heading: *Provided further*, That amounts made
5 available to the Department of Commerce in this or any
6 prior Act may not be transferred pursuant to section 508
7 of this or any prior Act to the account funded under this
8 heading, except in the case of extraordinary circumstances
9 that threaten life or property.

10 RENOVATION AND MODERNIZATION

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

13 NONRECURRING EXPENSES FUND

14 For necessary expenses for technology modernization
15 projects and cybersecurity risk mitigation of the Depart-
16 ment of Commerce, \$35,000,000, to remain available until
17 September 30, 2025: *Provided*, That amounts made avail-
18 able under this heading are in addition to such other funds
19 as may be available for such purposes: *Provided further*,
20 That any unobligated balances of expired discretionary
21 funds transferred to the Department of Commerce Non-
22 recurring Expenses Fund, as authorized by section 111
23 of title I of division B of Public Law 116–93, may be obli-
24 gated only after the Committees on Appropriations of the

1 House of Representatives and the Senate are notified at
2 least 15 days in advance of the planned use of funds.

3 OFFICE OF INSPECTOR GENERAL

4 For necessary expenses of the Office of Inspector
5 General in carrying out the provisions of the Inspector
6 General Act of 1978 (5 U.S.C. App.), \$48,000,000.

7 GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

8 (INCLUDING TRANSFER OF FUNDS)

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

19 SEC. 102. During the current fiscal year, appropria-
20 tions made available to the Department of Commerce by
21 this Act for salaries and expenses shall be available for
22 hire of passenger motor vehicles as authorized by 31
23 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C.
24 3109; and uniforms or allowances therefor, as authorized
25 by law (5 U.S.C. 5901–5902).

1 SEC. 103. Not to exceed 5 percent of any appropria-
2 tion made available for the current fiscal year for the De-
3 partment of Commerce in this Act may be transferred be-
4 tween such appropriations, but no such appropriation shall
5 be increased by more than 10 percent by any such trans-
6 fers: *Provided*, That any transfer pursuant to this section
7 shall be treated as a reprogramming of funds under sec-
8 tion 505 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 the
11 Secretary of Commerce shall notify the Committees on Ap-
12 propriations at least 15 days in advance of the acquisition
13 or disposal of any capital asset (including land, structures,
14 and equipment) not specifically provided for in this Act
15 or any other law appropriating funds for the Department
16 of Commerce.

17 SEC. 104. The requirements set forth by section 105
18 of the Commerce, Justice, Science, and Related Agencies
19 Appropriations Act, 2012 (Public Law 112–55), as
20 amended by section 105 of title I of division B of Public
21 Law 113–6, are hereby adopted by reference and made
22 applicable with respect to fiscal year 2023: *Provided*, That
23 the life cycle cost for the Joint Polar Satellite System is
24 \$11,322,125,000, the life cycle cost of the Polar Follow
25 On Program is \$6,837,900,000, the life cycle cost for the

1 Geostationary Operational Environmental Satellite R-Se-
2 ries Program is \$11,700,100,000, and the life cycle cost
3 for the Space Weather Follow On Program is
4 \$692,800,000.

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

23 SEC. 106. Nothing in this title shall be construed to
24 prevent a grant recipient from deterring child pornog-

1 raphy, copyright infringement, or any other unlawful ac-
2 tivity over 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 lim-
6 its of available appropriations, the land, services, equip-
7 ment, personnel, and facilities of any department, agency,
8 or instrumentality of the United States, or of any State,
9 local government, Indian Tribal government, Territory, or
10 possession, or of any political subdivision thereof, or of
11 any foreign government or international organization, for
12 purposes related to carrying out the responsibilities of any
13 statute administered by the National Oceanic and Atmos-
14 pheric Administration.

15 SEC. 108. The National Technical Information Serv-
16 ice shall not charge any customer for a copy of any report
17 or document generated by the Legislative Branch unless
18 the Service has provided information to the customer on
19 how an electronic copy of such report or document may
20 be accessed and downloaded for free online. Should a cus-
21 tomer still require the Service to provide a printed or dig-
22 ital copy of the report or document, the charge shall be
23 limited to recovering the Service's cost of processing, re-
24 producing, and 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
4 into grants and cooperative agreements with; (2) use on
5 a non-reimbursable basis land, services, equipment, per-
6 sonnel, and facilities provided by; and (3) receive and ex-
7 pend funds made available on a consensual basis from: a
8 Federal agency, State or subdivision thereof, local govern-
9 ment, Tribal government, Territory, or possession or any
10 subdivisions thereof: *Provided*, That funds received for
11 permitting and related regulatory activities pursuant to
12 this section shall be deposited under the heading “Na-
13 tional Oceanic and Atmospheric Administration—Oper-
14 ations, Research, and Facilities” and shall remain avail-
15 able until September 30, 2024, for such purposes: *Pro-*
16 *vided further*, That all funds within this section and their
17 corresponding uses are subject 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 Eco-
21 nomics and Statistics Administration of the Department
22 of Commerce, including amounts provided for programs
23 of the Bureau of Economic Analysis and the Bureau of
24 the Census, shall be available for expenses of cooperative
25 agreements with appropriate entities, including any Fed-

1 eral, State, or local governmental unit, or institution of
2 higher education, to aid and promote statistical, research,
3 and methodology activities which further the purposes for
4 which such 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.
10 278k(e)(2): *Provided*, That the authority made available
11 pursuant to this section shall be elective, in whole or in
12 part, for any Manufacturing Extension Partnership Cen-
13 ter that also receives funding from a State that is condi-
14 tioned upon the application of a Federal cost sharing re-
15 quirement.

16 SEC. 112. The Secretary of Commerce, or the des-
17 ignee of the Secretary, may waive—

18 (1) in whole or in part, the matching require-
19 ments under sections 306 and 306A, and the cost
20 sharing requirements under section 315, of the
21 Coastal Zone Management Act of 1972 (16 U.S.C.
22 1455, 1455a, and 1461) as necessary at the request
23 of the grant applicant, for amounts made available
24 under this Act under the heading “Operations, Re-

1 search, and Facilities” under the heading “National
2 Oceanic and Atmospheric Administration”; and

3 (2) up to 50 percent of the matching require-
4 ments under sections 306 and 306A, and the cost
5 sharing requirements under section 315, of the
6 Coastal Zone Management Act of 1972 (16 U.S.C.
7 1455, 1455a, and 1461) as necessary at the request
8 of the grant applicant, for amounts made available
9 under this Act under the heading “Procurement, Ac-
10 quisition and Construction” under the heading “Na-
11 tional Oceanic and Atmospheric Administration”.

12 This title may be cited as the “Department of Com-
13 merce Appropriations Act, 2023”.

155

1 TITLE II
2 DEPARTMENT OF JUSTICE
3 GENERAL ADMINISTRATION
4 SALARIES AND EXPENSES

5 For expenses necessary for the administration of the
6 Department of Justice, \$145,000,000, of which
7 \$4,000,000 shall remain available until September 30,
8 2024, and of which not to exceed \$4,000,000 for security
9 and construction of Department of Justice facilities shall
10 remain available until expended.

11 JUSTICE INFORMATION SHARING TECHNOLOGY
12 (INCLUDING TRANSFER OF FUNDS)

13 For necessary expenses for information sharing tech-
14 nology, including planning, development, deployment and
15 departmental direction, \$138,000,000, to remain available
16 until expended: *Provided*, That the Attorney General may
17 transfer up to \$40,000,000 to this account, from funds
18 available to the Department of Justice for information
19 technology, to remain available until expended, for enter-
20 prise-wide information technology initiatives: *Provided fur-*
21 *ther*, That the transfer authority in the preceding proviso
22 is in addition to any other transfer authority contained
23 in this Act: *Provided further*, That any transfer pursuant
24 to the first proviso shall be treated as a reprogramming
25 under section 505 of this Act and shall not be available

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

3 EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

4 (INCLUDING TRANSFER OF FUNDS)

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

17 OFFICE OF INSPECTOR GENERAL

18 For necessary expenses of the Office of Inspector
19 General, \$139,000,000, including not to exceed \$10,000
20 to meet unforeseen emergencies of a confidential char-
21 acter: *Provided,* That not to exceed \$4,000,000 shall re-
22 main available until September 30, 2024.

1 UNITED STATES PAROLE COMMISSION
2 SALARIES AND EXPENSES

3 For necessary expenses of the United States Parole
4 Commission as authorized, \$14,591,000: *Provided*, That,
5 notwithstanding any other provision of law, upon the expi-
6 ration of a term of office of a Commissioner, the Commis-
7 sioner may continue to act until a successor has been ap-
8 pointed.

9 LEGAL ACTIVITIES
10 SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES
11 (INCLUDING TRANSFER OF FUNDS)

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

1 *further*, That of the total amount appropriated, not to ex-
2 ceed \$9,000 shall be available to INTERPOL Washington
3 for official reception and representation expenses: *Pro-*
4 *vided further*, That of the total amount appropriated, not
5 to exceed \$9,000 shall be available to the Criminal Divi-
6 sion for official reception and representation expenses:
7 *Provided further*, That notwithstanding section 205 of this
8 Act, upon a determination by the Attorney General that
9 emergent circumstances require additional funding for liti-
10 gation activities of the Civil Division, the Attorney General
11 may transfer such amounts to “Salaries and Expenses,
12 General Legal Activities” from available appropriations
13 for the current fiscal year for the Department of Justice,
14 as may be necessary to respond to such circumstances:
15 *Provided further*, That any transfer pursuant to the pre-
16 ceding proviso shall be treated as a reprogramming under
17 section 505 of this Act and shall not be available for obli-
18 gation or expenditure except in compliance with the proce-
19 dures set forth in that section: *Provided further*, That of
20 the amount appropriated, such sums as may be necessary
21 shall be available to the Civil Rights Division for salaries
22 and expenses associated with the election monitoring pro-
23 gram under section 8 of the Voting Rights Act of 1965
24 (52 U.S.C. 10305) and to reimburse the Office of Per-
25 sonnel Management for such salaries and expenses: *Pro-*

1 *vided further*, That of the amounts provided under this
2 heading for the election monitoring program, \$3,390,000
3 shall remain available until expended: *Provided further*,
4 That any funds provided under this heading in prior year
5 appropriations Acts that remain available to the Civil
6 Rights Division for salaries and expenses associated with
7 the election monitoring program under section 8 of the
8 Voting Rights Act of 1965 (52 U.S.C. 10305) may also
9 be used to carry out any authorized purposes of the Civil
10 Rights Division: *Provided further*, That amounts
11 repurposed by the preceding proviso may not be used to
12 increase the number of permanent positions.

13 In addition, for reimbursement of expenses of the De-
14 partment of Justice associated with processing cases
15 under the National Childhood Vaccine Injury Act of 1986,
16 \$31,738,000, to be appropriated from the Vaccine Injury
17 Compensation Trust Fund and to remain available until
18 expended.

19 SALARIES AND EXPENSES, ANTITRUST DIVISION

20 For expenses necessary for the enforcement of anti-
21 trust and kindred laws, \$225,000,000, to remain available
22 until expended, of which not to exceed \$5,000 shall be
23 available for official reception and representation ex-
24 penses: *Provided*, That notwithstanding any other provi-
25 sion of law, fees collected for premerger notification filings

1 under the Hart-Scott-Rodino Antitrust Improvements Act
2 of 1976 (15 U.S.C. 18a), regardless of the year of collec-
3 tion (and estimated to be \$190,000,000 in fiscal year
4 2023), shall be retained and used for necessary expenses
5 in this appropriation, and shall remain available until ex-
6 pended: *Provided further*, That the sum herein appro-
7 priated from the general fund shall be reduced as such
8 offsetting collections are received during fiscal year 2023,
9 so as to result in a final fiscal year 2023 appropriation
10 from the general fund estimated at \$35,000,000.

11 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

12 For necessary expenses of the Offices of the United
13 States Attorneys, including inter-governmental and coop-
14 erative agreements, \$2,632,000,000: *Provided*, That of the
15 total amount appropriated, not to exceed \$19,600 shall be
16 available for official reception and representation ex-
17 penses: *Provided further*, That not to exceed \$40,000,000
18 shall remain available until expended: *Provided further*,
19 That each United States Attorney shall establish or par-
20 ticipate in a task force on human trafficking.

21 UNITED STATES TRUSTEE SYSTEM FUND

22 For necessary expenses of the United States Trustee
23 Program, as authorized, \$255,000,000, to remain avail-
24 able until expended: *Provided*, That, notwithstanding any
25 other provision of law, deposits of discretionary offsetting

1 collections to the United States Trustee System Fund and
2 amounts herein appropriated shall be available in such
3 amounts as may be necessary to pay refunds due deposi-
4 tors: *Provided further*, That, notwithstanding any other
5 provision of law, fees deposited into the Fund as discre-
6 tionary offsetting collections pursuant to section 589a of
7 title 28, United States Code (as limited by section
8 589a(f)(2) of title 28, United States Code), shall be re-
9 tained and used for necessary expenses in this appropria-
10 tion and shall remain available until expended: *Provided*
11 *further*, That to the extent that fees deposited into the
12 Fund as discretionary offsetting collections in fiscal year
13 2023, net of amounts necessary to pay refunds due deposi-
14 tors, exceed \$255,000,000, those excess amounts shall be
15 available in future fiscal years only to the extent provided
16 in advance in appropriations Acts: *Provided further*, That
17 the sum herein appropriated from the general fund shall
18 be reduced (1) as such fees are received during fiscal year
19 2023, net of amounts necessary to pay refunds due deposi-
20 tors, (estimated at \$269,000,000) and (2) to the extent
21 that any remaining general fund appropriations can be de-
22 rived from amounts deposited in the Fund as discretionary
23 offsetting collections in previous fiscal years that are not
24 otherwise appropriated, so as to result in a final fiscal year
25 2023 appropriation from the general fund estimated at \$0.

1 SALARIES AND EXPENSES, FOREIGN CLAIMS

2 SETTLEMENT COMMISSION

3 For expenses necessary to carry out the activities of
4 the Foreign Claims Settlement Commission, including
5 services as authorized by section 3109 of title 5, United
6 States Code, \$2,504,000.

7 FEES AND EXPENSES OF WITNESSES

8 For fees and expenses of witnesses, for expenses of
9 contracts for the procurement and supervision of expert
10 witnesses, for private counsel expenses, including ad-
11 vances, and for expenses of foreign counsel, \$270,000,000,
12 to remain available until expended, of which not to exceed
13 \$16,000,000 is for construction of buildings for protected
14 witness safesites; not to exceed \$3,000,000 is for the pur-
15 chase and maintenance of armored and other vehicles for
16 witness security caravans; and not to exceed \$35,000,000
17 is for the purchase, installation, maintenance, and up-
18 grade of secure telecommunications equipment and a se-
19 cure automated information network to store and retrieve
20 the identities and locations of protected witnesses: *Pro-*
21 *vided*, That amounts made available under this heading
22 may not be transferred pursuant to section 205 of this
23 Act.

163

1 SALARIES AND EXPENSES, COMMUNITY RELATIONS

2 SERVICE

3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses of the Community Relations
5 Service, \$25,024,000: *Provided*, That notwithstanding sec-
6 tion 205 of this Act, upon a determination by the Attorney
7 General that emergent circumstances require additional
8 funding for conflict resolution and violence prevention ac-
9 tivities of the Community Relations Service, the Attorney
10 General may transfer such amounts to the Community Re-
11 lations Service, from available appropriations for the cur-
12 rent fiscal year for the Department of Justice, as may be
13 necessary to respond to such circumstances: *Provided fur-*
14 *ther*, That any transfer pursuant to the preceding proviso
15 shall be treated as a reprogramming under section 505
16 of this Act and shall not be available for obligation or ex-
17 penditure except in compliance with the procedures set
18 forth in that section.

19 ASSETS FORFEITURE FUND

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

1 UNITED STATES MARSHALS SERVICE

2 SALARIES AND EXPENSES

3 For necessary expenses of the United States Mar-
4 shals Service, \$1,705,000,000, of which not to exceed
5 \$20,000 shall be available for official reception and rep-
6 resentation expenses, and not to exceed \$25,000,000 shall
7 remain available until expended.

8 CONSTRUCTION

9 For construction in space that is controlled, occupied,
10 or utilized by the United States Marshals Service for pris-
11 oner holding and related support, \$18,000,000, to remain
12 available until expended.

13 FEDERAL PRISONER DETENTION

14 For necessary expenses related to United States pris-
15 oners in the custody of the United States Marshals Service
16 as authorized by section 4013 of title 18, United States
17 Code, \$2,129,789,000, to remain available until expended:
18 *Provided*, That not to exceed \$20,000,000 shall be consid-
19 ered “funds appropriated for State and local law enforce-
20 ment assistance” pursuant to section 4013(b) of title 18,
21 United States Code: *Provided further*, That the United
22 States Marshals Service shall be responsible for managing
23 the Justice Prisoner and Alien Transportation System.

165

1 NATIONAL SECURITY DIVISION

2 SALARIES AND EXPENSES

3 (INCLUDING TRANSFER OF FUNDS)

4 For expenses necessary to carry out the activities of
5 the National Security Division, \$133,512,000, of which
6 not to exceed \$5,000,000 for information technology sys-
7 tems shall remain available until expended: *Provided*, That
8 notwithstanding section 205 of this Act, upon a deter-
9 mination by the Attorney General that emergent cir-
10 cumstances require additional funding for the activities of
11 the National Security Division, the Attorney General may
12 transfer such amounts to this heading from available ap-
13 propriations for the current fiscal year for the Department
14 of Justice, as may be necessary to respond to such cir-
15 cumstances: *Provided further*, That any transfer pursuant
16 to the preceding proviso shall be treated as a reprogram-
17 ming under section 505 of this Act and shall not be avail-
18 able for obligation or expenditure except in compliance
19 with the procedures set forth in that section.

20 INTERAGENCY LAW ENFORCEMENT

21 INTERAGENCY CRIME AND DRUG ENFORCEMENT

22 For necessary expenses for the identification, inves-
23 tigation, and prosecution of individuals associated with the
24 most significant drug trafficking organizations,
25 transnational organized crime, and money laundering or-

1 ganizations not otherwise provided for, to include inter-
2 governmental agreements with State and local law en-
3 forcement agencies engaged in the investigation and pros-
4 ecution of individuals involved in transnational organized
5 crime and drug trafficking, \$550,458,000, of which
6 \$50,000,000 shall remain available until expended: *Pro-*
7 *vided*, That any amounts obligated from appropriations
8 under this heading may be used under authorities avail-
9 able to the organizations reimbursed from this appropria-
10 tion.

11 FEDERAL BUREAU OF INVESTIGATION

12 SALARIES AND EXPENSES

13 For necessary expenses of the Federal Bureau of In-
14 vestigation for detection, investigation, and prosecution of
15 crimes against the United States, \$10,676,000,000, of
16 which not to exceed \$216,900,000 shall remain available
17 until expended: *Provided*, That not to exceed \$284,000
18 shall be available for official reception and representation
19 expenses.

20 CONSTRUCTION

21 For necessary expenses, to include the cost of equip-
22 ment, furniture, and information technology requirements,
23 related to construction or acquisition of buildings, facili-
24 ties, and sites by purchase, or as otherwise authorized by
25 law; conversion, modification, and extension of federally

1 owned buildings; preliminary planning and design of
2 projects; and operation and maintenance of secure work
3 environment facilities and secure networking capabilities;
4 \$651,895,000, to remain available until expended.

5 DRUG ENFORCEMENT ADMINISTRATION

6 SALARIES AND EXPENSES

7 For necessary expenses of the Drug Enforcement Ad-
8 ministration, including not to exceed \$70,000 to meet un-
9 foreseen emergencies of a confidential character pursuant
10 to section 530C of title 28, United States Code; and ex-
11 penses for conducting drug education and training pro-
12 grams, including travel and related expenses for partici-
13 pants in such programs and the distribution of items of
14 token value that promote the goals of such programs,
15 \$2,563,116,000, of which not to exceed \$75,000,000 shall
16 remain available until expended and not to exceed \$90,000
17 shall be available for official reception and representation
18 expenses: *Provided*, That, notwithstanding section 3672 of
19 Public Law 106–310, up to \$10,000,000 may be used to
20 reimburse States, units of local government, Indian Tribal
21 Governments, other public entities, and multi-jurisdic-
22 tional or regional consortia thereof for expenses incurred
23 to clean up and safely dispose of substances associated
24 with clandestine methamphetamine laboratories, conver-
25 sion and extraction operations, tableting operations, or

1 laboratories and processing operations for fentanyl and
2 fentanyl-related substances which may present a danger
3 to public health or the environment.

4 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND
5 EXPLOSIVES
6 SALARIES AND EXPENSES

7 For necessary expenses of the Bureau of Alcohol, To-
8 bacco, Firearms and Explosives, for training of State and
9 local law enforcement agencies with or without reimburse-
10 ment, including training in connection with the training
11 and acquisition of canines for explosives and fire
12 accelerants detection; and for provision of laboratory as-
13 sistance to State and local law enforcement agencies, with
14 or without reimbursement, \$1,672,000,000, of which not
15 to exceed \$36,000 shall be for official reception and rep-
16 resentation expenses, not to exceed \$1,000,000 shall be
17 available for the payment of attorneys' fees as provided
18 by section 924(d)(2) of title 18, United States Code, and
19 not to exceed \$25,000,000 shall remain available until ex-
20 pended: *Provided*, That none of the funds appropriated
21 herein shall be available to investigate or act upon applica-
22 tions for relief from Federal firearms disabilities under
23 section 925(c) of title 18, United States Code: *Provided*
24 *further*, That such funds shall be available to investigate
25 and act upon applications filed by corporations for relief

1 from Federal firearms disabilities under section 925(c) of
2 title 18, United States Code: *Provided further*, That no
3 funds made available by this or any other Act may be used
4 to transfer the functions, missions, or activities of the Bu-
5 reau of Alcohol, Tobacco, Firearms and Explosives to
6 other agencies or Departments.

7
8 CONSTRUCTION

9 For necessary expenses related to construction of lab-
10 oratory facilities, to include the cost of equipment, fur-
11 niture, and information technology requirements; con-
12 struction or acquisition of buildings, facilities, and sites
13 by purchase, or as otherwise authorized by law; conver-
14 sion, modification and extension of federally owned build-
15 ings; and preliminary planning and design of projects;
16 \$75,000,000, to remain available until expended.

17
18 FEDERAL PRISON SYSTEM

19
20 SALARIES AND EXPENSES

21
22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses of the Federal Prison System
24 for the administration, operation, and maintenance of
25 Federal penal and correctional institutions, and for the
provision of technical assistance and advice on corrections
related issues to foreign governments, \$8,392,588,000:
Provided, That not less than \$409,483,000 shall be for
the programs and activities authorized by the First Step

1 Act of 2018 (Public Law 115–391), of which not less than
2 2 percent shall be transferred to and merged with the ap-
3 propriation for “Office of Justice Programs—Research,
4 Evaluation and Statistics” for the National Institute of
5 Justice to carry out evaluations of programs and activities
6 related to the First Step Act of 2018: *Provided further*,
7 That the Attorney General may transfer to the Depart-
8 ment of Health and Human Services such amounts as may
9 be necessary for direct expenditures by that Department
10 for medical relief for inmates of Federal penal and correc-
11 tional institutions: *Provided further*, That the Director of
12 the Federal Prison System, where necessary, may enter
13 into contracts with a fiscal agent or fiscal intermediary
14 claims processor to determine the amounts payable to per-
15 sons who, on behalf of the Federal Prison System, furnish
16 health services to individuals committed to the custody of
17 the Federal Prison System: *Provided further*, That not to
18 exceed \$5,400 shall be available for official reception and
19 representation expenses: *Provided further*, That not to ex-
20 ceed \$50,000,000 shall remain available until expended for
21 necessary operations: *Provided further*, That, of the
22 amounts provided for contract confinement, not to exceed
23 \$20,000,000 shall remain available until expended to
24 make payments in advance for grants, contracts and reim-
25 bursable agreements, and other expenses: *Provided fur-*

1 *ther*, That the Director of the Federal Prison System may
2 accept donated property and services relating to the oper-
3 ation of the prison card program from a not-for-profit en-
4 tity which has operated such program in the past, notwith-
5 standing the fact that such not-for-profit entity furnishes
6 services under contracts to the Federal Prison System re-
7 lating to the operation of pre-release services, halfway
8 houses, or other custodial facilities.

9 BUILDINGS AND FACILITIES

10 For planning, acquisition of sites, and construction
11 of new facilities; purchase and acquisition of facilities and
12 remodeling, and equipping of such facilities for penal and
13 correctional use, including all necessary expenses incident
14 thereto, by contract or force account; and constructing,
15 remodeling, and equipping necessary buildings and facili-
16 ties at existing penal and correctional institutions, includ-
17 ing all necessary expenses incident thereto, by contract or
18 force account, \$108,000,000, to remain available until ex-
19 pended: *Provided*, That labor of United States prisoners
20 may be used for work performed under this appropriation.

21 FEDERAL PRISON INDUSTRIES, INCORPORATED

22 The Federal Prison Industries, Incorporated, is here-
23 by authorized to make such expenditures within the limits
24 of funds and borrowing authority available, and in accord
25 with the law, and to make such contracts and commit-

1 ments without regard to fiscal year limitations as provided
2 by section 9104 of title 31, United States Code, as may
3 be necessary in carrying out the program set forth in the
4 budget for the current fiscal year for such corporation.

5 LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL
6 PRISON INDUSTRIES, INCORPORATED

7 Not to exceed \$2,700,000 of the funds of the Federal
8 Prison Industries, Incorporated, shall be available for its
9 administrative expenses, and for services as authorized by
10 section 3109 of title 5, United States Code, to be com-
11 puted on an accrual basis to be determined in accordance
12 with the corporation's current prescribed accounting sys-
13 tem, and such amounts shall be exclusive of depreciation,
14 payment of claims, and expenditures which such account-
15 ing system requires to be capitalized or charged to cost
16 of commodities acquired or produced, including selling and
17 shipping expenses, and expenses in connection with acqui-
18 sition, construction, operation, maintenance, improvement,
19 protection, or disposition of facilities and other property
20 belonging to the corporation or in which it has an interest.

1 STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES
2 OFFICE ON VIOLENCE AGAINST WOMEN
3 VIOLENCE AGAINST WOMEN PREVENTION AND
4 PROSECUTION PROGRAMS
5 (INCLUDING TRANSFER OF FUNDS)

6 For grants, contracts, cooperative agreements, and
7 other assistance for the prevention and prosecution of vio-
8 lence against women, as authorized by the Omnibus Crime
9 Control and Safe Streets Act of 1968 (34 U.S.C. 10101
10 et seq.) (“the 1968 Act”); title II of the Civil Rights Act
11 of 1968 (commonly known as the “Indian Civil Rights Act
12 of 1968”) (Public Law 90–284) (“the Indian Civil Rights
13 Act”); the Violent Crime Control and Law Enforcement
14 Act of 1994 (Public Law 103–322) (“the 1994 Act”); the
15 Victims of Child Abuse Act of 1990 (Public Law 101–
16 647) (“the 1990 Act”); the Prosecutorial Remedies and
17 Other Tools to end the Exploitation of Children Today Act
18 of 2003 (Public Law 108–21); the Juvenile Justice and
19 Delinquency Prevention Act of 1974 (34 U.S.C. 11101 et
20 seq.) (“the 1974 Act”); the Victims of Trafficking and Vi-
21 olence Protection Act of 2000 (Public Law 106–386)
22 (“the 2000 Act”); the Violence Against Women and De-
23 partment of Justice Reauthorization Act of 2005 (Public
24 Law 109–162) (“the 2005 Act”); the Violence Against
25 Women Reauthorization Act of 2013 (Public Law 113–

1 4) (“the 2013 Act”); the Justice for Victims of Traf-
2 ficking Act of 2015 (Public Law 114–22) (“the 2015
3 Act”); and the Abolish Human Trafficking Act (Public
4 Law 115–392); and the Violence Against Women Act Re-
5 authorization Act of 2022 (division W of Public Law 117–
6 103) (“the 2022 Act”); and for related victims services,
7 \$700,000,000, to remain available until expended: *Pro-*
8 *vided*, That except as otherwise provided by law, not to
9 exceed 5 percent of funds made available under this head-
10 ing may be used for expenses related to evaluation, train-
11 ing, and technical assistance: *Provided further*, That of the
12 amount provided—

13 (1) \$255,000,000 is for grants to combat vio-
14 lence against women, as authorized by part T of the
15 1968 Act, and any applicable increases for the
16 amount of such grants, as authorized by section
17 5903 of the James M. Inhofe National Defense Au-
18 thorization Act for Fiscal Year 2023: *Provided*, That
19 \$10,000,000 shall be for any such increases under
20 such section 5903, which shall apply to fiscal year
21 2023 grants funded by amounts provided in this
22 paragraph;

23 (2) \$50,000,000 is for transitional housing as-
24 sistance grants for victims of domestic violence, dat-

1 ing violence, stalking, or sexual assault as authorized
2 by section 40299 of the 1994 Act;

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

11 (4) \$17,000,000 is for a grant program to pro-
12 vide services to advocate for and respond to youth
13 victims of domestic violence, dating violence, sexual
14 assault, and stalking; assistance to children and
15 youth exposed to such violence; programs to engage
16 men and youth in preventing such violence; and as-
17 sistance to middle and high school students through
18 education and other services related to such violence,
19 of which \$3,500,000 is to engage men and youth in
20 preventing domestic violence, dating violence, sexual
21 assault, and stalking: *Provided*, That unobligated
22 balances available for the programs authorized by
23 sections 41201, 41204, 41303, and 41305 of the
24 1994 Act, prior to its amendment by the 2013 Act,
25 shall be available for this program: *Provided further*,

1 That 10 percent of the total amount available for
2 this grant program shall be available for grants
3 under the program authorized by section 2015 of the
4 1968 Act: *Provided further*, That the definitions and
5 grant conditions in section 40002 of the 1994 Act
6 shall apply to this program;

7 (5) \$60,500,000 is for grants to improve the
8 criminal justice response as authorized by part U of
9 title I the 1968 Act, of which \$4,000,000 is for a
10 homicide reduction initiative; up to \$4,000,000 is for
11 a domestic violence lethality reduction initiative;
12 \$8,000,000 is for an initiative to promote effective
13 policing and prosecution responses to domestic vio-
14 lence, dating violence, sexual assault, and stalking,
15 including evaluation of the effectiveness of funded
16 interventions (“Policing and Prosecution Initia-
17 tive”); and \$1,000,000 is for an initiative to enhance
18 prosecution and investigation of online abuse and
19 harassment (“Prosecution and Investigation of On-
20 line Abuse Initiative”): *Provided*, That subsections
21 (c) and (d) of section 2101 of the 1968 Act shall not
22 apply to the Policing and Prosecution Initiative or
23 the Prosecution and Investigation of Online Abuse
24 Initiative;

1 (6) \$78,500,000 is for sexual assault victims
2 assistance, as authorized by section 41601 of the
3 1994 Act;

4 (7) \$50,000,000 is for rural domestic violence
5 and child abuse enforcement assistance grants, as
6 authorized by section 40295 of the 1994 Act;

7 (8) \$25,000,000 is for grants to reduce violent
8 crimes against women on campus, as authorized by
9 section 304 of the 2005 Act, of which \$12,500,000
10 is for grants to Historically Black Colleges and Uni-
11 versities, Hispanic-Serving Institutions, and Tribal
12 colleges and universities;

13 (9) \$55,000,000 is for legal assistance for vic-
14 tims, as authorized by section 1201 of the 2000 Act;

15 (10) \$9,000,000 is for enhanced training and
16 services to end violence against and abuse of women
17 in later life, as authorized by section 40801 of the
18 1994 Act;

19 (11) \$22,000,000 is for grants to support fami-
20 lies in the justice system, as authorized by section
21 1301 of the 2000 Act: *Provided*, That unobligated
22 balances available for the programs authorized by
23 section 1301 of the 2000 Act and section 41002 of
24 the 1994 Act, prior to their amendment by the 2013
25 Act, shall be available for this program;

1 (12) \$12,000,000 is for education and training
2 to end violence against and abuse of women with
3 disabilities, as authorized by section 1402 of the
4 2000 Act;

5 (13) \$1,000,000 is for the National Resource
6 Center on Workplace Responses to assist victims of
7 domestic violence, as authorized by section 41501 of
8 the 1994 Act;

9 (14) \$1,000,000 is for analysis and research on
10 violence against Indian women, including as author-
11 ized by section 904 of the 2005 Act: *Provided*, That
12 such funds may be transferred to “Research, Eval-
13 uation and Statistics” for administration by the Of-
14 fice of Justice Programs;

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

19 (16) \$11,000,000 is for programs to assist
20 Tribal Governments in exercising special Tribal
21 criminal jurisdiction, as authorized by section 204 of
22 the Indian Civil Rights Act: *Provided*, That the
23 grant conditions in section 40002(b) of the 1994 Act
24 shall apply to grants made;

1 (17) \$2,500,000 is for the purposes authorized
2 under the 2015 Act;

3 (18) \$15,000,000 is for a grant program to
4 support restorative justice responses to domestic vio-
5 lence, dating violence, sexual assault, and stalking,
6 including evaluations of those responses: *Provided*,
7 That the definitions and grant conditions in section
8 109 of the 2022 Act, shall apply to this program;

9 (19) \$11,000,000 is for culturally specific serv-
10 ices for victims, as authorized by section 121 of the
11 2005 Act;

12 (20) \$3,000,000 is for an initiative to support
13 cross-designation of tribal prosecutors as Tribal Spe-
14 cial Assistant United States Attorneys: *Provided*,
15 That the definitions and grant conditions in section
16 40002 of the 1994 Act shall apply to this initiative;

17 (21) \$1,000,000 is for an initiative to support
18 victims of domestic violence, dating violence, sexual
19 assault, and stalking, including through the provi-
20 sion of technical assistance, as authorized by section
21 206 of the 2022 Act: *Provided*, That the definitions
22 and grant conditions in section 40002 of the 1994
23 Act shall apply to this initiative;

24 (22) \$2,000,000 is for a National Deaf Services
25 Line to provide remote services to Deaf victims of

1 domestic violence, dating violence, sexual assault,
2 and stalking: *Provided*, That the definitions and
3 grant conditions in section 40002 of the 1994 Act
4 shall apply to this service line;

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

8 (24) \$4,000,000 is for an initiative to provide
9 financial assistance to victims, including evaluation
10 of the effectiveness of funded projects: *Provided*,
11 That the definitions and grant conditions in section
12 40002 of the 1994 Act shall apply to this initiative;

13 (25) \$5,000,000 is for trauma-informed, victim-
14 centered training for law enforcement, and related
15 research and evaluation activities, as authorized by
16 section 41701 of the 1994 Act; and

17 (26) \$1,500,000 is for a pilot program to im-
18 prove victim services on college campuses.

19 OFFICE OF JUSTICE PROGRAMS

20 RESEARCH, EVALUATION AND STATISTICS

21 For grants, contracts, cooperative agreements, and
22 other assistance authorized by title I of the Omnibus
23 Crime Control and Safe Streets Act of 1968 (“the 1968
24 Act”); the Violent Crime Control and Law Enforcement
25 Act of 1994 (Public Law 103–322) (“the 1994 Act”); the

1 Juvenile Justice and Delinquency Prevention Act of 1974
2 (“the 1974 Act”); the Missing Children’s Assistance Act
3 (34 U.S.C. 11291 et seq.); the Prosecutorial Remedies and
4 Other Tools to end the Exploitation of Children Today Act
5 of 2003 (Public Law 108–21) (“the PROTECT Act”); the
6 Justice for All Act of 2004 (Public Law 108–405); the
7 Violence Against Women and Department of Justice Re-
8 authorization Act of 2005 (Public Law 109–162) (“the
9 2005 Act”); the Victims of Child Abuse Act of 1990 (Pub-
10 lic Law 101–647); the Second Chance Act of 2007 (Public
11 Law 110–199); the Victims of Crime Act of 1984 (Public
12 Law 98–473); the Adam Walsh Child Protection and Safe-
13 ty Act of 2006 (Public Law 109–248) (“the Adam Walsh
14 Act”); the PROTECT Our Children Act of 2008 (Public
15 Law 110–401); subtitle C of title II of the Homeland Se-
16 curity Act of 2002 (Public Law 107–296) (“the 2002
17 Act”); the Prison Rape Elimination Act of 2003 (Public
18 Law 108–79) (“PREA”); the NICS Improvement Amend-
19 ments Act of 2007 (Public Law 110–180); the Violence
20 Against Women Reauthorization Act of 2013 (Public Law
21 113–4) (“the 2013 Act”); the Comprehensive Addiction
22 and Recovery Act of 2016 (Public Law 114–198); the
23 First Step Act of 2018 (Public Law 115–391); and other
24 programs, \$77,000,000, to remain available until ex-
25 pended, of which—

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

4 (2) \$35,000,000 is for research, development,
5 and evaluation programs, and other activities as au-
6 thorized by part B of title I of the 1968 Act and
7 subtitle C of title II of the 2002 Act, and for activi-
8 ties authorized by or consistent with the First Step
9 Act of 2018, of which \$7,500,000 is for research
10 targeted toward developing a better understanding
11 of the domestic radicalization phenomenon, and ad-
12 vancing evidence-based strategies for effective inter-
13 vention and prevention; \$1,000,000 is for research
14 to study the root causes of school violence to include
15 the impact and effectiveness of grants made under
16 the STOP School Violence Act of 2018 (title V of
17 division S of Public Law 115–141); \$1,000,000 is
18 for research on violence against American Indians
19 and Alaska Natives or otherwise affecting indigenous
20 communities, in connection with extractive industry
21 activities; \$1,000,000 is for research on gun violence
22 prevention; \$1,000,000 is for surveys on the campus
23 sexual assault climate; \$1,200,000 is for a study on
24 certain school-based crimes; and \$1,000,000 is for a

1 study on law enforcement and community agency re-
2 sponses to opioid overdoses.

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

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

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

1 sons and Unidentified Remains Act of 2019 (Public Law
2 116–277); the Jabara-Heyer NO HATE Act (34 U.S.C.
3 30507); the Violence Against Women Act Reauthorization
4 Act of 2022 (division W of Public Law 117–103 (“the
5 2022 Act”)); and other programs, \$2,416,805,000, to re-
6 main available until expended 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
10 (except that section 1001(c), and the special rules
11 for Puerto Rico under section 505(g), of title I of
12 the 1968 Act shall not apply for purposes of this
13 Act), of which, notwithstanding such subpart 1—

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

18 (B) \$3,500,000 is for the operation, main-
19 tenance, and expansion of the National Missing
20 and Unidentified Persons System;

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

1 (D) \$5,000,000 is for a student loan re-
2 payment assistance program pursuant to sec-
3 tion 952 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 Ameri-
9 cans Alert Program (title XXIV of the 1994
10 Act), as amended by Kevin and Avonte’s Law;

11 (G) \$20,000,000 is for grants authorized
12 under the Project Safe Neighborhoods Grant
13 Authorization Act of 2018 (Public Law 115–
14 185);

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

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

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

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
12 Remains 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 fo-
17 rensic ballistics programs;

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

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

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

8 (S) \$5,000,000 is for a program to im-
9 prove virtual training for law enforcement; and

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

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

21 (3) \$95,000,000 for victim services programs
22 for victims of trafficking, as authorized by section
23 107(b)(2) of the Victims of Trafficking Act, by the
24 TVPRA of 2005, or programs authorized under
25 Public Law 113–4;

1 (4) \$13,000,000 for a grant program to prevent
2 and address economic, high technology, white collar,
3 and Internet crime, including as authorized by sec-
4 tion 401 of Public Law 110–403, of which not less
5 than \$2,500,000 is for intellectual property enforce-
6 ment grants including as authorized by section 401,
7 and \$2,000,000 is for grants to develop databases
8 on Internet of Things device capabilities and to build
9 and execute training modules for law enforcement;

10 (5) \$20,000,000 for sex offender management
11 assistance, as authorized by the Adam Walsh Act,
12 and related activities;

13 (6) \$30,000,000 for the Patrick Leahy Bullet-
14 proof Vest Partnership Grant Program, as author-
15 ized by section 2501 of title I of the 1968 Act: *Pro-*
16 *vided*, That \$1,500,000 shall be transferred directly
17 to the National Institute of Standards and Tech-
18 nology’s Office of Law Enforcement Standards for
19 research, testing, and evaluation programs;

20 (7) \$1,000,000 for the National Sex Offender
21 Public Website;

22 (8) \$95,000,000 for grants to States to up-
23 grade criminal and mental health records for the
24 National Instant Criminal Background Check Sys-
25 tem, of which no less than \$25,000,000 shall be for

1 grants made under the authorities of the NICS Im-
2 provement Amendments Act of 2007 (Public Law
3 110–180) and Fix NICS Act of 2018;

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

7 (10) \$170,000,000 for DNA-related and foren-
8 sic programs and activities, of which—

9 (A) \$130,000,000 is for the purposes au-
10 thorized under section 2 of the DNA Analysis
11 Backlog Elimination Act of 2000 (Public Law
12 106–546) (the Debbie Smith DNA Backlog
13 Grant Program): *Provided*, That up to 4 per-
14 cent of funds made available under this para-
15 graph may be used for the purposes described
16 in the DNA Training and Education for Law
17 Enforcement, Correctional Personnel, and
18 Court Officers program (Public Law 108–405,
19 section 303);

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

22 (C) \$15,000,000 is for the purposes de-
23 scribed in the Kirk Bloodsworth Post-Convic-
24 tion DNA Testing Grant Program (Public Law
25 108–405, section 412); and

1 (D) \$5,000,000 is for Sexual Assault Fo-
2 rensic Exam Program grants, including as au-
3 thorized 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 prosecu-
7 tion of related cold cases;

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

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

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

20 (A) \$8,000,000 is for a program to im-
21 prove State, local, and Tribal probation or pa-
22 role supervision efforts and strategies;

23 (B) \$5,000,000 is for children of incarcer-
24 ated parents demonstration programs to en-
25 hance and maintain parental and family rela-

1 tionships for incarcerated parents as a reentry
2 or recidivism 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
8 used for a project that provides training, tech-
9 nical assistance, and best practices; and

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

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

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

1 orders consistent with underlying program authori-
2 ties, of which—

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

6 (B) \$45,000,000 is for mental health
7 courts and adult and juvenile collaboration pro-
8 gram grants, as authorized by parts V and HH
9 of title I of the 1968 Act, and the Mentally Ill
10 Offender Treatment and Crime Reduction Re-
11 authorization and Improvement Act of 2008
12 (Public Law 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 treat-
18 ment 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;

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

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

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

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

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

1 resolution and community empowerment and edu-
2 cation;

3 (21) \$10,000,000 for programs authorized
4 under the Jabara-Heyer NO HATE Act (34 U.S.C.
5 30507); and

6 (22) \$120,000,000 for initiatives to improve po-
7 lice-community relations, of which \$35,000,000 is
8 for a competitive matching grant program for pur-
9 chases of body-worn cameras for State, local, and
10 Tribal law enforcement; \$35,000,000 is for a justice
11 reinvestment initiative, for activities related to crimi-
12 nal justice reform and recidivism reduction; and
13 \$50,000,000 is for a community violence interven-
14 tion and prevention initiative:

15 *Provided*, That, if a unit of local government uses any of
16 the funds made available under this heading to increase
17 the number of law enforcement officers, the unit of local
18 government will achieve a net gain in the number of law
19 enforcement officers who perform non-administrative pub-
20 lic sector safety service: *Provided further*, That in the
21 spending plan submitted pursuant to section 528 of this
22 Act, the Office of Justice Programs shall specifically and
23 explicitly identify all changes in the administration of com-
24 petitive grant programs for fiscal year 2023, including

1 changes to applicant eligibility, priority areas or
2 weightings, and the application review process.

3 JUVENILE JUSTICE PROGRAMS

4 For grants, contracts, cooperative agreements, and
5 other assistance authorized by the Juvenile Justice and
6 Delinquency Prevention Act of 1974 (“the 1974 Act”); the
7 Omnibus Crime Control and Safe Streets Act of 1968
8 (“the 1968 Act”); the Violence Against Women and De-
9 partment of Justice Reauthorization Act of 2005 (Public
10 Law 109–162) (“the 2005 Act”); the Missing Children’s
11 Assistance Act (34 U.S.C. 11291 et seq.); the PROTECT
12 Act (Public Law 108–21); the Victims of Child Abuse Act
13 of 1990 (Public Law 101–647) (“the 1990 Act”); the
14 Adam Walsh Child Protection and Safety Act of 2006
15 (Public Law 109–248) (“the Adam Walsh Act”); the
16 PROTECT Our Children Act of 2008 (Public Law 110–
17 401); the Violence Against Women Reauthorization Act
18 of 2013 (Public Law 113–4) (“the 2013 Act”); the Justice
19 for All Reauthorization Act of 2016 (Public Law 114–
20 324); the Missing Children’s Assistance Act of 2018 (Pub-
21 lic Law 115–267); the Juvenile Justice Reform Act of
22 2018 (Public Law 115–385); the Victims of Crime Act
23 of 1984 (chapter XIV of title II of Public Law 98–473)
24 (“the 1984 Act”); the Comprehensive Addiction and Re-
25 covery Act of 2016 (Public Law 114–198); and other juve-

1 nile justice programs, \$400,000,000, to remain available
2 until expended as follows—

3 (1) \$75,000,000 for programs authorized by
4 section 221 of the 1974 Act, and for training and
5 technical assistance to assist small, nonprofit organi-
6 zations with the Federal grants process: *Provided*,
7 That of the amounts provided under this paragraph,
8 \$500,000 shall be for a competitive demonstration
9 grant program to support emergency planning
10 among State, local, and Tribal juvenile justice resi-
11 dential facilities;

12 (2) \$107,000,000 for youth mentoring grants;

13 (3) \$65,000,000 for delinquency prevention, of
14 which, pursuant to sections 261 and 262 of the
15 1974 Act—

16 (A) \$5,000,000 shall be for grants to pre-
17 vent trafficking of girls;

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

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

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

1 (E) \$12,500,000 shall be for an initiative
2 relating to youth affected by opioids, stimu-
3 lants, 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 pro-
7 tect vulnerable and at-risk youth;

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

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

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

19 (7) \$2,500,000 for a program to improve juve-
20 nile 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
25 the amounts designated under paragraphs (1) through (3)

1 and (6) may be used for training and technical assistance:
2 *Provided 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
5 exploited 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
10 Safe Streets Act of 1968, such sums as are necessary (in-
11 cluding amounts for administrative costs), to remain avail-
12 able until expended; and \$34,800,000 for payments au-
13 thorized by section 1201(b) of such Act and for edu-
14 cational assistance authorized by section 1218 of such Act,
15 to remain available until expended: *Provided*, That not-
16 withstanding section 205 of this Act, upon a determina-
17 tion by the Attorney General that emergent circumstances
18 require additional funding for such disability and edu-
19 cation payments, the Attorney General may transfer such
20 amounts to “Public Safety Officer Benefits” from avail-
21 able appropriations for the Department of Justice as may
22 be necessary to respond to such circumstances: *Provided*
23 *further*, That any transfer pursuant to the preceding pro-
24 viso shall be treated as a reprogramming under section
25 505 of this Act and shall not be available for obligation

1 or expenditure except in compliance with the procedures
2 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 Con-
7 trol and Law Enforcement Act of 1994 (Public Law 103-
8 322); the Omnibus Crime Control and Safe Streets Act
9 of 1968 (“the 1968 Act”); the Violence Against Women
10 and Department of Justice Reauthorization Act of 2005
11 (Public Law 109-162) (“the 2005 Act”); the American
12 Law Enforcement Heroes Act of 2017 (Public Law 115-
13 37); the Law Enforcement Mental Health and Wellness
14 Act (Public Law 115-113) (“the LEMHW Act”); the
15 SUPPORT for Patients and Communities Act (Public
16 Law 115-271); and the Supporting and Treating Officers
17 In Crisis Act of 2019 (Public Law 116-32) (“the STOIC
18 Act”), \$662,880,000, to remain available until expended:
19 *Provided*, That any balances made available through prior
20 year deobligations shall only be available in accordance
21 with section 505 of this Act: *Provided further*, That of the
22 amount provided under this heading—

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

1 enforcement officers under part Q of such title not-
2 withstanding subsection (i) of such section: *Pro-*
3 *vided*, That, notwithstanding section 1704(c) of such
4 title (34 U.S.C. 10384(c)), funding for hiring or re-
5 hiring a career law enforcement officer may not ex-
6 ceed \$125,000 unless the Director of the Office of
7 Community Oriented Policing Services grants a
8 waiver from this limitation: *Provided further*, That of
9 the amounts appropriated under this paragraph,
10 \$34,000,000 is for improving Tribal law enforce-
11 ment, including hiring, equipment, training, anti-
12 methamphetamine activities, and anti-opioid activi-
13 ties: *Provided further*, That of the amounts appro-
14 priated under this paragraph, \$44,000,000 is for re-
15 gional information sharing activities, as authorized
16 by part M of title I of the 1968 Act, which shall be
17 transferred to and merged with “Research, Evalua-
18 tion, and Statistics” for administration by the Office
19 of Justice Programs: *Provided further*, That of the
20 amounts appropriated under this paragraph, no less
21 than \$4,000,000 is to support the Tribal Access
22 Program: *Provided further*, That of the amounts ap-
23 propriated under this paragraph, \$10,000,000 is for
24 training, peer mentoring, mental health program ac-
25 tivities, and other support services as authorized

1 under the LEMHW Act and the STOIC Act: *Pro-*
2 *vided further*, That of the amounts appropriated
3 under this paragraph, \$7,500,000 is for the collabo-
4 rative reform model of technical assistance in fur-
5 therance of section 1701 of title I of the 1968 Act
6 (34 U.S.C. 10381);

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

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

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

1 and prescription opioid traffickers through statewide
2 collaboration;

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

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

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

1 osophical beliefs of individual employees of the Bureau of
2 Prisons.

3 SEC. 205. Not to exceed 5 percent of any appropria-
4 tion made available for the current fiscal year for the De-
5 partment of Justice in this Act may be transferred be-
6 tween such appropriations, but no such appropriation, ex-
7 cept as otherwise specifically provided, shall be increased
8 by more than 10 percent by any such transfers: *Provided*,
9 That any transfer pursuant to this section shall be treated
10 as a reprogramming of funds under section 505 of this
11 Act and shall not be available for obligation except in com-
12 pliance with the procedures set forth in that section: *Pro-*
13 *vided further*, That this section shall not apply to the fol-
14 lowing—

15 (1) paragraph 1(Q) under the heading “State
16 and Local Law Enforcement Assistance”; and

17 (2) paragraph (7) under the heading “Commu-
18 nity Oriented Policing Services Programs”.

19 SEC. 206. None of the funds made available under
20 this title may be used by the Federal Bureau of Prisons
21 or the United States Marshals Service for the purpose of
22 transporting an individual who is a prisoner pursuant to
23 conviction for crime under State or Federal law and is
24 classified as a maximum or high security prisoner, other
25 than to a prison or other facility certified by the Federal

1 Bureau of Prisons as appropriately secure for housing
2 such a prisoner.

3 SEC. 207. (a) None of the funds appropriated by this
4 Act may be used by Federal prisons to purchase cable tele-
5 vision services, or to rent or purchase audiovisual or elec-
6 tronic media or equipment used primarily for recreational
7 purposes.

8 (b) Subsection (a) does not preclude the rental, main-
9 tenance, or purchase of audiovisual or electronic media or
10 equipment for inmate training, religious, or educational
11 programs.

12 SEC. 208. None of the funds made available under
13 this title shall be obligated or expended for any new or
14 enhanced information technology program having total es-
15 timated development costs in excess of \$100,000,000, un-
16 less the Deputy Attorney General and the investment re-
17 view board certify to the Committees on Appropriations
18 of the House of Representatives and the Senate that the
19 information technology program has appropriate program
20 management controls and contractor oversight mecha-
21 nisms in place, and that the program is compatible with
22 the enterprise architecture of the Department of Justice.

23 SEC. 209. The notification thresholds and procedures
24 set forth in section 505 of this Act shall apply to devi-
25 ations from the amounts designated for specific activities

1 in this Act and in the explanatory statement described in
2 section 4 (in the matter preceding division A of this con-
3 solidated Act), and to any use of deobligated balances of
4 funds provided under this title in previous years.

5 SEC. 210. None of the funds appropriated by this Act
6 may be used to plan for, begin, continue, finish, process,
7 or approve a public-private competition under the Office
8 of Management and Budget Circular A-76 or any suc-
9 cessor administrative regulation, directive, or policy for
10 work performed by employees of the Bureau of Prisons
11 or of Federal Prison Industries, Incorporated.

12 SEC. 211. Notwithstanding any other provision of
13 law, no funds shall be available for the salary, benefits,
14 or expenses of any United States Attorney assigned dual
15 or additional responsibilities by the Attorney General or
16 his designee that exempt that United States Attorney
17 from the residency requirements of section 545 of title 28,
18 United States Code.

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

1 (1) up to 2 percent of funds made available to
2 the Office of Justice Programs for grant or reim-
3 bursement programs may be used by such Office to
4 provide training and technical assistance; and

5 (2) up to 2 percent of funds made available for
6 grant or reimbursement programs under such head-
7 ings, except for amounts appropriated specifically for
8 research, evaluation, or statistical programs adminis-
9 tered by the National Institute of Justice and the
10 Bureau of Justice Statistics, shall be transferred to
11 and merged with funds provided to the National In-
12 stitute of Justice and the Bureau of Justice Statis-
13 tics, to be used by them for research, evaluation, or
14 statistical purposes, without regard to the authoriza-
15 tions for such grant or reimbursement programs.

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

19 SEC. 213. Upon request by a grantee for whom the
20 Attorney General has determined there is a fiscal hard-
21 ship, the Attorney General may, with respect to funds ap-
22 propriated in this or any other Act making appropriations
23 for fiscal years 2020 through 2023 for the following pro-
24 grams, waive the following requirements:

1 (1) For the adult and juvenile offender State
2 and local reentry demonstration projects under part
3 FF of title I of the Omnibus Crime Control and
4 Safe Streets Act of 1968 (34 U.S.C. 10631 et seq.),
5 the requirements under section 2976(g)(1) of such
6 part (34 U.S.C. 10631(g)(1)).

7 (2) For grants to protect inmates and safe-
8 guard communities as authorized by section 6 of the
9 Prison Rape Elimination Act of 2003 (34 U.S.C.
10 30305(c)(3)), the requirements of section 6(c)(3) of
11 such Act.

12 SEC. 214. Notwithstanding any other provision of
13 law, section 20109(a) of subtitle A of title II of the Violent
14 Crime Control and Law Enforcement Act of 1994 (34
15 U.S.C. 12109(a)) shall not apply to amounts made avail-
16 able by this or any other Act.

17 SEC. 215. None of the funds made available under
18 this Act, other than for the national instant criminal back-
19 ground check system established under section 103 of the
20 Brady Handgun Violence Prevention Act (34 U.S.C.
21 40901), may be used by a Federal law enforcement officer
22 to facilitate the transfer of an operable firearm to an indi-
23 vidual if the Federal law enforcement officer knows or sus-
24 pects that the individual is an agent of a drug cartel, un-

1 less law enforcement personnel of the United States con-
2 tinuously monitor or control the firearm at all times.

3 SEC. 216. (a) None of the income retained in the De-
4 partment of Justice Working Capital Fund pursuant to
5 title I of Public Law 102–140 (105 Stat. 784; 28 U.S.C.
6 527 note) shall be available for obligation during fiscal
7 year 2023, except up to \$12,000,000 may be obligated for
8 implementation of a unified Department of Justice finan-
9 cial management system.

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

18 (c) Not to exceed \$10,000,000 of the excess unobli-
19 gated balances available under section 524(c)(8)(E) of
20 title 28, United States Code, shall be available for obliga-
21 tion during fiscal year 2023, and any use, obligation,
22 transfer or allocation of such funds shall be treated as a
23 reprogramming of funds under section 505 of this Act.

24 SEC. 217. Discretionary funds that are made avail-
25 able in this Act for the Office of Justice Programs may

1 be used to participate in Performance Partnership Pilots
2 authorized under such authorities as have been enacted
3 for Performance Partnership Pilots in appropriations acts
4 in prior fiscal years and the current fiscal year.

5 SEC. 218. The Attorney General shall submit to the
6 Committees on Appropriations of the House of Represent-
7 atives and the Senate quarterly reports on the Crime Vic-
8 tims Fund, the Working Capital Fund, the Three Percent
9 Fund, and the Asset Forfeiture Fund. Such quarterly re-
10 ports shall contain at least the same level of information
11 and detail for each Fund as was provided to the Commit-
12 tees on Appropriations of the House of Representatives
13 and the Senate in fiscal year 2022.

14 SEC. 219. Section 3201 of Public Law 101–647, as
15 amended (28 U.S.C. 509 note), is hereby amended: (1)
16 by striking “or the Immigration and Naturalization Serv-
17 ice” and inserting “the Federal Prison System, the Bu-
18 reau of Alcohol, Tobacco, Firearms and Explosives, or the
19 United States Marshals Service”; and (2) by striking
20 “\$25,000” and inserting “\$50,000”.

21 SEC. 220. None of the funds made available under
22 this Act may be used to conduct, contract for, or otherwise
23 support, live tissue training, unless the Attorney General
24 issues a written, non-delegable determination that such

1 training is medically necessary and cannot be replicated
2 by alternatives.

3 SEC. 221. (a) DESIGNATION.—The facilities of the
4 Federal Bureau of Investigation at Redstone Arsenal, Ala-
5 bama, shall be known and designated as the “Richard
6 Shelby Center for Innovation and Advanced Training”.

7 (b) REFERENCES.—Any reference in a law, map, reg-
8 ulation, document, paper, or other record of the United
9 States to the facilities of the Federal Bureau of Investiga-
10 tion at Redstone Arsenal referred to in subsection (a) shall
11 be deemed to be a reference to the “Richard Shelby Center
12 for Innovation and Advanced Training”.

13 This title may be cited as the “Department of Justice
14 Appropriations Act, 2023”.

213

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
8 passenger motor vehicles, and services as authorized by
9 section 3109 of title 5, United States Code, not to exceed
10 \$2,250 for official reception and representation expenses,
11 and rental of conference rooms in the District of Colum-
12 bia, \$7,965,000.

13 NATIONAL SPACE COUNCIL

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

1 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
2 SCIENCE

3 For necessary expenses, not otherwise provided for,
4 in the conduct and support of science research and devel-
5 opment 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,
18 in the conduct and support of aeronautics research and
19 development activities, including research, development,
20 operations, support, and services; maintenance and repair,
21 facility planning and design; space flight, spacecraft con-
22 trol, and communications activities; program manage-
23 ment; personnel and related costs, including uniforms or
24 allowances therefor, as authorized by sections 5901 and
25 5902 of title 5, United States Code; travel expenses; pur-

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

5 SPACE TECHNOLOGY

6 For necessary expenses, not otherwise provided for,
7 in the conduct and support of space technology research
8 and development activities, including research, develop-
9 ment, operations, support, and services; maintenance and
10 repair, facility planning and design; space flight, space-
11 craft control, and communications activities; program
12 management; personnel and related costs, including uni-
13 forms or allowances therefor, as authorized by sections
14 5901 and 5902 of title 5, United States Code; travel ex-
15 penses; purchase and hire of passenger motor vehicles; and
16 purchase, lease, charter, maintenance, and operation of
17 mission and administrative aircraft, \$1,200,000,000, to
18 remain available until September 30, 2024: *Provided*,
19 That \$227,000,000 shall be for On-orbit Servicing, As-
20 sembly, and Manufacturing 1: *Provided further*, That
21 \$110,000,000 shall be for the development, production,
22 and demonstration of a nuclear thermal propulsion sys-
23 tem, of which not less than \$45,000,000 shall be for reac-
24 tor development, not less than \$45,000,000 shall be for
25 fuel materials development, and not less than \$20,000,000

1 shall be for non-nuclear systems development and acquisi-
2 tion planning: *Provided further*, That, not later than 180
3 days after the enactment of this Act, the National Aero-
4 nautics and Space Administration shall provide a plan for
5 the design of a flight demonstration.

6 EXPLORATION

7 For necessary expenses, not otherwise provided for,
8 in the conduct and support of Artemis Campaign Develop-
9 ment activities, including research, development, oper-
10 ations, support, and services; maintenance and repair, fa-
11 cility planning and design; space flight, spacecraft control,
12 and communications activities; program management; per-
13 sonnel and related costs, including uniforms or allowances
14 therefor, as authorized by sections 5901 and 5902 of title
15 5, United States Code; travel expenses; purchase and hire
16 of passenger motor vehicles; and purchase, lease, charter,
17 maintenance, and operation of mission and administrative
18 aircraft, \$7,468,850,000, to remain available until Sep-
19 tember 30, 2024: *Provided*, That not less than
20 \$1,338,700,000 shall be for the Orion Multi-Purpose Crew
21 Vehicle: *Provided further*, That not less than
22 \$2,600,000,000 shall be for the Space Launch System
23 (SLS) launch vehicle, which shall have a lift capability not
24 less than 130 metric tons and which shall have core ele-
25 ments and an Exploration Upper Stage developed simulta-

1 neously to be used to the maximum extent practicable, in-
2 cluding for Earth to Moon missions and Moon landings:
3 *Provided further*, That of the amounts provided for SLS,
4 not less than \$600,000,000 shall be for SLS Block 1B
5 development including the Exploration Upper Stage and
6 associated systems including related facilitization, to sup-
7 port an SLS Block 1B mission available to launch in 2025
8 in addition to the planned Block 1 missions for Artemis
9 I through Artemis III: *Provided further*, That
10 \$799,150,000 shall be for Exploration Ground Systems
11 and associated Block 1B activities, including up to
12 \$281,350,000 for a second mobile launch platform: *Pro-*
13 *vided further*, That the National Aeronautics and Space
14 Administration shall provide to the Committees on Appro-
15 priations of the House of Representatives and the Senate,
16 concurrent with the annual budget submission, a 5-year
17 budget profile for an integrated system that includes the
18 SLS, the Orion Multi-Purpose Crew Vehicle, and associ-
19 ated ground systems that will ensure a crewed launch as
20 early as possible, as well as a system-based funding profile
21 for a sustained launch cadence that contemplates the use
22 of an SLS Block 1B cargo variant with an 8.4 meter fair-
23 ing and associated ground systems: *Provided further*, That
24 \$2,600,300,000 shall be for Artemis Campaign Develop-
25 ment.

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

8 SAFETY, SECURITY AND MISSION SERVICES

9 For necessary expenses, not otherwise provided for,
10 in the conduct and support of science, aeronautics, space
11 technology, exploration, space operations and education
12 research and development activities, including research,
13 development, operations, support, and services; mainte-
14 nance and repair, facility planning and design; space
15 flight, spacecraft control, and communications activities;
16 program management; personnel and related costs, includ-
17 ing uniforms or allowances therefor, as authorized by sec-
18 tions 5901 and 5902 of title 5, United States Code; travel
19 expenses; purchase and hire of passenger motor vehicles;
20 not to exceed \$63,000 for official reception and represen-
21 tation expenses; and purchase, lease, charter, mainte-
22 nance, and operation of mission and administrative air-
23 craft, \$3,129,451,000, to remain available until Sep-
24 tember 30, 2024: *Provided*, That if available balances in
25 the “Science, Space, and Technology Education Trust

1 Fund” are not sufficient to provide for the grant disburse-
2 ments required under the third and fourth provisos under
3 such heading in the Department of Housing and Urban
4 Development-Independent Agencies Appropriations Act,
5 1989 (Public Law 100–404) as amended by the Depart-
6 ments of Veterans Affairs and Housing and Urban Devel-
7 opment, and Independent Agencies Appropriations Act,
8 1995 (Public Law 103–327) up to \$1,000,000 shall be
9 available from amounts made available under this heading
10 to make such grant disbursements: *Provided further*, That
11 of the amounts appropriated under this heading,
12 \$30,701,000 shall be used for the projects, and in the
13 amounts, specified in the table under the heading “NASA
14 Community Projects/NASA Special Projects” in the ex-
15 planatory statement described in section 4 (in the matter
16 preceding division A of this consolidated Act): *Provided*
17 *further*, That the amounts made available for the projects
18 referenced in the preceding proviso may not be transferred
19 for any other purpose.

20 CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND
21 RESTORATION

22 For necessary expenses for construction of facilities
23 including repair, rehabilitation, revitalization, and modi-
24 fication of facilities, construction of new facilities and ad-
25 ditions to existing facilities, facility planning and design,

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

15 OFFICE OF INSPECTOR GENERAL

16 For necessary expenses of the Office of Inspector
17 General in carrying out the Inspector General Act of 1978,
18 \$47,600,000, of which \$500,000 shall remain available
19 until September 30, 2024.

20 ADMINISTRATIVE PROVISIONS

21 (INCLUDING TRANSFERS OF FUNDS)

22 Funds for any announced prize otherwise authorized
23 shall remain available, without fiscal year limitation, until
24 a prize is claimed or the offer is withdrawn.

1 Not to exceed 5 percent of any appropriation made
2 available for the current fiscal year for the National Aero-
3 nautics and Space Administration in this Act may be
4 transferred between such appropriations, but no such ap-
5 propriation, except as otherwise specifically provided, shall
6 be increased by more than 10 percent by any such trans-
7 fers. Any funds transferred to “Construction and Environ-
8 mental Compliance and Restoration” for construction ac-
9 tivities shall not increase that account by more than 50
10 percent and any funds transferred to or within “Explo-
11 ration” for Exploration Ground Systems shall not increase
12 Exploration Ground Systems by more than \$49,300,000.
13 Balances so transferred shall be merged with and available
14 for the same purposes and the same time period as the
15 appropriations to which transferred. Any transfer pursu-
16 ant to this provision shall be treated as a reprogramming
17 of funds under section 505 of this Act and shall not be
18 available for obligation except in compliance with the pro-
19 cedures set forth in that section.

20 Not to exceed 5 percent of any appropriation pro-
21 vided for the National Aeronautics and Space Administra-
22 tion under previous appropriations Acts that remains
23 available for obligation or expenditure in fiscal year 2023
24 may be transferred between such appropriations, but no
25 such appropriation, except as otherwise specifically pro-

1 vided, shall be increased by more than 10 percent by any
2 such transfers. Any transfer pursuant to this provision
3 shall retain its original availability and shall be treated
4 as a reprogramming of funds under section 505 of this
5 Act and shall not be available for obligation except in com-
6 pliance with the procedures set forth in that section.

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

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

1 Of the amounts made available in this Act under the
2 heading “Science, Technology, Engineering, and Mathe-
3 matics Engagement” (“STEM Engagement”), up to
4 \$5,000,000 shall be available to jointly fund, with an addi-
5 tional amount of up to \$1,000,000 each from amounts
6 made available in this Act under the headings “Science”,
7 “Aeronautics”, “Space Technology”, “Exploration”, and
8 “Space Operations”, projects and activities for engaging
9 students in STEM and increasing STEM research capac-
10 ities of universities, including Minority Serving Institu-
11 tions.

12 Section 30102(b) of title 51, United States Code, is
13 amended by:

14 (1) Redesignating existing paragraph (3) to (4);

15 and

16 (2) Inserting, after paragraph (2), the fol-
17 lowing:

18 “(3) INFORMATION TECHNOLOGY (IT) MOD-
19 ERNIZATION.—The fund shall also be available for
20 the purpose of funding IT Modernization activities,
21 as described in section 1077(b)(3)(A)–(E) of Public
22 Law 115–91, on a non-reimbursable basis.”.

23 Not to exceed \$18,162,000 made available for the
24 current fiscal year in this Act within “Safety, Security and
25 Mission Services” may be transferred to the Working Cap-

1 ital Fund of the National Aeronautics and Space Adminis-
2 tration. Balances so transferred shall be available until ex-
3 pended only for activities described in section 30102(b)(3)
4 of title 51, United States Code, as amended by this Act,
5 and shall remain available until expended. Any transfer
6 pursuant to this provision shall be treated as a reprogram-
7 ming of funds under section 505 of this Act and shall not
8 be available for obligation except in compliance with the
9 procedures set forth in that section.

10 NATIONAL SCIENCE FOUNDATION

11 RESEARCH AND RELATED ACTIVITIES

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

1 the National Research Centers and other National Science
2 Foundation supported research facilities may be credited
3 to this appropriation.

4 MAJOR RESEARCH EQUIPMENT AND FACILITIES
5 CONSTRUCTION

6 For necessary expenses for the acquisition, construc-
7 tion, commissioning, and upgrading of major research
8 equipment, facilities, and other such capital assets pursu-
9 ant to the National Science Foundation Act of 1950 (42
10 U.S.C. 1861 et seq.), including authorized travel,
11 \$187,230,000, to remain available until expended.

12 STEM EDUCATION

13 For necessary expenses in carrying out science, math-
14 ematics, and engineering education and human resources
15 programs and activities pursuant to the National Science
16 Foundation Act of 1950 (42 U.S.C. 1861 et seq.), includ-
17 ing services as authorized by section 3109 of title 5,
18 United States Code, authorized travel, and rental of con-
19 ference rooms in the District of Columbia,
20 \$1,154,000,000, to remain available until September 30,
21 2024.

22 AGENCY OPERATIONS AND AWARD MANAGEMENT

23 For agency operations and award management nec-
24 essary in carrying out the National Science Foundation
25 Act of 1950 (42 U.S.C. 1861 et seq.); services authorized

1 by section 3109 of title 5, United States Code; hire of pas-
2 senger motor vehicles; uniforms or allowances therefor, as
3 authorized by sections 5901 and 5902 of title 5, United
4 States Code; rental of conference rooms in the District of
5 Columbia; and reimbursement of the Department of
6 Homeland Security for security guard services;
7 \$448,000,000: *Provided*, That not to exceed \$8,280 is for
8 official reception and representation expenses: *Provided*
9 *further*, That contracts may be entered into under this
10 heading in fiscal year 2023 for maintenance and operation
11 of facilities and for other services to be provided during
12 the next fiscal year.

13 OFFICE OF THE NATIONAL SCIENCE BOARD

14 For necessary expenses (including payment of sala-
15 ries, authorized travel, hire of passenger motor vehicles,
16 the rental of conference rooms in the District of Columbia,
17 and the employment of experts and consultants under sec-
18 tion 3109 of title 5, United States Code) involved in car-
19 rying out section 4 of the National Science Foundation
20 Act of 1950 (42 U.S.C. 1863) and Public Law 86–209
21 (42 U.S.C. 1880 et seq.), \$5,090,000: *Provided*, That not
22 to exceed \$2,500 shall be available for official reception
23 and representation expenses.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General as authorized by the Inspector General Act of
4 1978, \$23,393,000, of which \$400,000 shall remain avail-
5 able until September 30, 2024.

6 ADMINISTRATIVE PROVISIONS

7 (INCLUDING TRANSFERS OF FUNDS)

8 Not to exceed 5 percent of any appropriation made
9 available for the current fiscal year for the National
10 Science Foundation in this Act may be transferred be-
11 tween such appropriations, but no such appropriation shall
12 be increased by more than 10 percent by any such trans-
13 fers. Any transfer pursuant to this paragraph shall be
14 treated as a reprogramming of funds under section 505
15 of this Act and shall not be available for obligation except
16 in compliance with the procedures set forth in that section.

17 The Director of the National Science Foundation
18 (NSF) shall notify the Committees on Appropriations of
19 the House of Representatives and the Senate at least 30
20 days in advance of any planned divestment through trans-
21 fer, decommissioning, termination, or deconstruction of
22 any NSF-owned facilities or any NSF capital assets (in-
23 cluding land, structures, and equipment) valued greater
24 than \$2,500,000.

1 There is hereby established in the Treasury of the
2 United States a fund to be known as the “National
3 Science Foundation Nonrecurring Expenses Fund” (the
4 Fund). Unobligated balances of expired discretionary
5 funds appropriated for this or any succeeding fiscal year
6 from the General Fund of the Treasury to the National
7 Science Foundation by this or any other Act may be trans-
8 ferred (not later than the end of the fifth fiscal year after
9 the last fiscal year for which such funds are available for
10 the purposes for which appropriated) into the Fund.
11 Amounts deposited in the Fund shall be available until
12 expended, and in addition to such other funds as may be
13 available for such purposes, for information and business
14 technology system modernization and facilities infrastruc-
15 ture improvements, including nonrecurring maintenance,
16 necessary for the operation of the Foundation or its fund-
17 ed research facilities, subject to approval by the Office of
18 Management and Budget. Amounts in the Fund may be
19 obligated only after the Committees on Appropriations of
20 the House of Representatives and the Senate are notified
21 at least 15 days in advance of the planned use of funds.

22 This title may be cited as the “Science Appropria-
23 tions Act, 2023”.

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 appro-
8 priated in this paragraph may be used to employ any indi-
9 viduals under Schedule C of subpart C of part 213 of title
10 5 of the Code of Federal Regulations exclusive of one spe-
11 cial assistant for each Commissioner: *Provided further*,
12 That none of the funds appropriated in this paragraph
13 shall be used to reimburse Commissioners for more than
14 75 billable days, with the exception of the chairperson,
15 who is permitted 125 billable days: *Provided further*, That
16 the Chair may accept and use any gift or donation to carry
17 out the work of the Commission: *Provided further*, That
18 none of the funds appropriated in this paragraph shall be
19 used for any activity or expense that is not explicitly au-
20 thorized by section 3 of the Civil Rights Commission Act
21 of 1983 (42 U.S.C. 1975a): *Provided further*, That not-
22 withstanding the preceding proviso, \$2,000,000 shall be
23 used to separately fund the Commission on the Social Sta-
24 tus of Black Men and Boys.

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

6 INTERNATIONAL TRADE COMMISSION

7 SALARIES AND EXPENSES

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

14 LEGAL SERVICES CORPORATION

15 PAYMENT TO THE LEGAL SERVICES CORPORATION

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

1 ment assistance: *Provided*, That the Legal Services Cor-
2 poration may continue to provide locality pay to officers
3 and employees at a rate no greater than that provided by
4 the Federal Government to Washington, DC-based em-
5 ployees as authorized by section 5304 of title 5, United
6 States Code, notwithstanding section 1005(d) of the Legal
7 Services Corporation Act (42 U.S.C. 2996d(d)): *Provided*
8 *further*, That the authorities provided in section 205 of
9 this Act shall be applicable to the Legal Services Corpora-
10 tion: *Provided further*, That, for the purposes of section
11 505 of this Act, the Legal Services Corporation shall be
12 considered an agency of the United States Government.

13 ADMINISTRATIVE PROVISION—LEGAL SERVICES

14 CORPORATION

15 None of the funds appropriated in this Act to the
16 Legal Services Corporation shall be expended for any pur-
17 pose prohibited or limited by, or contrary to any of the
18 provisions of, sections 501, 502, 503, 504, 505, and 506
19 of Public Law 105–119, and all funds appropriated in this
20 Act to the Legal Services Corporation shall be subject to
21 the same terms and conditions set forth in such sections,
22 except that all references in sections 502 and 503 to 1997
23 and 1998 shall be deemed to refer instead to 2022 and
24 2023, respectively.

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.),
6 \$4,500,000.

7 OFFICE OF THE UNITED STATES TRADE

8 REPRESENTATIVE

9 SALARIES AND EXPENSES

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

19 TRADE ENFORCEMENT TRUST FUND

20 (INCLUDING TRANSFER OF FUNDS)

21 For activities of the United States Trade Representa-
22 tive authorized by section 611 of the Trade Facilitation
23 and Trade Enforcement Act of 2015 (19 U.S.C. 4405),
24 including transfers, \$15,000,000, to be derived from the
25 Trade Enforcement Trust Fund: *Provided*, That any

1 transfer pursuant to subsection (d)(1) of such section shall
2 be treated as a reprogramming under section 505 of this
3 Act.

4 STATE JUSTICE INSTITUTE

5 SALARIES AND EXPENSES

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

1

TITLE V

2

GENERAL PROVISIONS

3

(INCLUDING RESCISSIONS)

4

(INCLUDING TRANSFER OF FUNDS)

5

SEC. 501. No part of any appropriation contained in

6

this Act shall be used for publicity or propaganda purposes

7

not authorized by the Congress.

8

SEC. 502. No part of any appropriation contained in

9

this Act shall remain available for obligation beyond the

10

current fiscal year unless expressly so provided herein.

11

SEC. 503. The expenditure of any appropriation

12

under this Act for any consulting service through procure-

13

ment contract, pursuant to section 3109 of title 5, United

14

States Code, shall be limited to those contracts where such

15

expenditures are a matter of public record and available

16

for public inspection, except where otherwise provided

17

under existing law, or under existing Executive order

18

issued pursuant to existing law.

19

SEC. 504. If any provision of this Act or the applica-

20

tion of such provision to any person or circumstances shall

21

be held invalid, the remainder of the Act and the applica-

22

tion of each provision to persons or circumstances other

23

than those as to which it is held invalid shall not be af-

24

fected thereby.

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

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

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

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

20 SEC. 507. (a) The Departments of Commerce and
21 Justice, the National Science Foundation, and the Na-
22 tional Aeronautics and Space Administration shall provide
23 to the Committees on Appropriations of the House of Rep-
24 resentatives and the Senate a quarterly report on the sta-
25 tus of balances of appropriations at the account level. For

1 unobligated, uncommitted balances and unobligated, com-
2 mitted balances the quarterly reports shall separately
3 identify the amounts attributable to each source year of
4 appropriation from which the balances were derived. For
5 balances that are obligated, but unexpended, the quarterly
6 reports shall separately identify amounts by the year of
7 obligation.

8 (b) The report described in subsection (a) shall be
9 submitted within 30 days of the end of each quarter.

10 (c) If a department or agency is unable to fulfill any
11 aspect of a reporting requirement described in subsection
12 (a) due to a limitation of a current accounting system,
13 the department or agency shall fulfill such aspect to the
14 maximum extent practicable under such accounting sys-
15 tem and shall identify and describe in each quarterly re-
16 port the extent to which such aspect is not fulfilled.

17 SEC. 508. Any costs incurred by a department or
18 agency funded under this Act resulting from, or to pre-
19 vent, personnel actions taken in response to funding re-
20 ductions included in this Act shall be absorbed within the
21 total budgetary resources available to such department or
22 agency: *Provided*, That the authority to transfer funds be-
23 tween appropriations accounts as may be necessary to
24 carry out this section is provided in addition to authorities
25 included elsewhere in this Act: *Provided further*, That use

1 of funds to carry out this section shall be treated as a
2 reprogramming of funds under section 505 of this Act and
3 shall not be available for obligation or expenditure except
4 in compliance with the procedures set forth in that section:
5 *Provided further*, That for the Department of Commerce,
6 this section shall also apply to actions taken for the care
7 and protection of loan collateral or grant property.

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

15 SEC. 510. Notwithstanding any other provision of
16 law, amounts deposited or available in the Fund estab-
17 lished by section 1402 of chapter XIV of title II of Public
18 Law 98–473 (34 U.S.C. 20101) in any fiscal year in ex-
19 cess of \$1,900,000,000 shall not be available for obligation
20 until the following fiscal year: *Provided*, That notwith-
21 standing section 1402(d) of such Act, of the amounts
22 available from the Fund for obligation: (1) \$10,000,000
23 shall be transferred to the Department of Justice Office
24 of Inspector General and remain available until expended
25 for oversight and auditing purposes associated with this

1 section; and (2) 5 percent shall be available to the Office
2 for Victims of Crime for grants, consistent with the re-
3 quirements of the Victims of Crime Act, to Indian Tribes
4 to improve services for victims of crime.

5 SEC. 511. None of the funds made available to the
6 Department of Justice in this Act may be used to discrimi-
7 nate against or denigrate the religious or moral beliefs of
8 students who participate in programs for which financial
9 assistance is provided from those funds, or of the parents
10 or legal guardians of such students.

11 SEC. 512. None of the funds made available in this
12 Act may be transferred to any department, agency, or in-
13 strumentality of the United States Government, except
14 pursuant to a transfer made by, or transfer authority pro-
15 vided in, this Act or any other appropriations Act.

16 SEC. 513. (a) The Inspectors General of the Depart-
17 ment of Commerce, the Department of Justice, the Na-
18 tional Aeronautics and Space Administration, the Na-
19 tional Science Foundation, and the Legal Services Cor-
20 poration shall conduct audits, pursuant to the Inspector
21 General Act (5 U.S.C. App.), of grants or contracts for
22 which funds are appropriated by this Act, and shall submit
23 reports to Congress on the progress of such audits, which
24 may include preliminary findings and a description of
25 areas of particular interest, within 180 days after initi-

1 ating such an audit and every 180 days thereafter until
2 any such audit is completed.

3 (b) Within 60 days after the date on which an audit
4 described in subsection (a) by an Inspector General is
5 completed, the Secretary, Attorney General, Adminis-
6 trator, Director, or President, as appropriate, shall make
7 the results of the audit available to the public on the Inter-
8 net website maintained by the Department, Administra-
9 tion, Foundation, or Corporation, respectively. The results
10 shall be made available in redacted form to exclude—

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

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

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

1 (d) The provisions of the preceding subsections of
2 this section shall take effect 30 days after the date on
3 which the Director of the Office of Management and
4 Budget, in consultation with the Director of the Office of
5 Government Ethics, determines that a uniform set of rules
6 and requirements, substantially similar to the require-
7 ments in such subsections, consistently apply under the
8 executive branch ethics program to all Federal depart-
9 ments, agencies, and entities.

10 SEC. 514. (a) None of the funds appropriated or oth-
11 erwise made available under this Act may be used by the
12 Departments of Commerce and Justice, the National Aer-
13 onautics and Space Administration, or the National
14 Science Foundation to acquire a high-impact or moderate-
15 impact information system, as defined for security cat-
16 egorization in the National Institute of Standards and
17 Technology's (NIST) Federal Information Processing
18 Standard Publication 199, "Standards for Security Cat-
19 egorization of Federal Information and Information Sys-
20 tems" unless the agency has—

21 (1) reviewed the supply chain risk for the infor-
22 mation systems against criteria developed by NIST
23 and the Federal Bureau of Investigation (FBI) to
24 inform acquisition decisions for high-impact and

1 moderate-impact information systems within the
2 Federal Government;

3 (2) reviewed the supply chain risk from the pre-
4 sumptive awardee against available and relevant
5 threat information provided by the FBI and other
6 appropriate agencies; and

7 (3) in consultation with the FBI or other ap-
8 propriate Federal entity, conducted an assessment of
9 any risk of cyber-espionage or sabotage associated
10 with the acquisition of such system, including any
11 risk associated with such system being produced,
12 manufactured, or assembled by one or more entities
13 identified by the United States Government as pos-
14 ing a cyber threat, including but not limited to,
15 those that may be owned, directed, or subsidized by
16 the People's Republic of China, the Islamic Republic
17 of Iran, the Democratic People's Republic of Korea,
18 or the Russian Federation.

19 (b) None of the funds appropriated or otherwise
20 made available under this Act may be used to acquire a
21 high-impact or moderate-impact information system re-
22 viewed and assessed under subsection (a) unless the head
23 of the assessing entity described in subsection (a) has—

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

4 (2) determined, in consultation with NIST and
5 the FBI, that the acquisition of such system is in
6 the national interest of the United States; and

7 (3) reported that determination to the Commit-
8 tees on Appropriations of the House of Representa-
9 tives and the Senate and the agency Inspector Gen-
10 eral.

11 SEC. 515. None of the funds made available in this
12 Act shall be used in any way whatsoever to support or
13 justify the use of torture by any official or contract em-
14 ployee of the United States Government.

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

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

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

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

24 SEC. 517. None of the funds made available in this
25 Act may be used to authorize or issue a national security

1 letter in contravention of any of the following laws author-
2 izing the Federal Bureau of Investigation to issue national
3 security letters: The Right to Financial Privacy Act of
4 1978; The Electronic Communications Privacy Act of
5 1986; The Fair Credit Reporting Act; The National Secu-
6 rity Act of 1947; USA PATRIOT Act; USA FREEDOM
7 Act of 2015; and the laws amended by these Acts.

8 SEC. 518. If at any time during any quarter, the pro-
9 gram manager of a project within the jurisdiction of the
10 Departments of Commerce or Justice, the National Aero-
11 nautics and Space Administration, or the National Science
12 Foundation totaling more than \$75,000,000 has reason-
13 able cause to believe that the total program cost has in-
14 creased by 10 percent or more, the program manager shall
15 immediately inform the respective Secretary, Adminis-
16 trator, or Director. The Secretary, Administrator, or Di-
17 rector shall notify the House and Senate Committees on
18 Appropriations within 30 days in writing of such increase,
19 and shall include in such notice: the date on which such
20 determination was made; a statement of the reasons for
21 such increases; the action taken and proposed to be taken
22 to control future cost growth of the project; changes made
23 in the performance or schedule milestones and the degree
24 to which such changes have contributed to the increase
25 in total program costs or procurement costs; new esti-

1 mates of the total project or procurement costs; and a
2 statement validating that the project's management struc-
3 ture is adequate to control total project or procurement
4 costs.

5 SEC. 519. Funds appropriated by this Act, or made
6 available by the transfer of funds in this Act, for intel-
7 ligence or intelligence related activities are deemed to be
8 specifically authorized by the Congress for purposes of sec-
9 tion 504 of the National Security Act of 1947 (50 U.S.C.
10 3094) during fiscal year 2023 until the enactment of the
11 Intelligence Authorization Act for fiscal year 2023.

12 SEC. 520. None of the funds appropriated or other-
13 wise made available by this Act may be used to enter into
14 a contract in an amount greater than \$5,000,000 or to
15 award a grant in excess of such amount unless the pro-
16 spective contractor or grantee certifies in writing to the
17 agency awarding the contract or grant that, to the best
18 of its knowledge and belief, the contractor or grantee has
19 filed all Federal tax returns required during the three
20 years preceding the certification, has not been convicted
21 of a criminal offense under the Internal Revenue Code of
22 1986, and has not, more than 90 days prior to certifi-
23 cation, been notified of any unpaid Federal tax assessment
24 for which the liability remains unsatisfied, unless the as-
25 sessment is the subject of an installment agreement or

1 offer in compromise that has been approved by the Inter-
2 nal Revenue Service and is not in default, or the assess-
3 ment is the subject of a non-frivolous administrative or
4 judicial proceeding.

5 (RESCISSIONS)

6 SEC. 521. (a) Of the unobligated balances in the
7 “Nonrecurring Expenses Fund” established in section
8 111(a) of division B of Public Law 116–93, \$50,000,000
9 are hereby permanently rescinded not later than Sep-
10 tember 30, 2023.

11 (b) Of the unobligated balances from prior year ap-
12 propriations available to the Department of Commerce
13 under the heading “Economic Development Administra-
14 tion, Economic Development Assistance Programs”,
15 \$10,000,000 are hereby permanently rescinded, not later
16 than September 30, 2023.

17 (c) Of the unobligated balances from prior year ap-
18 propriations available to the Department of Justice, the
19 following funds are hereby permanently rescinded, not
20 later than September 30, 2023, from the following ac-
21 counts in the specified amounts—

22 (1) “State and Local Law Enforcement Activi-
23 ties, Office on Violence Against Women, Violence
24 Against Women Prevention and Prosecution Pro-
25 grams”, \$15,000,000;

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

3 (3) “State and Local Law Enforcement Activi-
4 ties, Community Oriented Policing Services”,
5 \$15,000,000.

6 (d) Of the unobligated balances available to the De-
7 partment of Justice, the following funds are hereby per-
8 manently rescinded, not later than September 30, 2023,
9 from the following accounts in the specified amounts—

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

12 (2) “Legal Activities, Assets Forfeiture Fund”,
13 \$500,000,000.

14 (e) The Departments of Commerce and Justice shall
15 submit to the Committees on Appropriations of the House
16 of Representatives and the Senate a report no later than
17 September 1, 2023, specifying the amount of each rescis-
18 sion made pursuant to subsections (a), (b), (c) and (d).

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

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

3 (1) amounts provided under subparagraph (Q)
4 of paragraph (1) under the heading “State and
5 Local Law Enforcement Activities—Office of Justice
6 Programs—State and Local Law Enforcement As-
7 sistance” in title II of division B of Public Law
8 117–103; or

9 (2) amounts provided under paragraph (7)
10 under the heading “State and Local Law Enforce-
11 ment Activities—Community Oriented Policing Serv-
12 ices—Community Oriented Policing Services Pro-
13 grams” in title II of division B of Public Law 117–
14 103.

15 SEC. 522. None of the funds made available in this
16 Act may be used to purchase first class or premium airline
17 travel in contravention of sections 301–10.122 through
18 301–10.124 of title 41 of the Code of Federal Regulations.

19 SEC. 523. None of the funds made available in this
20 Act may be used to send or otherwise pay for the attend-
21 ance of more than 50 employees from a Federal depart-
22 ment or agency, who are stationed in the United States,
23 at any single conference occurring outside the United
24 States unless—

1 (1) such conference is a law enforcement train-
2 ing or operational conference for law enforcement
3 personnel and the majority of Federal employees in
4 attendance are law enforcement personnel stationed
5 outside the United States; or

6 (2) such conference is a scientific conference
7 and the department or agency head determines that
8 such attendance is in the national interest and noti-
9 fies the Committees on Appropriations of the House
10 of Representatives and the Senate within at least 15
11 days of that determination and the basis for that de-
12 termination.

13 SEC. 524. The Director of the Office of Management
14 and Budget shall instruct any department, agency, or in-
15 strumentality of the United States receiving funds appro-
16 priated under this Act to track undisbursed balances in
17 expired grant accounts and include in its annual perform-
18 ance plan and performance and accountability reports the
19 following:

20 (1) Details on future action the department,
21 agency, or instrumentality will take to resolve
22 undisbursed balances in expired grant accounts.

23 (2) The method that the department, agency, or
24 instrumentality uses to track undisbursed balances
25 in expired grant accounts.

1 (3) Identification of undisbursed balances in ex-
2 pired grant accounts that may be returned to the
3 Treasury of the United States.

4 (4) In the preceding 3 fiscal years, details on
5 the total number of expired grant accounts with
6 undisbursed balances (on the first day of each fiscal
7 year) for the department, agency, or instrumentality
8 and the total finances that have not been obligated
9 to a specific project remaining in the accounts.

10 SEC. 525. To the extent practicable, funds made
11 available in this Act should be used to purchase light bulbs
12 that are “Energy Star” qualified or have the “Federal En-
13 ergy Management Program” designation.

14 SEC. 526. (a) None of the funds made available by
15 this Act may be used for the National Aeronautics and
16 Space Administration (NASA), the Office of Science and
17 Technology Policy (OSTP), or the National Space Council
18 (NSC) to develop, design, plan, promulgate, implement,
19 or execute a bilateral policy, program, order, or contract
20 of any kind to participate, collaborate, or coordinate bilat-
21 erally in any way with China or any Chinese-owned com-
22 pany unless such activities are specifically authorized by
23 a law enacted after the date of enactment of this Act.

1 (b) None of the funds made available by this Act may
2 be used to effectuate the hosting of official Chinese visitors
3 at facilities belonging to or utilized by NASA.

4 (c) The limitations described in subsections (a) and
5 (b) shall not apply to activities which NASA, OSTP, or
6 NSC, after consultation with the Federal Bureau of Inves-
7 tigation, have certified—

8 (1) pose no risk of resulting in the transfer of
9 technology, data, or other information with national
10 security or economic security implications to China
11 or a Chinese-owned company; and

12 (2) will not involve knowing interactions with
13 officials who have been determined by the United
14 States to have direct involvement with violations of
15 human rights.

16 (d) Any certification made under subsection (c) shall
17 be submitted to the Committees on Appropriations of the
18 House of Representatives and the Senate, and the Federal
19 Bureau of Investigation, no later than 30 days prior to
20 the activity in question and shall include a description of
21 the purpose of the activity, its agenda, its major partici-
22 pants, and its location and timing.

23 SEC. 527. (a) None of the funds made available in
24 this Act may be used to maintain or establish a computer

1 network unless such network blocks the viewing,
2 downloading, 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
5 law enforcement agency or any other entity carrying out
6 criminal investigations, prosecution, adjudication, or other
7 law enforcement- or victim assistance-related activity.

8 SEC. 528. The Departments of Commerce and Jus-
9 tice, the National Aeronautics and Space Administration,
10 the National Science Foundation, the Commission on Civil
11 Rights, the Equal Employment Opportunity Commission,
12 the International Trade Commission, the Legal Services
13 Corporation, the Marine Mammal Commission, the Offices
14 of Science and Technology Policy and the United States
15 Trade Representative, the National Space Council, and
16 the State Justice Institute shall submit spending plans,
17 signed by the respective department or agency head, to
18 the Committees on Appropriations of the House of Rep-
19 resentatives and the Senate not later than 45 days after
20 the date of enactment of this Act.

21 SEC. 529. Notwithstanding any other provision of
22 this Act, none of the funds appropriated or otherwise
23 made available by this Act may be used to pay award or
24 incentive fees for contractor performance that has been
25 judged to be below satisfactory performance or for per-

1 formance that does not meet the basic requirements of a
2 contract.

3 SEC. 530. None of the funds made available by this
4 Act may be used in contravention of section 7606 (“Legit-
5 imacy of Industrial Hemp Research”) of the Agricultural
6 Act of 2014 (Public Law 113–79) by the Department of
7 Justice or the Drug Enforcement Administration.

8 SEC. 531. None of the funds made available under
9 this Act to the Department of Justice may be used, with
10 respect to any of the States of Alabama, Alaska, Arizona,
11 Arkansas, California, Colorado, Connecticut, Delaware,
12 Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Ken-
13 tucky, Louisiana, Maine, Maryland, Massachusetts, Michi-
14 gan, Minnesota, Mississippi, Missouri, Montana, Nevada,
15 New Hampshire, New Jersey, New Mexico, New York,
16 North Carolina, North Dakota, Ohio, Oklahoma, Oregon,
17 Pennsylvania, Rhode Island, South Carolina, South Da-
18 kota, Tennessee, Texas, Utah, Vermont, Virginia, Wash-
19 ington, West Virginia, Wisconsin, and Wyoming, or with
20 respect to the District of Columbia, the Commonwealth
21 of the Northern Mariana Islands, the United States Virgin
22 Islands, Guam, or Puerto Rico, to prevent any of them
23 from implementing their own laws that authorize the use,
24 distribution, possession, or cultivation of medical mari-
25 juana.

1 SEC. 532. The Department of Commerce, the Na-
2 tional Aeronautics and Space Administration, and the Na-
3 tional Science Foundation shall provide a quarterly report
4 to the Committees on Appropriations of the House of Rep-
5 resentatives and the Senate on any official travel to China
6 by any employee of such Department or agency, including
7 the purpose of such travel.

8 SEC. 533. Of the amounts made available by this Act,
9 not less than 10 percent of each total amount provided,
10 respectively, for Public Works grants authorized by the
11 Public Works and Economic Development Act of 1965 and
12 grants authorized by section 27 of the Stevenson-Wydler
13 Technology Innovation Act of 1980 (15 U.S.C. 3722) shall
14 be allocated for assistance in persistent poverty counties:
15 *Provided*, That for purposes of this section, the term “per-
16 sistent poverty counties” means any county that has had
17 20 percent or more of its population living in poverty over
18 the past 30 years, as measured by the 1993 Small Area
19 Income and Poverty Estimates, the 2000 decennial cen-
20 sus, and the most recent Small Area Income and Poverty
21 Estimates, or any Territory or possession of the United
22 States.

23 SEC. 534. (a) Notwithstanding any other provision
24 of law or treaty, none of the funds appropriated or other-
25 wise made available under this Act or any other Act may

1 be expended or obligated by a department, agency, or in-
2 strumentality of the United States to pay administrative
3 expenses or to compensate an officer or employee of the
4 United States in connection with requiring an export li-
5 cense for the export to Canada of components, parts, ac-
6 cessories or attachments for firearms listed in Category
7 I, section 121.1 of title 22, Code of Federal Regulations
8 (International Trafficking in Arms Regulations (ITAR),
9 part 121, as it existed on April 1, 2005) with a total value
10 not exceeding \$500 wholesale in any transaction, provided
11 that the conditions of subsection (b) of this section are
12 met by the exporting party for such articles.

13 (b) The foregoing exemption from obtaining an ex-
14 port license—

15 (1) does not exempt an exporter from filing any
16 Shipper's Export Declaration or notification letter
17 required by law, or from being otherwise eligible
18 under the laws of the United States to possess, ship,
19 transport, or export the articles enumerated in sub-
20 section (a); and

21 (2) does not permit the export without a license
22 of—

23 (A) fully automatic firearms and compo-
24 nents and parts for such firearms, other than

1 for end use by the Federal Government, or a
2 Provincial or Municipal Government of Canada;

3 (B) barrels, cylinders, receivers (frames) or
4 complete breech mechanisms for any firearm
5 listed in Category I, other than for end use by
6 the Federal Government, or a Provincial or Mu-
7 nicipal Government of Canada; or

8 (C) articles for export from Canada to an-
9 other foreign destination.

10 (c) In accordance with this section, the District Di-
11 rectors of Customs and postmasters shall permit the per-
12 manent or temporary export without a license of any un-
13 classified articles specified in subsection (a) to Canada for
14 end use in Canada or return to the United States, or tem-
15 porary import of Canadian-origin items from Canada for
16 end use in the United States or return to Canada for a
17 Canadian citizen.

18 (d) The President may require export licenses under
19 this section on a temporary basis if the President deter-
20 mines, upon publication first in the Federal Register, that
21 the Government of Canada has implemented or main-
22 tained inadequate import controls for the articles specified
23 in subsection (a), such that a significant diversion of such
24 articles has and continues to take place for use in inter-
25 national terrorism or in the escalation of a conflict in an-

1 other nation. The President shall terminate the require-
2 ments of a license when reasons for the temporary require-
3 ments have ceased.

4 SEC. 535. Notwithstanding any other provision of
5 law, no department, agency, or instrumentality of the
6 United States receiving appropriated funds under this Act
7 or any other Act shall obligate or expend in any way such
8 funds to pay administrative expenses or the compensation
9 of any officer or employee of the United States to deny
10 any application submitted pursuant to 22 U.S.C.
11 2778(b)(1)(B) and qualified pursuant to 27 CFR section
12 478.112 or .113, for a permit to import United States ori-
13 gin “curios or relics” firearms, parts, or ammunition.

14 SEC. 536. None of the funds made available by this
15 Act may be used to pay the salaries or expenses of per-
16 sonnel to deny, or fail to act on, an application for the
17 importation of any model of shotgun if—

18 (1) all other requirements of law with respect to
19 the proposed importation are met; and

20 (2) no application for the importation of such
21 model of shotgun, in the same configuration, had
22 been denied by the Attorney General prior to Janu-
23 ary 1, 2011, on the basis that the shotgun was not
24 particularly suitable for or readily adaptable to
25 sporting purposes.

1 SEC. 537. None of the funds made available by this
2 Act may be obligated or expended to implement the Arms
3 Trade Treaty until the Senate approves a resolution of
4 ratification for the Treaty.

5 SEC. 538. None of the funds appropriated or other-
6 wise made available in this or any other Act may be used
7 to transfer, release, or assist in the transfer or release to
8 or within the United States, its territories, or possessions
9 Khalid Sheikh Mohammed or any other detainee who—

10 (1) is not a United States citizen or a member
11 of the Armed Forces of the United States; and

12 (2) is or was held on or after June 24, 2009,
13 at the United States Naval Station, Guantanamo
14 Bay, Cuba, by the Department of Defense.

15 SEC. 539. (a) None of the funds appropriated or oth-
16 erwise made available in this or any other Act may be used
17 to construct, acquire, or modify any facility in the United
18 States, its territories, or possessions to house any indi-
19 vidual described in subsection (c) for the purposes of de-
20 tention or imprisonment in the custody or under the effec-
21 tive control of the Department of Defense.

22 (b) The prohibition in subsection (a) shall not apply
23 to any modification of facilities at United States Naval
24 Station, Guantanamo Bay, Cuba.

1 (c) An individual described in this subsection is any
2 individual who, as of June 24, 2009, is located at United
3 States Naval Station, Guantanamo Bay, Cuba, and who—

4 (1) is not a citizen of the United States or a
5 member of the Armed Forces of the United States;
6 and

7 (2) is—

8 (A) in the custody or under the effective
9 control of the Department of Defense; or

10 (B) otherwise under detention at United
11 States Naval Station, Guantanamo Bay, Cuba.

12 SEC. 540. (a) The remaining unobligated balances of
13 funds as of September 30, 2023, from amounts made
14 available to “Office of the United States Trade Represent-
15 ative—Salaries and Expenses” in title IX of the United
16 States-Mexico-Canada Agreement Implementation Act
17 (Public Law 116–113), are hereby rescinded, and an
18 amount of additional new budget authority equivalent to
19 the amount rescinded pursuant to this subsection is here-
20 by appropriated on September 30, 2023, for an additional
21 amount for fiscal year 2023, to remain available until Sep-
22 tember 30, 2024, and shall be available for the same pur-
23 poses, in addition to other funds as may be available for
24 such purposes, and under the same authorities for which
25 the funds were originally provided in Public Law 116–113,

1 except that all references to “2023” under such heading
2 in Public Law 116–113 shall be deemed to refer instead
3 to “2024”.

4 (b) The remaining unobligated balances of funds as
5 of September 30, 2023, from amounts made available to
6 “Office of the United States Trade Representative—
7 Trade Enforcement Trust Fund” in title IX of the United
8 States-Mexico-Canada Agreement Implementation Act
9 (Public Law 116–113), are hereby rescinded, and an
10 amount of additional new budget authority equivalent to
11 the amount rescinded pursuant to this subsection is here-
12 by appropriated on September 30, 2023, for an additional
13 amount for fiscal year 2023, to remain available until Sep-
14 tember 30, 2024, and shall be available for the same pur-
15 poses, in addition to other funds as may be available for
16 such purposes, and under the same authorities for which
17 the funds were originally provided in Public Law 116–113,
18 except that the reference to “2023” under such heading
19 in Public Law 116–113 shall be deemed to refer instead
20 to “2024”.

21 (c) The amounts rescinded pursuant to this section
22 that were previously designated by the Congress as an
23 emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985 are designated by the Con-

1 gress as an emergency requirement pursuant to section
2 4001(a)(1) of S. Con. Res. 14 (117th Congress), the con-
3 current resolution on the budget for fiscal year 2022, and
4 section 1(e) of H. Res. 1151 (117th Congress), as en-
5 grossed in the House of Representatives on June 8, 2022.

6 (d) Each amount provided by this section is des-
7 ignated by the Congress as being for an emergency re-
8 quirement pursuant to section 4001(a)(1) of S. Con. Res.
9 14 (117th Congress), the concurrent resolution on the
10 budget for fiscal year 2022, and section 1(e) of H. Res.
11 1151 (117th Congress), as engrossed in the House of Rep-
12 resentatives on June 8, 2022.

13 SEC. 541. Funds made available to the Department
14 of Commerce and under the heading “Department of Jus-
15 tice—Federal Bureau of Investigation—Salaries and Ex-
16 penses” in this Act and any remaining unobligated bal-
17 ances of funds made available to the Department of Com-
18 merce and under the heading “Department of Justice—
19 Federal Bureau of Investigation—Salaries and Expenses”
20 in prior year Acts, other than amounts designated by the
21 Congress as being for an emergency requirement pursuant
22 to a concurrent resolution on the budget or the Balanced
23 Budget and Emergency Deficit Control Act of 1985, shall
24 be available to provide payments pursuant to section
25 901(i)(2) of title IX of division J of the Further Consoli-

1 dated Appropriations Act, 2020 (22 U.S.C. 2680b(i)(2)):
2 *Provided*, That payments made pursuant to the matter
3 preceding this proviso may not exceed \$5,000,000 for the
4 Department of Commerce and \$5,000,000 for the Federal
5 Bureau of Investigation.

6 SEC. 542. (a) None of the funds in this Act may be
7 used for design or construction of the Mobile Launcher
8 2 until 30 days after the Administrator of the National
9 Aeronautics and Space Administration (the “Adminis-
10 trator”) submits a plan to the Committees on Appropria-
11 tions of the House of Representatives and the Senate (the
12 “Committees”), the Government Accountability Office,
13 and the Office of Inspector General of the National Aero-
14 nautics and Space Administration detailing a cost and
15 schedule baseline for the Mobile Launcher 2. Such plan
16 shall include each of the requirements described in sub-
17 section (c)(2) of section 30104 of title 51, United States
18 Code, as well as an estimated date for completion of design
19 and construction of the Mobile Launcher 2.

20 (b) Not later than 90 days after the submission of
21 the plan described in subsection (a), and every 90 days
22 thereafter, the Administrator shall report to the Commit-
23 tees, the Government Accountability Office, and the Office
24 of Inspector General of the National Aeronautics and

1 Space Administration on steps taken to implement such
2 plan.

3 SEC. 543. (a)(1) Within 45 days of enactment of this
4 Act, the Secretary of Commerce shall allocate amounts
5 made available from the Creating Helpful Incentives to
6 Produce Semiconductors (CHIPS) for America Fund for
7 fiscal year 2023 pursuant to paragraphs (1) and (2) of
8 section 102(a) of the CHIPS Act of 2022 (division A of
9 Public Law 117–167), including the transfer authority in
10 such paragraphs of that section of that Act, to the ac-
11 counts specified, in the amounts specified, and for the
12 projects and activities specified, in the table titled “De-
13 partment of Commerce Allocation of National Institute of
14 Standards and Technology Funds: CHIPS Act Fiscal
15 Year 2023” in the explanatory statement described in sec-
16 tion 4 (in the matter preceding division A of this consoli-
17 dated Act).

18 (2) Within 45 days of enactment of this Act, the Sec-
19 retary of Commerce shall allocate amounts made available
20 from the Public Wireless Supply Chain Innovation Fund
21 for fiscal year 2023 pursuant to section 106 of the CHIPS
22 Act of 2022 (division A of Public Law 117–167), including
23 the transfer authority in section 106(b)(2) of that Act,
24 to the accounts specified, in the amounts specified, and
25 for the projects and activities specified, in the table titled

1 “Department of Commerce Allocation of National Tele-
2 communications and Information Administration Funds:
3 CHIPS Act Fiscal Year 2023” in the explanatory state-
4 ment described in section 4 (in the matter preceding divi-
5 sion A of this consolidated Act).

6 (3) Within 45 days of enactment of this Act, the Di-
7 rector of the National Science Foundation shall allocate
8 amounts made available from the Creating Helpful Incen-
9 tives to Produce Semiconductors (CHIPS) for America
10 Workforce and Education Fund for fiscal year 2023 pur-
11 suant to section 102(d)(1) of the CHIPS Act of 2022 (di-
12 vision A of Public Law 117–167), to the account specified,
13 in the amounts specified, and for the projects and activi-
14 ties specified in the table titled “National Science Founda-
15 tion Allocation of Funds: CHIPS Act Fiscal Year 2023”
16 in the explanatory statement described in section 4 (in the
17 matter preceding division A of this consolidated Act).

18 (b) Neither the President nor his designee may allo-
19 cate any amounts that are made available for any fiscal
20 year under section 102(a)(2)(A) of the CHIPS Act of
21 2022 or under section 102(d)(2) of such Act if there is
22 in effect an Act making or continuing appropriations for
23 part of a fiscal year for the Departments of Commerce
24 and Justice, Science, and Related Agencies: *Provided*,
25 That in any fiscal year, the matter preceding this proviso

1 shall not apply to the allocation, apportionment, or allot-
2 ment of amounts for continuing administration of pro-
3 grams allocated funds from the CHIPS for America Fund,
4 which may be allocated only in amounts that are no more
5 than the allocation for such purposes in subsection (a) of
6 this section.

7 (c) Subject to prior consultation with, and the regular
8 notification procedures of, the Committees on Appropria-
9 tions of the House of Representatives and the Senate, and
10 subject to the terms and conditions in section 505 of this
11 Act—

12 (1) the Secretary of Commerce may reallocate
13 funds allocated to Industrial Technology Services for
14 section 9906 of Public Law 116–283 by subsection
15 (a)(1) of this section; and

16 (2) the Director of the National Science Foun-
17 dation may reallocate funds allocated to the CHIPS
18 for America Workforce and Education Fund by sub-
19 section (a)(3) of this section.

20 (d) Concurrent with the annual budget submission of
21 the President for fiscal year 2024, the Secretary of Com-
22 merce and the Director of the National Science Founda-
23 tion, as appropriate, shall each submit to the Committees
24 on Appropriations of the House of Representatives and the
25 Senate proposed allocations by account and by program,

1 project, or activity, with detailed justifications, for
2 amounts made available under section 102(a)(2) and sec-
3 tion 102(d)(2) of the CHIPS Act of 2022 for fiscal year
4 2024.

5 (e) The Department of Commerce and the National
6 Science Foundation, as appropriate, shall each provide the
7 Committees on Appropriations of the House of Represent-
8 atives and Senate quarterly reports on the status of bal-
9 ances of projects and activities funded by the CHIPS for
10 America Fund for amounts allocated pursuant to sub-
11 section (a)(1) of this section, the status of balances of
12 projects and activities funded by the Public Wireless Sup-
13 ply Chain Innovation Fund for amounts allocated pursu-
14 ant to subsection (a)(2) of this section, and the status of
15 balances of projects and activities funded by the CHIPS
16 for America Workforce and Education Fund for amounts
17 allocated pursuant to subsection (a)(3) of this section, in-
18 cluding all uncommitted, committed, and unobligated
19 funds.

20 This division may be cited as the “Commerce, Jus-
21 tice, Science, and Related Agencies Appropriations Act,
22 2023”.

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 sta-
8 tion travel (including all expenses thereof for organiza-
9 tional movements), and expenses of temporary duty travel
10 between permanent duty stations, for members of the
11 Army on active duty (except members of reserve compo-
12 nents provided for elsewhere), cadets, and aviation cadets;
13 for members of the Reserve Officers' Training Corps; and
14 for payments pursuant to section 156 of Public Law 97-
15 377, as amended (42 U.S.C. 402 note), and to the Depart-
16 ment of Defense Military Retirement Fund,
17 \$49,628,305,000.

18 MILITARY PERSONNEL, NAVY

19 For pay, allowances, individual clothing, subsistence,
20 interest on deposits, gratuities, permanent change of sta-
21 tion travel (including all expenses thereof for organiza-
22 tional movements), and expenses of temporary duty travel
23 between permanent duty stations, for members of the
24 Navy on active duty (except members of the Reserve pro-
25 vided for elsewhere), midshipmen, and aviation cadets; for

1 members of the Reserve Officers' Training Corps; and for
2 payments pursuant to section 156 of Public Law 97-377,
3 as amended (42 U.S.C. 402 note), and to the Department
4 of Defense Military Retirement Fund, \$36,706,395,000.

5 MILITARY PERSONNEL, MARINE CORPS

6 For pay, allowances, individual clothing, subsistence,
7 interest on deposits, gratuities, permanent change of sta-
8 tion travel (including all expenses thereof for organiza-
9 tional movements), and expenses of temporary duty travel
10 between permanent duty stations, for members of the Ma-
11 rine Corps on active duty (except members of the Reserve
12 provided for elsewhere); and for payments pursuant to sec-
13 tion 156 of Public Law 97-377, as amended (42 U.S.C.
14 402 note), and to the Department of Defense Military Re-
15 tirement Fund, \$15,050,088,000.

16 MILITARY PERSONNEL, AIR FORCE

17 For pay, allowances, individual clothing, subsistence,
18 interest on deposits, gratuities, permanent change of sta-
19 tion travel (including all expenses thereof for organiza-
20 tional movements), and expenses of temporary duty travel
21 between permanent duty stations, for members of the Air
22 Force on active duty (except members of reserve compo-
23 nents provided for elsewhere), cadets, and aviation cadets;
24 for members of the Reserve Officers' Training Corps; and
25 for payments pursuant to section 156 of Public Law 97-

1 377, as amended (42 U.S.C. 402 note), and to the Depart-
2 ment of Defense Military Retirement Fund,
3 \$35,427,788,000.

4 MILITARY PERSONNEL, SPACE FORCE

5 For pay, allowances, individual clothing, subsistence,
6 interest on deposits, gratuities, permanent change of sta-
7 tion travel (including all expenses thereof for organiza-
8 tional movements), and expenses of temporary duty travel
9 between permanent duty stations, for members of the
10 Space Force on active duty and cadets; for members of
11 the Reserve Officers' Training Corps; and for payments
12 pursuant to section 156 of Public Law 97-377, as amend-
13 ed (42 U.S.C. 402 note), and to the Department of De-
14 fense Military Retirement Fund, \$1,109,400,000.

15 RESERVE PERSONNEL, ARMY

16 For pay, allowances, clothing, subsistence, gratuities,
17 travel, and related expenses for personnel of the Army Re-
18 serve on active duty under sections 10211, 10302, and
19 7038 of title 10, United States Code, or while serving on
20 active duty under section 12301(d) of title 10, United
21 States Code, in connection with performing duty specified
22 in section 12310(a) of title 10, United States Code, or
23 while undergoing reserve training, or while performing
24 drills or equivalent duty or other duty, and expenses au-
25 thorized by section 16131 of title 10, United States Code;

1 and for payments to the Department of Defense Military
2 Retirement Fund, \$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,
7 United States Code, or while serving on active duty under
8 section 12301(d) of title 10, United States Code, in con-
9 nection with performing duty specified in section 12310(a)
10 of title 10, United States Code, or while undergoing re-
11 serve training, or while performing drills or equivalent
12 duty, and expenses authorized by section 16131 of title
13 10, United States Code; and for payments to the Depart-
14 ment of Defense Military Retirement Fund,
15 \$2,400,831,000.

16 RESERVE PERSONNEL, MARINE CORPS

17 For pay, allowances, clothing, subsistence, gratuities,
18 travel, and related expenses for personnel of the Marine
19 Corps Reserve on active duty under section 10211 of title
20 10, United States Code, or while serving on active duty
21 under section 12301(d) of title 10, United States Code,
22 in connection with performing duty specified in section
23 12310(a) of title 10, United States Code, or while under-
24 going reserve training, or while performing drills or equiv-
25 alent duty, and for members of the Marine Corps platoon

1 leaders class, and expenses authorized by section 16131
2 of title 10, United States Code; and for payments to the
3 Department of Defense Military Retirement Fund,
4 \$826,712,000.

5 RESERVE PERSONNEL, AIR FORCE

6 For pay, allowances, clothing, subsistence, gratuities,
7 travel, and related expenses for personnel of the Air Force
8 Reserve on active duty under sections 10211, 10305, and
9 8038 of title 10, United States Code, or while serving on
10 active duty under section 12301(d) of title 10, United
11 States Code, in connection with performing duty specified
12 in section 12310(a) of title 10, United States Code, or
13 while undergoing reserve training, or while performing
14 drills or equivalent duty or other duty, and expenses au-
15 thorized by section 16131 of title 10, United States Code;
16 and for payments to the Department of Defense Military
17 Retirement Fund, \$2,457,519,000.

18 NATIONAL GUARD PERSONNEL, ARMY

19 For pay, allowances, clothing, subsistence, gratuities,
20 travel, and related expenses for personnel of the Army Na-
21 tional Guard while on duty under sections 10211, 10302,
22 or 12402 of title 10 or section 708 of title 32, United
23 States Code, or while serving on duty under section
24 12301(d) of title 10 or section 502(f) of title 32, United
25 States Code, in connection with performing duty specified

1 in section 12310(a) of title 10, United States Code, or
2 while undergoing training, or while performing drills or
3 equivalent duty or other duty, and expenses authorized by
4 section 16131 of title 10, United States Code; and for pay-
5 ments to the Department of Defense Military Retirement
6 Fund, \$9,232,554,000.

7 NATIONAL GUARD PERSONNEL, AIR FORCE

8 For pay, allowances, clothing, subsistence, gratuities,
9 travel, and related expenses for personnel of the Air Na-
10 tional Guard on duty under sections 10211, 10305, or
11 12402 of title 10 or section 708 of title 32, United States
12 Code, or while serving on duty under section 12301(d) of
13 title 10 or section 502(f) of title 32, United States Code,
14 in connection with performing duty specified in section
15 12310(a) of title 10, United States Code, or while under-
16 going training, or while performing drills or equivalent
17 duty or other duty, and expenses authorized by section
18 16131 of title 10, United States Code; and for payments
19 to the Department of Defense Military Retirement Fund,
20 \$4,913,538,000.

1 TITLE II

2 OPERATION AND MAINTENANCE

3 OPERATION AND MAINTENANCE, ARMY

4 For expenses, not otherwise provided for, necessary
5 for the operation and maintenance of the Army, as author-
6 ized by law, \$59,015,977,000: *Provided*, That not to ex-
7 ceed \$12,478,000 may be used for emergencies and ex-
8 traordinary expenses, to be expended upon the approval
9 or authority of the Secretary of the Army, and payments
10 may be made upon the Secretary's certificate of necessity
11 for confidential military purposes.

12 OPERATION AND MAINTENANCE, NAVY

13 For expenses, not otherwise provided for, necessary
14 for the operation and maintenance of the Navy and the
15 Marine Corps, as authorized by law, \$68,260,046,000:
16 *Provided*, That not to exceed \$15,055,000 may be used
17 for emergencies and extraordinary expenses, to be ex-
18 pended upon the approval or authority of the Secretary
19 of the Navy, and payments may be made upon the Sec-
20 retary's certificate of necessity for confidential military
21 purposes.

22 OPERATION AND MAINTENANCE, MARINE CORPS

23 For expenses, not otherwise provided for, necessary
24 for the operation and maintenance of the Marine Corps,
25 as authorized by law, \$9,891,998,000.

1 OPERATION AND MAINTENANCE, AIR FORCE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance of the Air Force, as
4 authorized by law, \$60,279,937,000: *Provided*, That not
5 to exceed \$7,699,000 may be used for emergencies and
6 extraordinary expenses, to be expended upon the approval
7 or authority of the Secretary of the Air Force, and pay-
8 ments may be made upon the Secretary's certificate of ne-
9 cessity for confidential military purposes.

10 OPERATION AND MAINTENANCE, SPACE FORCE

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance of the Space Force, as
13 authorized 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
17 for the operation and maintenance of activities and agen-
18 cies of the Department of Defense (other than the military
19 departments), as authorized by law, \$49,574,779,000:
20 *Provided*, That not more than \$2,981,000 may be used
21 for the Combatant Commander Initiative Fund authorized
22 under section 166a of title 10, United States Code: *Pro-*
23 *vided further*, That not to exceed \$36,000,000 may be
24 used for emergencies and extraordinary expenses, to be ex-
25 pended upon the approval or authority of the Secretary

1 of Defense, and payments may be made upon the Sec-
2 retary's certificate of necessity for confidential military
3 purposes: *Provided further*, That of the funds provided
4 under this heading, not less than \$55,000,000 shall be
5 made available for the Procurement Technical Assistance
6 Cooperative Agreement Program, of which not less than
7 \$5,000,000 shall be available for centers defined in 10
8 U.S.C. 2411(1)(D): *Provided further*, That none of the
9 funds appropriated or otherwise made available by this
10 Act may be used to plan or implement the consolidation
11 of a budget or appropriations liaison office of the Office
12 of the Secretary of Defense, the office of the Secretary
13 of a military department, or the service headquarters of
14 one of the Armed Forces into a legislative affairs or legis-
15 lative liaison office: *Provided further*, That \$49,071,000
16 to remain available until expended, is available only for
17 expenses relating to certain classified activities, and may
18 be transferred as necessary by the Secretary of Defense
19 to operation and maintenance appropriations or research,
20 development, test and evaluation appropriations, to be
21 merged with and to be available for the same time period
22 as the appropriations to which transferred: *Provided fur-*
23 *ther*, That any ceiling on the investment item unit cost
24 of items that may be purchased with operation and main-
25 tenance funds shall not apply to the funds described in

1 the preceding proviso: *Provided further*, That of the funds
2 provided under this heading, \$2,467,009,000, of which
3 \$1,510,260,000, to remain available until September 30,
4 2024, shall be available to provide support and assistance
5 to foreign security forces or other groups or individuals
6 to conduct, support or facilitate counterterrorism, crisis
7 response, or other Department of Defense security co-
8 operation programs: *Provided further*, That the Secretary
9 of Defense shall provide quarterly reports to the Commit-
10 tees on Appropriations of the House of Representatives
11 and the Senate on the use and status of funds made avail-
12 able in this paragraph: *Provided further*, That the transfer
13 authority provided under this heading is in addition to any
14 other transfer authority provided elsewhere in this Act.

15 COUNTER-ISIS TRAIN AND EQUIP FUND

16 For the “Counter-Islamic State of Iraq and Syria
17 Train and Equip Fund”, \$475,000,000, to remain avail-
18 able until September 30, 2024: *Provided*, That such funds
19 shall be available to the Secretary of Defense in coordina-
20 tion with the Secretary of State, to provide assistance, in-
21 cluding training; equipment; logistics support, supplies,
22 and services; stipends; infrastructure repair and renova-
23 tion; construction for facility fortification and humane
24 treatment; and sustainment, to foreign security forces, ir-
25 regular forces, groups, or individuals participating, or pre-

1 paring to participate in activities to counter the Islamic
2 State of Iraq and Syria, and their affiliated or associated
3 groups: *Provided further*, That amounts made available
4 under this heading shall be available to provide assistance
5 only for activities in a country designated by the Secretary
6 of Defense, in coordination with the Secretary of State,
7 as having a security mission to counter the Islamic State
8 of Iraq and Syria, and following written notification to the
9 congressional defense committees of such designation:
10 *Provided further*, That the Secretary of Defense shall en-
11 sure that prior to providing assistance to elements of any
12 forces or individuals, such elements or individuals are ap-
13 propriately vetted, including at a minimum, assessing such
14 elements for associations with terrorist groups or groups
15 associated with the Government of Iran; and receiving
16 commitments from such elements to promote respect for
17 human rights and the rule of law: *Provided further*, That
18 the Secretary of Defense shall, not fewer than 15 days
19 prior to obligating from this appropriation account, notify
20 the congressional defense committees in writing of the de-
21 tails of any such obligation: *Provided further*, That the
22 Secretary of Defense may accept and retain contributions,
23 including assistance in-kind, from foreign governments,
24 including the Government of Iraq and other entities, to
25 carry out assistance authorized under this heading: *Pro-*

1 *vided further*, That contributions of funds for the purposes
2 provided herein from any foreign government or other en-
3 tity may be credited to this Fund, to remain available until
4 expended, and used for such purposes: *Provided further*,
5 That the Secretary of Defense shall prioritize such con-
6 tributions when providing any assistance for construction
7 for facility fortification: *Provided further*, That the Sec-
8 retary of Defense may waive a provision of law relating
9 to the acquisition of items and support services or sections
10 40 and 40A of the Arms Export Control Act (22 U.S.C.
11 2780 and 2785) if the Secretary determines that such pro-
12 vision of law would prohibit, restrict, delay or otherwise
13 limit the provision of such assistance and a notice of and
14 justification for such waiver is submitted to the congres-
15 sional defense committees, the Committees on Appropria-
16 tions and Foreign Relations of the Senate and the Com-
17 mittees on Appropriations and Foreign Affairs of the
18 House of Representatives: *Provided further*, That the
19 United States may accept equipment procured using funds
20 provided under this heading, or under the heading, “Iraq
21 Train and Equip Fund” in prior Acts, that was trans-
22 ferred to security forces, irregular forces, or groups par-
23 ticipating, or preparing to participate in activities to
24 counter the Islamic State of Iraq and Syria and returned
25 by such forces or groups to the United States, and such

1 equipment may be treated as stocks of the Department
2 of Defense upon written notification to the congressional
3 defense committees: *Provided further*, That equipment
4 procured using funds provided under this heading, or
5 under the heading, “Iraq Train and Equip Fund” in prior
6 Acts, and not yet transferred to security forces, irregular
7 forces, or groups participating, or preparing to participate
8 in activities to counter the Islamic State of Iraq and Syria
9 may be treated as stocks of the Department of Defense
10 when determined by the Secretary to no longer be required
11 for transfer to such forces or groups and upon written
12 notification to the congressional defense committees: *Pro-*
13 *vided further*, That the Secretary of Defense shall provide
14 quarterly reports to the congressional defense committees
15 on the use of funds provided under this heading, including,
16 but not limited to, the number of individuals trained, the
17 nature and scope of support and sustainment provided to
18 each group or individual, the area of operations for each
19 group, and the contributions of other countries, groups,
20 or individuals.

21 OPERATION AND MAINTENANCE, ARMY RESERVE

22 For expenses, not otherwise provided for, necessary
23 for the operation and maintenance, including training, or-
24 ganization, and administration, of the Army Reserve; re-
25 pair of facilities and equipment; hire of passenger motor

1 vehicles; travel and transportation; care of the dead; re-
2 cruiting; procurement of services, supplies, and equip-
3 ment; and communications, \$3,206,434,000.

4 OPERATION AND MAINTENANCE, NAVY RESERVE

5 For expenses, not otherwise provided for, necessary
6 for the operation and maintenance, including training, or-
7 ganization, and administration, of the Navy Reserve; re-
8 pair of facilities and equipment; hire of passenger motor
9 vehicles; travel and transportation; care of the dead; re-
10 cruiting; procurement of services, supplies, and equip-
11 ment; and communications, \$1,278,050,000.

12 OPERATION AND MAINTENANCE, MARINE CORPS

13 RESERVE

14 For expenses, not otherwise provided for, necessary
15 for the operation and maintenance, including training, or-
16 ganization, and administration, of the Marine Corps Re-
17 serve; repair of facilities and equipment; hire of passenger
18 motor vehicles; travel and transportation; care of the dead;
19 recruiting; procurement of services, supplies, and equip-
20 ment; and communications, \$347,633,000.

21 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

22 For expenses, not otherwise provided for, necessary
23 for the operation and maintenance, including training, or-
24 ganization, and administration, of the Air Force Reserve;
25 repair of facilities and equipment; hire of passenger motor

1 vehicles; travel and transportation; care of the dead; re-
2 cruiting; procurement of services, supplies, and equip-
3 ment; and communications, \$3,700,800,000.

4 OPERATION AND MAINTENANCE, ARMY NATIONAL
5 GUARD

6 For expenses of training, organizing, and admin-
7 istering the Army National Guard, including medical and
8 hospital treatment and related expenses in non-Federal
9 hospitals; maintenance, operation, and repairs to struc-
10 tures and facilities; hire of passenger motor vehicles; per-
11 sonnel services in the National Guard Bureau; travel ex-
12 penses (other than mileage), as authorized by law for
13 Army personnel on active duty, for Army National Guard
14 division, regimental, and battalion commanders while in-
15 specting units in compliance with National Guard Bureau
16 regulations when specifically authorized by the Chief, Na-
17 tional Guard Bureau; supplying and equipping the Army
18 National Guard as authorized by law; and expenses of re-
19 pair, modification, maintenance, and issue of supplies and
20 equipment (including aircraft), \$8,299,187,000.

21 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

22 For expenses of training, organizing, and admin-
23 istering the Air National Guard, including medical and
24 hospital treatment and related expenses in non-Federal
25 hospitals; maintenance, operation, and repairs to struc-

1 tures and facilities; transportation of things, hire of pas-
2 senger motor vehicles; supplying and equipping the Air
3 National Guard, as authorized by law; expenses for repair,
4 modification, maintenance, and issue of supplies and
5 equipment, including those furnished from stocks under
6 the control of agencies of the Department of Defense;
7 travel expenses (other than mileage) on the same basis as
8 authorized by law for Air National Guard personnel on
9 active Federal duty, for Air National Guard commanders
10 while inspecting units in compliance with National Guard
11 Bureau regulations when specifically authorized by the
12 Chief, National Guard Bureau, \$7,382,079,000.

13 UNITED STATES COURT OF APPEALS FOR THE ARMED
14 FORCES

15 For salaries and expenses necessary for the United
16 States Court of Appeals for the Armed Forces,
17 \$16,003,000, of which not to exceed \$10,000 may be used
18 for official representation purposes.

19 ENVIRONMENTAL RESTORATION, ARMY
20 (INCLUDING TRANSFER OF FUNDS)

21 For the Department of the Army, \$324,500,000, to
22 remain available until transferred: *Provided*, That the Sec-
23 retary of the Army shall, upon determining that such
24 funds are required for environmental restoration, reduc-
25 tion and recycling of hazardous waste, removal of unsafe

1 buildings and debris of the Department of the Army, or
2 for similar purposes, transfer the funds made available by
3 this appropriation to other appropriations made available
4 to the Department of the Army, to be merged with and
5 to be available for the same purposes and for the same
6 time period as the appropriations to which transferred:
7 *Provided further*, That upon a determination that all or
8 part of the funds transferred from this appropriation are
9 not necessary for the purposes provided herein, such
10 amounts may be transferred back to this appropriation:
11 *Provided further*, That the transfer authority provided
12 under this heading is in addition to any other transfer au-
13 thority provided elsewhere in this Act.

14 ENVIRONMENTAL RESTORATION, NAVY

15 (INCLUDING TRANSFER OF FUNDS)

16 For the Department of the Navy, \$400,113,000, to
17 remain available until transferred: *Provided*, That the Sec-
18 retary of the Navy shall, upon determining that such
19 funds are required for environmental restoration, reduc-
20 tion and recycling of hazardous waste, removal of unsafe
21 buildings and debris of the Department of the Navy, or
22 for similar purposes, transfer the funds made available by
23 this appropriation to other appropriations made available
24 to the Department of the Navy, to be merged with and
25 to be available for the same purposes and for the same

1 time period as the appropriations to which transferred:
2 *Provided further*, That upon a determination that all or
3 part of the funds transferred from this appropriation are
4 not necessary for the purposes provided herein, such
5 amounts may be transferred back to this appropriation:
6 *Provided further*, That the transfer authority provided
7 under this heading is in addition to any other transfer au-
8 thority provided elsewhere in this Act.

9 ENVIRONMENTAL RESTORATION, AIR FORCE
10 (INCLUDING TRANSFER OF FUNDS)

11 For the Department of the Air Force, \$573,810,000,
12 to remain available until transferred: *Provided*, That the
13 Secretary of the Air Force shall, upon determining that
14 such funds are required for environmental restoration, re-
15 duction and recycling of hazardous waste, removal of un-
16 safe buildings and debris of the Department of the Air
17 Force, or for similar purposes, transfer the funds made
18 available by this appropriation to other appropriations
19 made available to the Department of the Air Force, to be
20 merged with and to be available for the same purposes
21 and for the same time period as the appropriations to
22 which transferred: *Provided further*, That upon a deter-
23 mination that all or part of the funds transferred from
24 this appropriation are not necessary for the purposes pro-
25 vided herein, such amounts may be transferred back to

1 this appropriation: *Provided further*, That the transfer au-
2 thority provided under this heading is in addition to any
3 other transfer authority provided elsewhere in this Act.

4 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE
5 (INCLUDING TRANSFER OF FUNDS)

6 For the Department of Defense, \$10,979,000, to re-
7 main available until transferred: *Provided*, That the Sec-
8 retary of Defense shall, upon determining that such funds
9 are required for environmental restoration, reduction and
10 recycling of hazardous waste, removal of unsafe buildings
11 and debris of the Department of Defense, or for similar
12 purposes, transfer the funds made available by this appro-
13 priation to other appropriations made available to the De-
14 partment of Defense, to be merged with and to be avail-
15 able for the same purposes and for the same time period
16 as the appropriations to which transferred: *Provided fur-*
17 *ther*, That upon a determination that all or part of the
18 funds transferred from this appropriation are not nec-
19 essary for the purposes provided herein, such amounts
20 may be transferred back to this appropriation: *Provided*
21 *further*, That the transfer authority provided under this
22 heading is in addition to any other transfer authority pro-
23 vided elsewhere in this Act.

1 ENVIRONMENTAL RESTORATION, FORMERLY USED
2 DEFENSE SITES
3 (INCLUDING TRANSFER OF FUNDS)

4 For the Department of the Army, \$317,580,000, to
5 remain available until transferred: *Provided*, That the Sec-
6 retary of the Army shall, upon determining that such
7 funds are required for environmental restoration, reduc-
8 tion and recycling of hazardous waste, removal of unsafe
9 buildings and debris at sites formerly used by the Depart-
10 ment of Defense, transfer the funds made available by this
11 appropriation to other appropriations made available to
12 the Department of the Army, to be merged with and to
13 be available for the same purposes and for the same time
14 period as the appropriations to which transferred: *Pro-*
15 *vided further*, That upon a determination that all or part
16 of the funds transferred from this appropriation are not
17 necessary for the purposes provided herein, such amounts
18 may be transferred back to this appropriation: *Provided*
19 *further*, That the transfer authority provided under this
20 heading is in addition to any other transfer authority pro-
21 vided elsewhere in this Act.

22 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

23 For expenses relating to the Overseas Humanitarian,
24 Disaster, and Civic Aid programs of the Department of
25 Defense (consisting of the programs provided under sec-

1 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
2 United States Code), \$170,000,000, to remain available
3 until September 30, 2024: *Provided*, That such amounts
4 shall not be subject to the limitation in section 407(e)(3)
5 of title 10, United States Code.

6 COOPERATIVE THREAT REDUCTION ACCOUNT

7 For assistance, including assistance provided by con-
8 tract or by grants, under programs and activities of the
9 Department of Defense Cooperative Threat Reduction
10 Program authorized under the Department of Defense Co-
11 operative Threat Reduction Act, \$351,598,000, to remain
12 available until September 30, 2025.

13 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE

14 DEVELOPMENT ACCOUNT

15 For the Department of Defense Acquisition Work-
16 force Development Account, \$111,791,000: *Provided*,
17 That no other amounts may be otherwise credited or
18 transferred to the Account, or deposited into the Account,
19 in fiscal year 2023 pursuant to section 1705(d) of title
20 10, United States 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
7 accessories therefor; specialized equipment and training
8 devices; expansion of public and private plants, including
9 the land necessary therefor, for the foregoing purposes,
10 and such lands and interests therein, may be acquired,
11 and construction prosecuted thereon prior to approval of
12 title; and procurement and installation of equipment, ap-
13 pliances, and machine tools in public and private plants;
14 reserve plant and Government and contractor-owned
15 equipment layaway; and other expenses necessary for the
16 foregoing purposes, \$3,847,834,000, to remain available
17 for obligation until 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
22 accessories therefor; specialized equipment and training
23 devices; expansion of public and private plants, including
24 the land necessary therefor, for the foregoing purposes,
25 and such lands and interests therein, may be acquired,

1 PROCUREMENT OF AMMUNITION, ARMY

2 For construction, procurement, production, and
3 modification of ammunition, and accessories therefor; spe-
4 cialized equipment and training devices; expansion of pub-
5 lic and private plants, including ammunition facilities, au-
6 thorized by section 2854 of title 10, United States Code,
7 and the land necessary therefor, for the foregoing pur-
8 poses, and such lands and interests therein, may be ac-
9 quired, and construction prosecuted thereon prior to ap-
10 proval of title; and procurement and installation of equip-
11 ment, appliances, and machine tools in public and private
12 plants; reserve plant and Government and contractor-
13 owned equipment layaway; and other expenses necessary
14 for the foregoing purposes, \$2,770,120,000, to remain
15 available for obligation until September 30, 2025.

16 OTHER PROCUREMENT, ARMY

17 For construction, procurement, production, and
18 modification of vehicles, including tactical, support, and
19 non-tracked combat vehicles; the purchase of passenger
20 motor vehicles for replacement only; communications and
21 electronic equipment; other support equipment; spare
22 parts, ordnance, and accessories therefor; specialized
23 equipment and training devices; expansion of public and
24 private plants, including the land necessary therefor, for
25 the foregoing purposes, and such lands and interests

1 therein, may be acquired, and construction prosecuted
2 thereon prior to approval of title; and procurement and
3 installation of equipment, appliances, and machine tools
4 in public and private plants; reserve plant and Govern-
5 ment and contractor-owned equipment layaway; and other
6 expenses necessary for the foregoing purposes,
7 \$8,668,148,000, to remain available for obligation until
8 September 30, 2025.

9 AIRCRAFT PROCUREMENT, NAVY

10 For construction, procurement, production, modifica-
11 tion, and modernization of aircraft, equipment, including
12 ordnance, spare parts, and accessories therefor; specialized
13 equipment; expansion of public and private plants, includ-
14 ing the land necessary therefor, and such lands and inter-
15 ests therein, may be acquired, and construction prosecuted
16 thereon prior to approval of title; and procurement and
17 installation of equipment, appliances, and machine tools
18 in public and private plants; reserve plant and Govern-
19 ment and contractor-owned equipment layaway,
20 \$19,031,864,000, to remain available for obligation until
21 September 30, 2025.

22 WEAPONS PROCUREMENT, NAVY

23 For construction, procurement, production, modifica-
24 tion, and modernization of missiles, torpedoes, other weap-
25 ons, and related support equipment including spare parts,

1 and accessories therefor; expansion of public and private
2 plants, including the land necessary therefor, and such
3 lands and interests therein, may be acquired, and con-
4 struction prosecuted thereon prior to approval of title; and
5 procurement and installation of equipment, appliances,
6 and machine tools in public and private plants; reserve
7 plant and Government and contractor-owned equipment
8 layaway, \$4,823,113,000, to remain available for obliga-
9 tion until September 30, 2025.

10 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
11 CORPS

12 For construction, procurement, production, and
13 modification of ammunition, and accessories therefor; spe-
14 cialized equipment and training devices; expansion of pub-
15 lic and private plants, including ammunition facilities, au-
16 thorized by section 2854 of title 10, United States Code,
17 and the land necessary therefor, for the foregoing pur-
18 poses, 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-
23 owned equipment layaway; and other expenses necessary
24 for the foregoing purposes, \$920,884,000, to remain avail-
25 able for obligation until September 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
9 constructed or converted in the future; and expansion of
10 public and private plants, including land necessary there-
11 for, and such lands and interests therein, may be acquired,
12 and construction prosecuted thereon prior to approval of
13 title, as 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),
23 \$2,025,651,000;

24 CVN Refueling Overhauls (AP), \$612,081,000;

25 DDG-1000 Program, \$72,976,000;

1 DDG-51 Destroyer, \$6,946,537,000;
2 DDG-51 Destroyer (AP), \$695,652,000;
3 FFG-Frigate, \$1,135,224,000;
4 LPD Flight II, \$1,673,000,000;
5 LPD Flight II (AP), \$250,000,000;
6 LHA Replacement, \$1,374,470,000;
7 Expeditionary Fast Transport, \$645,000,000;
8 TAO Fleet Oiler, \$782,588,000;
9 Towing, Salvage, and Rescue Ship,
10 \$95,915,000;
11 Ship to Shore Connector, \$454,533,000;
12 Service Craft, \$21,056,000;
13 Auxiliary Personnel Lighter, \$71,218,000;
14 LCAC SLEP, \$36,301,000;
15 Auxiliary Vessels, \$133,000,000;
16 For outfitting, post delivery, conversions, and
17 first destination transportation, \$707,412,000; and
18 Completion of Prior Year Shipbuilding Pro-
19 grams, \$1,312,646,000.
20 In all: \$31,955,124,000, to remain available for obligation
21 until September 30, 2027: *Provided*, That additional obli-
22 gations may be incurred after September 30, 2027, for
23 engineering services, tests, evaluations, and other such
24 budgeted work that must be performed in the final stage
25 of ship construction: *Provided further*, That none of the

1 funds provided under this heading for the construction or
2 conversion of any naval vessel to be constructed in ship-
3 yards in the United States shall be expended in foreign
4 facilities for the construction of major components of such
5 vessel: *Provided further*, That none of the funds provided
6 under this heading shall be used for the construction of
7 any naval vessel in foreign shipyards: *Provided further*,
8 That funds appropriated or otherwise made available by
9 this Act for Columbia Class Submarine (AP) may be avail-
10 able for the purposes authorized by subsections (f), (g),
11 (h) or (i) of section 2218a of title 10, United States Code,
12 only in accordance with the provisions of the applicable
13 subsection.

14 OTHER PROCUREMENT, NAVY

15 For procurement, production, and modernization of
16 support equipment and materials not otherwise provided
17 for, Navy ordnance (except ordnance for new aircraft, new
18 ships, and ships authorized for conversion); the purchase
19 of passenger motor vehicles for replacement only; expan-
20 sion of public and private plants, including the land nec-
21 essary therefor, and such lands and interests therein, may
22 be acquired, and construction prosecuted thereon prior to
23 approval of title; and procurement and installation of
24 equipment, appliances, and machine tools in public and
25 private plants; reserve plant and Government and con-

1 tractor-owned equipment layaway, \$12,138,590,000, to
2 remain available for obligation until September 30, 2025:
3 *Provided*, That such funds are also available for the main-
4 tenance, repair, and modernization of ships under a pilot
5 program established for such purposes.

6 PROCUREMENT, MARINE CORPS

7 For expenses necessary for the procurement, manu-
8 facture, and modification of missiles, armament, military
9 equipment, spare parts, and accessories therefor; plant
10 equipment, appliances, and machine tools, and installation
11 thereof in public and private plants; reserve plant and
12 Government and contractor-owned equipment layaway; ve-
13 hicles for the Marine Corps, including the purchase of pas-
14 senger motor vehicles for replacement only; and expansion
15 of public and private plants, including land necessary
16 therefor, and such lands and interests therein, may be ac-
17 quired, and construction prosecuted thereon prior to ap-
18 proval of title, \$3,669,510,000, to remain available for ob-
19 ligation until September 30, 2025.

20 AIRCRAFT PROCUREMENT, AIR FORCE

21 For construction, procurement, and modification of
22 aircraft and equipment, including armor and armament,
23 specialized ground handling equipment, and training de-
24 vices, spare parts, and accessories therefor; specialized
25 equipment; expansion of public and private plants, Gov-

1 ernment-owned equipment and installation thereof in such
2 plants, erection of structures, and acquisition of land, for
3 the foregoing purposes, and such lands and interests
4 therein, may be acquired, and construction prosecuted
5 thereon prior to approval of title; reserve plant and Gov-
6 ernment and contractor-owned equipment layaway; and
7 other expenses necessary for the foregoing purposes in-
8 cluding rents and transportation of things,
9 \$22,196,175,000, to remain available for obligation until
10 September 30, 2025.

11 MISSILE PROCUREMENT, AIR FORCE

12 For construction, procurement, and modification of
13 missiles, rockets, and related equipment, including spare
14 parts and accessories therefor; ground handling equip-
15 ment, and training devices; expansion of public and pri-
16 vate plants, Government-owned equipment and installa-
17 tion thereof in such plants, erection of structures, and ac-
18 quisition of land, for the foregoing purposes, and such
19 lands and interests therein, may be acquired, and con-
20 struction prosecuted thereon prior to approval of title; re-
21 serve plant and Government and contractor-owned equip-
22 ment layaway; and other expenses necessary for the fore-
23 going purposes including rents and transportation of
24 things, \$2,999,346,000, to remain available for obligation
25 until September 30, 2025.

300

1 PROCUREMENT OF AMMUNITION, AIR FORCE

2 For construction, procurement, production, and
3 modification of ammunition, and accessories therefor; spe-
4 cialized equipment and training devices; expansion of pub-
5 lic and private plants, including ammunition facilities, au-
6 thorized by section 2854 of title 10, United States Code,
7 and the land necessary therefor, for the foregoing pur-
8 poses, and such lands and interests therein, may be ac-
9 quired, and construction prosecuted thereon prior to ap-
10 proval of title; and procurement and installation of equip-
11 ment, appliances, and machine tools in public and private
12 plants; reserve plant and Government and contractor-
13 owned equipment layaway; and other expenses necessary
14 for the foregoing purposes, \$857,722,000, to remain avail-
15 able for obligation until September 30, 2025.

16 OTHER PROCUREMENT, AIR FORCE

17 For procurement and modification of equipment (in-
18 cluding ground guidance and electronic control equipment,
19 and ground electronic and communication equipment),
20 and supplies, materials, and spare parts therefor, not oth-
21 erwise provided for; the purchase of passenger motor vehi-
22 cles for replacement only; lease of passenger motor vehi-
23 cles; and expansion of public and private plants, Govern-
24 ment-owned equipment and installation thereof in such
25 plants, erection of structures, and acquisition of land, for

1 the foregoing purposes, and such lands and interests
2 therein, may be acquired, and construction prosecuted
3 thereon, prior to approval of title; reserve plant and Gov-
4 ernment and contractor-owned equipment layaway,
5 \$28,034,122,000, to remain available for obligation until
6 September 30, 2025.

7 PROCUREMENT, SPACE FORCE

8 For construction, procurement, and modification of
9 spacecraft, rockets, and related equipment, including
10 spare parts and accessories therefor; ground handling
11 equipment, and training devices; expansion of public and
12 private plants, Government-owned equipment and installa-
13 tion thereof in such plants, erection of structures, and ac-
14 quisition of land, for the foregoing purposes, and such
15 lands and interests therein, may be acquired, and con-
16 struction prosecuted thereon prior to approval of title; re-
17 serve plant and Government and contractor-owned equip-
18 ment layaway; and other expenses necessary for the fore-
19 going purposes including rents and transportation of
20 things, \$4,462,188,000, to remain available for obligation
21 until September 30, 2025.

22 PROCUREMENT, DEFENSE-WIDE

23 For expenses of activities and agencies of the Depart-
24 ment of Defense (other than the military departments)
25 necessary for procurement, production, and modification

302

1 of equipment, supplies, materials, and spare parts there-
2 for, not otherwise provided for; the purchase of passenger
3 motor vehicles for replacement only; expansion of public
4 and private plants, equipment, and installation thereof in
5 such plants, erection of structures, and acquisition of land
6 for the foregoing purposes, and such lands and interests
7 therein, may be acquired, and construction prosecuted
8 thereon prior to approval of title; reserve plant and Gov-
9 ernment and contractor-owned equipment layaway,
10 \$6,139,674,000, to remain available for obligation until
11 September 30, 2025.

12 DEFENSE PRODUCTION ACT PURCHASES

13 For activities by the Department of Defense pursuant
14 to sections 108, 301, 302, and 303 of the Defense Produc-
15 tion Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533),
16 \$372,906,000, to remain available for obligation until Sep-
17 tember 30, 2027, which shall be obligated and expended
18 by the Secretary of Defense as if delegated the necessary
19 authorities conferred by the Defense Production Act of
20 1950.

21 NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

22 For procurement of rotary-wing aircraft; combat, tac-
23 tical and support vehicles; other weapons; and other pro-
24 curement items for the reserve components of the Armed
25 Forces, \$1,000,000,000, to remain available for obligation

1 until September 30, 2025: *Provided*, That the Chiefs of
2 National Guard and Reserve components shall, not later
3 than 30 days after enactment of this Act, individually sub-
4 mit to the congressional defense committees the mod-
5 ernization priority assessment for their respective Na-
6 tional Guard or Reserve component: *Provided further*,
7 That none of the funds made available by this paragraph
8 may be used to procure manned fixed wing aircraft, or
9 procure or modify missiles, munitions, or ammunition.

304

1 TITLE IV
2 RESEARCH, DEVELOPMENT, TEST AND
3 EVALUATION

4 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
5 ARMY

6 For expenses necessary for basic and applied sci-
7 entific research, development, test and evaluation, includ-
8 ing maintenance, rehabilitation, lease, and operation of fa-
9 cilities and equipment, \$17,150,141,000, to remain avail-
10 able for obligation until September 30, 2024.

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
12 NAVY

13 For expenses necessary for basic and applied sci-
14 entific research, development, test and evaluation, includ-
15 ing maintenance, rehabilitation, lease, and operation of fa-
16 cilities and equipment, \$26,017,309,000, to remain avail-
17 able for obligation until September 30, 2024: *Provided*,
18 That funds appropriated in this paragraph which are
19 available for the V-22 may be used to meet unique oper-
20 ational requirements of the Special Operations Forces.

21 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
22 AIR FORCE

23 For expenses necessary for basic and applied sci-
24 entific research, development, test and evaluation, includ-
25 ing maintenance, rehabilitation, lease, and operation of fa-

305

1 cilities and equipment, \$44,946,927,000, to remain avail-
2 able for obligation until September 30, 2024.

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4 SPACE FORCE

5 For expenses necessary for basic and applied sci-
6 entific research, development, test and evaluation, includ-
7 ing maintenance, rehabilitation, lease, and operation of fa-
8 cilities and equipment, \$16,631,377,000, to remain avail-
9 able until September 30, 2024.

10 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
11 DEFENSE-WIDE

12 For expenses of activities and agencies of the Depart-
13 ment of Defense (other than the military departments),
14 necessary for basic and applied scientific research, devel-
15 opment, test and evaluation; advanced research projects
16 as may be designated and determined by the Secretary
17 of Defense, pursuant to law; maintenance, rehabilitation,
18 lease, and operation of facilities and equipment,
19 \$34,565,478,000, to remain available for obligation until
20 September 30, 2024.

21 OPERATIONAL TEST AND EVALUATION, DEFENSE

22 For expenses, not otherwise provided for, necessary
23 for the independent activities of the Director, Operational
24 Test and Evaluation, in the direction and supervision of
25 operational test and evaluation, including initial oper-

306

1 ational test and evaluation which is conducted prior to,
2 and in support of, production decisions; joint operational
3 testing and evaluation; and administrative expenses in
4 connection therewith, \$449,294,000, to remain available
5 for obligation until September 30, 2024.

6

TITLE V

7

REVOLVING AND MANAGEMENT FUNDS

8

DEFENSE WORKING CAPITAL FUNDS

9

For the Defense Working Capital Funds,

10 \$1,654,710,000.

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
6 as authorized by law, \$39,225,101,000; of which
7 \$35,613,417,000 shall be for operation and maintenance,
8 of which not to exceed one percent shall remain available
9 for obligation until September 30, 2024, and of which up
10 to \$18,577,877,000 may be available for contracts entered
11 into under the TRICARE program; of which
12 \$570,074,000, to remain available for obligation until Sep-
13 tember 30, 2025, shall be for procurement; and of which
14 \$3,041,610,000, to remain available for obligation until
15 September 30, 2024, shall be for research, development,
16 test and evaluation: *Provided*, That, notwithstanding any
17 other provision of law, of the amount made available under
18 this heading for research, development, test and evalua-
19 tion, not less than \$12,000,000 shall be available for HIV
20 prevention educational activities undertaken in connection
21 with United States military training, exercises, and hu-
22 manitarian assistance activities conducted primarily in Af-
23 rican nations: *Provided further*, That of the funds provided
24 under this heading for research, development, test and
25 evaluation, not less than \$1,561,000,000 shall be made

1 available to the Defense Health Agency to carry out the
2 congressionally directed medical research programs: *Pro-*
3 *vided further*, That the Secretary of Defense shall submit
4 to the congressional defense committees quarterly reports
5 on the current status of the deployment of the electronic
6 health record: *Provided further*, That the Secretary of De-
7 fense shall provide notice to the congressional defense
8 committees not later than 10 business days after delaying
9 the proposed timeline of such deployment if such delay is
10 longer than 1 week: *Provided further*, That the Comp-
11 troller General of the United States shall perform quar-
12 terly performance reviews of such deployment.

13 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
14 DEFENSE

15 For expenses, not otherwise provided for, necessary
16 for the destruction of the United States stockpile of lethal
17 chemical agents and munitions in accordance with the pro-
18 visions of section 1412 of the Department of Defense Au-
19 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
20 struction of other chemical warfare materials that are not
21 in the chemical weapon stockpile, \$1,059,818,000, of
22 which \$84,612,000 shall be for operation and mainte-
23 nance, of which no less than \$53,186,000 shall be for the
24 Chemical Stockpile Emergency Preparedness Program,
25 consisting of \$22,778,000 for activities on military instal-

1 lations and \$30,408,000, to remain available until Sep-
2 tember 30, 2024, to assist State and local governments;
3 and \$975,206,000, to remain available until September
4 30, 2024, shall be for research, development, test and eval-
5 uation, of which \$971,742,000 shall only be for the As-
6 sembled Chemical 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
21 National Guard counter-drug schools program: *Provided*,
22 That the funds appropriated under this heading shall be
23 available for obligation for the same time period and for
24 the same purpose as the appropriation to which trans-
25 ferred: *Provided further*, That upon a determination that

1 all or part of the funds transferred from this appropriation
2 are 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 writ-
9 ten prior notification to the Committees on Appropriations
10 of the House of Representatives and the Senate.

11 OFFICE OF THE INSPECTOR GENERAL

12 For expenses and activities of the Office of the In-
13 spector General in carrying out the provisions of the In-
14 spector General Act of 1978, as amended, \$485,359,000,
15 of which \$481,971,000 shall be for operation and mainte-
16 nance, of which not to exceed \$700,000 is available for
17 emergencies and extraordinary expenses to be expended
18 upon the approval or authority of the Inspector General,
19 and payments may be made upon the Inspector General's
20 certificate of necessity for confidential military purposes;
21 of which \$1,524,000, to remain available for obligation
22 until September 30, 2025, shall be for procurement; and
23 of which \$1,864,000, to remain available until September
24 30, 2024, shall be for research, development, test and eval-
25 uation.

1 SUPPORT FOR INTERNATIONAL SPORTING
2 COMPETITIONS

3 For logistical and security support for international
4 sporting competitions (including pay and non-travel re-
5 lated allowances only for members of the Reserve Compo-
6 nents of the Armed Forces of the United States called or
7 ordered to active duty in connection with providing such
8 support), \$10,377,000, to remain available until expended.

312

1 TITLE VII

2 RELATED AGENCIES

3 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

4 DISABILITY SYSTEM FUND

5 For payment to the Central Intelligence Agency Re-
6 tirement and Disability System Fund, to maintain the
7 proper funding level for continuing the operation of the
8 Central Intelligence Agency Retirement and Disability
9 System, \$514,000,000.

10 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

11 For necessary expenses of the Intelligence Commu-
12 nity Management Account, \$562,265,000.

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
15 computed under the provisions of section 5332 of title 5,
16 United States Code, or at a rate in excess of the percent-
17 age increase provided by the appropriate host nation to
18 its own employees, whichever is higher: *Provided further*,
19 That this section shall not apply to Department of De-
20 fense foreign service national employees serving at United
21 States diplomatic missions whose pay is set by the Depart-
22 ment of State under the Foreign Service Act of 1980: *Pro-*
23 *vided further*, That the limitations of this provision shall
24 not apply to foreign national employees of the Department
25 of Defense in the Republic of Turkey.

1 appropriated and in no case where the item for which
2 funds are requested has been denied by the Congress: *Pro-*
3 *vided further*, That the Secretary of Defense shall notify
4 the Congress promptly of all transfers made pursuant to
5 this authority or any other authority in this Act: *Provided*
6 *further*, That no part of the funds in this Act shall be
7 available to prepare or present a request to the Commit-
8 tees on Appropriations of the House of Representatives
9 and the Senate for reprogramming of funds, unless for
10 higher priority items, based on unforeseen military re-
11 quirements, than those for which originally appropriated
12 and in no case where the item for which reprogramming
13 is requested has been denied by the Congress: *Provided*
14 *further*, That a request for multiple reprogrammings of
15 funds using authority provided in this section shall be
16 made prior to June 30, 2023: *Provided further*, That
17 transfers among military personnel appropriations shall
18 not be taken into account for purposes of the limitation
19 on the amount of funds that may be transferred under
20 this section.

21 SEC. 8006. (a) With regard to the list of specific pro-
22 grams, projects, and activities (and the dollar amounts
23 and adjustments to budget activities corresponding to
24 such programs, projects, and activities) contained in the
25 tables titled Explanation of Project Level Adjustments in

1 the explanatory statement regarding this Act and the ta-
2 bles contained in the classified annex accompanying this
3 Act, the obligation and expenditure of amounts appro-
4 priated or otherwise made available in this Act for those
5 programs, projects, and activities for which the amounts
6 appropriated exceed the amounts requested are hereby re-
7 quired by law to be carried out in the manner provided
8 by such tables to the same extent as if the tables were
9 included in the text of this Act.

10 (b) Amounts specified in the referenced tables de-
11 scribed in subsection (a) shall not be treated as subdivi-
12 sions of appropriations for purposes of section 8005 of this
13 Act: *Provided*, That section 8005 shall apply when trans-
14 fers of the amounts described in subsection (a) occur be-
15 tween appropriation accounts.

16 SEC. 8007. (a) Not later than 60 days after the date
17 of the enactment of this Act, the Department of Defense
18 shall submit a report to the congressional defense commit-
19 tees to establish the baseline for application of reprogram-
20 ming and transfer authorities for fiscal year 2023: *Pro-*
21 *vided*, That the report shall include—

22 (1) a table for each appropriation with a sepa-
23 rate column to display the President's budget re-
24 quest, adjustments made by Congress, adjustments

1 due to enacted rescissions, if appropriate, and the
2 fiscal year enacted level;

3 (2) a delineation in the table for each appro-
4 priation both by budget activity and program,
5 project, and activity as detailed in the Budget Ap-
6 pendix; and

7 (3) an identification of items of special congres-
8 sional interest.

9 (b) Notwithstanding section 8005 of this Act, none
10 of the funds provided in this Act shall be available for
11 reprogramming or transfer until the report identified in
12 subsection (a) is submitted to the congressional defense
13 committees, unless the Secretary of Defense certifies in
14 writing to the congressional defense committees that such
15 reprogramming or transfer is necessary as an emergency
16 requirement: *Provided*, That this subsection shall not
17 apply to transfers from the following appropriations ac-
18 counts:

19 (1) “Environmental Restoration, Army”;

20 (2) “Environmental Restoration, Navy”;

21 (3) “Environmental Restoration, Air Force”;

22 (4) “Environmental Restoration, Defense-
23 Wide”;

24 (5) “Environmental Restoration, Formerly
25 Used Defense Sites”; and

1 SEC. 8009. Funds appropriated by this Act may not
2 be used to initiate a special access program without prior
3 notification 30 calendar days in advance to the congress-
4 sional defense committees.

5 SEC. 8010. None of the funds provided in this Act
6 shall be available to initiate: (1) a multiyear contract that
7 employs economic order quantity procurement in excess of
8 \$20,000,000 in any one year of the contract or that in-
9 cludes an unfunded contingent liability in excess of
10 \$20,000,000; or (2) a contract for advance procurement
11 leading to a multiyear contract that employs economic
12 order quantity procurement in excess of \$20,000,000 in
13 any one year, unless the congressional defense committees
14 have been notified at least 30 days in advance of the pro-
15 posed contract award: *Provided*, That no part of any ap-
16 propriation contained in this Act shall be available to ini-
17 tiate a multiyear contract for which the economic order
18 quantity advance procurement is not funded at least to
19 the limits of the Government's liability: *Provided further*,
20 That no part of any appropriation contained in this Act
21 shall be available to initiate multiyear procurement con-
22 tracts for any systems or component thereof if the value
23 of the multiyear contract would exceed \$500,000,000 un-
24 less specifically provided in this Act: *Provided further*,
25 That no multiyear procurement contract can be termi-

1 nated without 30-day prior notification to the congres-
2 sional defense committees: *Provided further*, That the exe-
3 cution of multiyear authority shall require the use of a
4 present value analysis to determine lowest cost compared
5 to an annual procurement: *Provided further*, That none of
6 the funds provided in this Act may be used for a multiyear
7 contract executed after the date of the enactment of this
8 Act unless in the case of any such contract—

9 (1) the Secretary of Defense has submitted to
10 Congress a budget request for full funding of units
11 to be procured through the contract and, in the case
12 of a contract for procurement of aircraft, that in-
13 cludes, for any aircraft unit to be procured through
14 the contract for which procurement funds are re-
15 quested in that budget request for production be-
16 yond advance procurement activities in the fiscal
17 year covered by the budget, full funding of procure-
18 ment of such unit in that fiscal year;

19 (2) cancellation provisions in the contract do
20 not include consideration of recurring manufacturing
21 costs of the contractor associated with the produc-
22 tion of unfunded units to be delivered under the con-
23 tract;

1 (3) the contract provides that payments to the
2 contractor under the contract shall not be made in
3 advance of incurred costs on funded units; and

4 (4) the contract does not provide for a price ad-
5 justment based on a failure to award a follow-on
6 contract.

7 Funds appropriated in title III of this Act may be used
8 for multiyear procurement contracts for up to 15 DDG–
9 51 Arleigh Burke Class Guided Missile Destroyers.

10 SEC. 8011. Within the funds appropriated for the op-
11 eration and maintenance of the Armed Forces, funds are
12 hereby appropriated pursuant to section 401 of title 10,
13 United States Code, for humanitarian and civic assistance
14 costs under chapter 20 of title 10, United States Code:
15 *Provided*, That such funds may also be obligated for hu-
16 manitarian and civic assistance costs incidental to author-
17 ized operations and pursuant to authority granted in sec-
18 tion 401 of title 10, United States Code, and these obliga-
19 tions shall be reported as required by section 401(d) of
20 title 10, United States Code: *Provided further*, That funds
21 available for operation and maintenance shall be available
22 for providing humanitarian and similar assistance by
23 using Civic Action Teams in the Trust Territories of the
24 Pacific Islands and freely associated states of Micronesia,
25 pursuant to the Compact of Free Association as author-

1 ized by Public Law 99–239: *Provided further*, That upon
2 a determination by the Secretary of the Army that such
3 action is beneficial for graduate medical education pro-
4 grams conducted at Army medical facilities located in Ha-
5 waii, the Secretary of the Army may authorize the provi-
6 sion of medical services at such facilities and transpor-
7 tation to such facilities, on a nonreimbursable basis, for
8 civilian patients from American Samoa, the Common-
9 wealth of the Northern Mariana Islands, the Marshall Is-
10 lands, the Federated States of Micronesia, Palau, and
11 Guam.

12 SEC. 8012. (a) During the current fiscal year, the
13 civilian personnel of the Department of Defense may not
14 be managed on the basis of any constraint or limitation
15 in terms of man years, end strength, full-time equivalent
16 positions, or maximum number of employees, but are to
17 be managed solely on the basis of, and in a manner con-
18 sistent with—

19 (1) the total force management policies and
20 procedures established under section 129a of title
21 10, United States Code;

22 (2) the workload required to carry out the func-
23 tions and activities of the Department; and

24 (3) the funds made available to the Department
25 for such fiscal year.

1 (b) None of the funds appropriated by this Act may
2 be used to reduce the civilian workforce programmed full
3 time equivalent levels absent the appropriate analysis of
4 the impact of these reductions on workload, military force
5 structure, lethality, readiness, operational effectiveness,
6 stress on the military force, and fully burdened costs.

7 (c) A projection of the number of full-time equivalent
8 positions shall not be considered a constraint or limitation
9 for purposes of subsection (a) and reducing funding for
10 under-execution of such a projection shall not be consid-
11 ered managing based on a constraint or limitation for pur-
12 poses of such subsection.

13 (d) The fiscal year 2024 budget request for the De-
14 partment of Defense, and any justification material and
15 other documentation supporting such a request, shall be
16 prepared and submitted to Congress as if subsections (a)
17 and (b) were effective with respect to such fiscal year.

18 (e) Nothing in this section shall be construed to apply
19 to military (civilian) technicians.

20 SEC. 8013. None of the funds made available by this
21 Act shall be used in any way, directly or indirectly, to in-
22 fluence congressional action on any legislation or appro-
23 priation matters pending before the Congress.

24 SEC. 8014. None of the funds available in this Act
25 to the Department of Defense, other than appropriations

1 made for necessary or routine refurbishments, upgrades,
2 or maintenance activities, shall be used to reduce or to
3 prepare to reduce the number of deployed and non-de-
4 ployed strategic delivery vehicles and launchers below the
5 levels set forth in the report submitted to Congress in ac-
6 cordance with section 1042 of the National Defense Au-
7 thorization Act for Fiscal Year 2012.

8 (TRANSFER OF FUNDS)

9 SEC. 8015. (a) Funds appropriated in title III of this
10 Act for the Department of Defense Pilot Mentor-Protégé
11 Program may be transferred to any other appropriation
12 contained in this Act solely for the purpose of imple-
13 menting a Mentor-Protégé Program developmental assist-
14 ance agreement pursuant to section 831 of the National
15 Defense Authorization Act for Fiscal Year 1991 (Public
16 Law 101–510; 10 U.S.C. 2302 note), as amended, under
17 the authority of this provision or any other transfer au-
18 thority contained in this Act.

19 (b) The Secretary of Defense shall include with the
20 budget justification documents in support of the budget
21 for fiscal year 2024 (as submitted to Congress pursuant
22 to section 1105 of title 31, United States Code) a descrip-
23 tion of each transfer under this section that occurred dur-
24 ing the last fiscal year before the fiscal year in which such
25 budget is submitted.

1 SEC. 8016. None of the funds in this Act may be
2 available for the purchase by the Department of Defense
3 (and its departments and agencies) of welded shipboard
4 anchor and mooring chain unless the anchor and mooring
5 chain are manufactured in the United States from compo-
6 nents which are substantially manufactured in the United
7 States: *Provided*, That for the purpose of this section, the
8 term “manufactured” shall include cutting, heat treating,
9 quality control, testing of chain and welding (including the
10 forging and shot blasting process): *Provided further*, That
11 for the purpose of this section substantially all of the com-
12 ponents of anchor and mooring chain shall be considered
13 to be produced or manufactured in the United States if
14 the aggregate cost of the components produced or manu-
15 factured in the United States exceeds the aggregate cost
16 of the components produced or manufactured outside the
17 United States: *Provided further*, That when adequate do-
18 mestic supplies are not available to meet Department of
19 Defense requirements on a timely basis, the Secretary of
20 the Service responsible for the procurement may waive this
21 restriction on a case-by-case basis by certifying in writing
22 to the Committees on Appropriations of the House of Rep-
23 resentatives and the Senate that such an acquisition must
24 be made in order to acquire capability for national security
25 purposes.

1 SEC. 8017. None of the funds appropriated by this
2 Act shall be used for the support of any nonappropriated
3 funds activity of the Department of Defense that procures
4 malt beverages and wine with nonappropriated funds for
5 resale (including such alcoholic beverages sold by the
6 drink) on a military installation located in the United
7 States unless such malt beverages and wine are procured
8 within that State, or in the case of the District of Colum-
9 bia, within the District of Columbia, in which the military
10 installation is located: *Provided*, That, in a case in which
11 the military installation is located in more than one State,
12 purchases may be made in any State in which the installa-
13 tion is located: *Provided further*, That such local procure-
14 ment requirements for malt beverages and wine shall
15 apply to all alcoholic beverages only for military installa-
16 tions in States which are not contiguous with another
17 State: *Provided further*, That alcoholic beverages other
18 than wine and malt beverages, in contiguous States and
19 the District of Columbia shall be procured from the most
20 competitive source, price and other factors considered.

21 SEC. 8018. None of the funds available to the De-
22 partment of Defense may be used to demilitarize or dis-
23 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
24 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or
25 to demilitarize or destroy small arms ammunition or am-

1 munition components that are not otherwise prohibited
2 from commercial sale under Federal law, unless the small
3 arms ammunition or ammunition components are certified
4 by the Secretary of the Army or designee as unserviceable
5 or unsafe for further use.

6 SEC. 8019. No more than \$500,000 of the funds ap-
7 propriated or made available in this Act shall be used dur-
8 ing a single fiscal year for any single relocation of an orga-
9 nization, unit, activity or function of the Department of
10 Defense into or within the National Capital Region: *Pro-*
11 *vided*, That the Secretary of Defense may waive this re-
12 striction on a case-by-case basis by certifying in writing
13 to the congressional defense committees that such a relo-
14 cation is required in the best interest of the Government.

15 SEC. 8020. In addition to the funds provided else-
16 where in this Act, \$25,000,000 is appropriated only for
17 incentive payments authorized by section 504 of the In-
18 dian Financing Act of 1974 (25 U.S.C. 1544): *Provided*,
19 That a prime contractor or a subcontractor at any tier
20 that makes a subcontract award to any subcontractor or
21 supplier as defined in section 1544 of title 25, United
22 States Code, or a small business owned and controlled by
23 an individual or individuals defined under section 4221(9)
24 of title 25, United States Code, shall be considered a con-
25 tractor for the purposes of being allowed additional com-

1 pensionation under section 504 of the Indian Financing Act
2 of 1974 (25 U.S.C. 1544) whenever the prime contract
3 or subcontract amount is over \$500,000 and involves the
4 expenditure of funds appropriated by an Act making ap-
5 propriations for the Department of Defense with respect
6 to any fiscal year: *Provided further*, That notwithstanding
7 section 1906 of title 41, United States Code, this section
8 shall be applicable to any Department of Defense acquisi-
9 tion of supplies or services, including any contract and any
10 subcontract at any tier for acquisition of commercial items
11 produced or manufactured, in whole or in part, by any
12 subcontractor or supplier defined in section 1544 of title
13 25, United States Code, or a small business owned and
14 controlled by an individual or individuals defined under
15 section 4221(9) of title 25, United States Code.

16 SEC. 8021. (a) Notwithstanding any other provision
17 of law, the Secretary of the Air Force may convey at no
18 cost to the Air Force, without consideration, to Indian
19 tribes located in the States of Nevada, Idaho, North Da-
20 kota, South Dakota, Montana, Oregon, Minnesota, and
21 Washington relocatable military housing units located at
22 Grand Forks Air Force Base, Malmstrom Air Force Base,
23 Mountain Home Air Force Base, Ellsworth Air Force
24 Base, and Minot Air Force Base that are excess to the
25 needs of the Air Force.

1 (b) The Secretary of the Air Force shall convey, at
2 no cost to the Air Force, military housing units under sub-
3 section (a) in accordance with the request for such units
4 that are submitted to the Secretary by the Operation
5 Walking Shield Program on behalf of Indian tribes located
6 in the States of Nevada, Idaho, North Dakota, South Da-
7 kota, Montana, Oregon, Minnesota, and Washington. Any
8 such conveyance shall be subject to the condition that the
9 housing units shall be removed within a reasonable period
10 of time, as determined by the Secretary.

11 (c) The Operation Walking Shield Program shall re-
12 solve any conflicts among requests of Indian tribes for
13 housing units under subsection (a) before submitting re-
14 quests to the Secretary of the Air Force under subsection
15 (b).

16 (d) In this section, the term “Indian tribe” means
17 any recognized Indian tribe included on the current list
18 published by the Secretary of the Interior under section
19 104 of the Federally Recognized Indian Tribe Act of 1994
20 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 5131).

21 SEC. 8022. Of the funds appropriated to the Depart-
22 ment of Defense under the heading “Operation and Main-
23 tenance, Defense-Wide”, not less than \$20,000,000 shall
24 be made available only for the mitigation of environmental
25 impacts, including training and technical assistance to

1 tribes, related administrative support, the gathering of in-
2 formation, documenting of environmental damage, and de-
3 veloping a system for prioritization of mitigation and cost
4 to complete estimates for mitigation, on Indian lands re-
5 sulting from Department of Defense activities.

6 SEC. 8023. Funds appropriated by this Act for the
7 Defense Media Activity shall not be used for any national
8 or international political or psychological activities.

9 SEC. 8024. Of the amounts appropriated for “Work-
10 ing Capital Fund, Army”, \$115,000,000 shall be available
11 to maintain competitive rates at the arsenals.

12 SEC. 8025. (a) Of the funds made available in this
13 Act, not less than \$64,800,000 shall be available for the
14 Civil Air Patrol Corporation, of which—

15 (1) \$51,300,000 shall be available from “Oper-
16 ation and Maintenance, Air Force” to support Civil
17 Air Patrol Corporation operation and maintenance,
18 readiness, counter-drug activities, and drug demand
19 reduction activities involving youth programs;

20 (2) \$11,600,000 shall be available from “Air-
21 craft Procurement, Air Force”; and

22 (3) \$1,900,000 shall be available from “Other
23 Procurement, Air Force” for vehicle procurement.

24 (b) The Secretary of the Air Force should waive reim-
25 bursement for any funds used by the Civil Air Patrol for

1 counter-drug activities in support of Federal, State, and
2 local government agencies.

3 SEC. 8026. (a) None of the funds appropriated in this
4 Act are available to establish a new Department of De-
5 fense (department) federally funded research and develop-
6 ment center (FFRDC), either as a new entity, or as a
7 separate entity administrated by an organization man-
8 aging another FFRDC, or as a nonprofit membership cor-
9 poration consisting of a consortium of other FFRDCs and
10 other nonprofit entities.

11 (b) No member of a Board of Directors, Trustees,
12 Overseers, Advisory Group, Special Issues Panel, Visiting
13 Committee, or any similar entity of a defense FFRDC,
14 and no paid consultant to any defense FFRDC, except
15 when acting in a technical advisory capacity, may be com-
16 pensated for his or her services as a member of such enti-
17 ty, or as a paid consultant by more than one FFRDC in
18 a fiscal year: *Provided*, That a member of any such entity
19 referred to previously in this subsection shall be allowed
20 travel expenses and per diem as authorized under the Fed-
21 eral Joint Travel Regulations, when engaged in the per-
22 formance of membership duties.

23 (c) Notwithstanding any other provision of law, none
24 of the funds available to the department from any source
25 during the current fiscal year may be used by a defense

1 FFRDC, through a fee or other payment mechanism, for
2 construction of new buildings not located on a military in-
3 stallation, for payment of cost sharing for projects funded
4 by Government grants, for absorption of contract over-
5 runs, or for certain charitable contributions, not to include
6 employee participation in community service and/or devel-
7 opment.

8 (d) Notwithstanding any other provision of law, of
9 the funds available to the department during fiscal year
10 2023, not more than \$2,788,107,000 may be funded for
11 professional technical staff-related costs of the defense
12 FFRDCs: *Provided*, That within such funds, not more
13 than \$446,097,000 shall be available for the defense stud-
14 ies and analysis FFRDCs: *Provided further*, That this sub-
15 section shall not apply to staff years funded in the Na-
16 tional Intelligence Program and the Military Intelligence
17 Program: *Provided further*, That the Secretary of Defense
18 shall, with the submission of the department's fiscal year
19 2024 budget request, submit a report presenting the spe-
20 cific amounts of staff years of technical effort to be allo-
21 cated for each defense FFRDC by program during that
22 fiscal year and the associated budget estimates, by appro-
23 priation account and program.

24 (e) Notwithstanding any other provision of this Act,
25 the total amount appropriated in this Act for FFRDCs

1 is hereby reduced by \$129,893,000: *Provided*, That this
2 subsection shall not apply to appropriations for the Na-
3 tional Intelligence Program and Military Intelligence Pro-
4 gram.

5 SEC. 8027. For the purposes of this Act, the term
6 “congressional defense committees” means the Armed
7 Services Committee of the House of Representatives, the
8 Armed Services Committee of the Senate, the Sub-
9 committee on Defense of the Committee on Appropriations
10 of the Senate, and the Subcommittee on Defense of the
11 Committee on Appropriations of the House of Representa-
12 tives.

13 SEC. 8028. For the purposes of this Act, the term
14 “congressional intelligence committees” means the Perma-
15 nent Select Committee on Intelligence of the House of
16 Representatives, the Select Committee on Intelligence of
17 the Senate, the Subcommittee on Defense of the Com-
18 mittee on Appropriations of the House of Representatives,
19 and the Subcommittee on Defense of the Committee on
20 Appropriations of the Senate.

21 SEC. 8029. During the current fiscal year, the De-
22 partment of Defense may acquire the modification, depot
23 maintenance and repair of aircraft, vehicles and vessels
24 as well as the production of components and other De-
25 fense-related articles, through competition between De-

1 partment of Defense depot maintenance activities and pri-
2 vate firms: *Provided*, That the Senior Acquisition Execu-
3 tive of the military department or Defense Agency con-
4 cerned, with power of delegation, shall certify that success-
5 ful bids include comparable estimates of all direct and in-
6 direct costs for both public and private bids: *Provided fur-*
7 *ther*, That Office of Management and Budget Circular A-
8 76 shall not apply to competitions conducted under this
9 section.

10 SEC. 8030. (a) None of the funds appropriated in this
11 Act may be expended by an entity of the Department of
12 Defense unless the entity, in expending the funds, com-
13 plies with the Buy American Act. For purposes of this
14 subsection, the term “Buy American Act” means chapter
15 83 of title 41, United States Code.

16 (b) If the Secretary of Defense determines that a per-
17 son has been convicted of intentionally affixing a label
18 bearing a “Made in America” inscription to any product
19 sold in or shipped to the United States that is not made
20 in America, the Secretary shall determine, in accordance
21 with section 4658 of title 10, United States Code, whether
22 the person should be debarred from contracting with the
23 Department of Defense.

24 (c) In the case of any equipment or products pur-
25 chased with appropriations provided under this Act, it is

1 the sense of the Congress that any entity of the Depart-
2 ment of Defense, in expending the appropriation, purchase
3 only American-made equipment and products, provided
4 that American-made equipment and products are cost-
5 competitive, quality competitive, and available in a timely
6 fashion.

7 SEC. 8031. None of the funds appropriated or made
8 available in this Act shall be used to procure carbon, alloy,
9 or armor steel plate for use in any Government-owned fa-
10 cility or property under the control of the Department of
11 Defense which were not melted and rolled in the United
12 States or Canada: *Provided*, That these procurement re-
13 strictions shall apply to any and all Federal Supply Class
14 9515, American Society of Testing and Materials (ASTM)
15 or American Iron and Steel Institute (AISI) specifications
16 of carbon, alloy or armor steel plate: *Provided further*,
17 That the Secretary of the military department responsible
18 for the procurement may waive this restriction on a case-
19 by-case basis by certifying in writing to the Committees
20 on Appropriations of the House of Representatives and the
21 Senate that adequate domestic supplies are not available
22 to meet Department of Defense requirements on a timely
23 basis and that such an acquisition must be made in order
24 to acquire capability for national security purposes: *Pro-*
25 *vided further*, That these restrictions shall not apply to

1 contracts which are in being as of the date of the enact-
2 ment of this Act.

3 SEC. 8032. (a)(1) If the Secretary of Defense, after
4 consultation with the United States Trade Representative,
5 determines that a foreign country which is party to an
6 agreement described in paragraph (2) has violated the
7 terms of the agreement by discriminating against certain
8 types of products produced in the United States that are
9 covered by the agreement, the Secretary of Defense shall
10 rescind the Secretary's blanket waiver of the Buy Amer-
11 ican Act with respect to such types of products produced
12 in that foreign country.

13 (2) An agreement referred to in paragraph (1) is any
14 reciprocal defense procurement memorandum of under-
15 standing, between the United States and a foreign country
16 pursuant to which the Secretary of Defense has prospec-
17 tively waived the Buy American Act for certain products
18 in that country.

19 (b) The Secretary of Defense shall submit to the Con-
20 gress a report on the amount of Department of Defense
21 purchases from foreign entities in fiscal year 2023. Such
22 report shall separately indicate the dollar value of items
23 for which the Buy American Act was waived pursuant to
24 any agreement described in subsection (a)(2), the Trade
25 Agreements Act of 1979 (19 U.S.C. 2501 et seq.), or any

1 international agreement to which the United States is a
2 party.

3 (c) For purposes of this section, the term “Buy
4 American Act” means chapter 83 of title 41, United
5 States Code.

6 SEC. 8033. None of the funds appropriated by this
7 Act may be used for the procurement of ball and roller
8 bearings other than those produced by a domestic source
9 and of domestic origin: *Provided*, That the Secretary of
10 the military department responsible for such procurement
11 may waive this restriction on a case-by-case basis by certi-
12 fying in writing to the Committees on Appropriations of
13 the House of Representatives and the Senate, that ade-
14 quate domestic supplies are not available to meet Depart-
15 ment of Defense requirements on a timely basis and that
16 such an acquisition must be made in order to acquire ca-
17 pability for national security purposes: *Provided further*,
18 That this restriction shall not apply to the purchase of
19 “commercial products”, as defined by section 103 of title
20 41, United States Code, except that the restriction shall
21 apply to ball or roller bearings purchased as end items.

22 SEC. 8034. In addition to any other funds made
23 available for such purposes, there is appropriated
24 \$93,500,000, for an additional amount for the “National
25 Defense Stockpile Transaction Fund”, to remain available

1 until September 30, 2025, for activities pursuant to the
2 Strategic and Critical Materials Stock Piling Act (50
3 U.S.C. 98 et seq.): *Provided*, That none of the funds pro-
4 vided under this section may be obligated or expended
5 until 90 days after the Secretary of Defense provides the
6 Committees on Appropriations of the House of Represent-
7 atives and the Senate a detailed execution plan for such
8 funds.

9 SEC. 8035. None of the funds in this Act may be
10 used to purchase any supercomputer which is not manu-
11 factured in the United States, unless the Secretary of De-
12 fense certifies to the congressional defense committees
13 that such an acquisition must be made in order to acquire
14 capability for national security purposes that is not avail-
15 able from United States manufacturers.

16 SEC. 8036. (a) The Secretary of Defense may, on a
17 case-by-case basis, waive with respect to a foreign country
18 each limitation on the procurement of defense items from
19 foreign sources provided in law if the Secretary determines
20 that the application of the limitation with respect to that
21 country would invalidate cooperative programs entered
22 into between the Department of Defense and the foreign
23 country, or would invalidate reciprocal trade agreements
24 for the procurement of defense items entered into under
25 section 4851 of title 10, United States Code, and the

1 country does not discriminate against the same or similar
2 defense items produced in the United States for that coun-
3 try.

4 (b) Subsection (a) applies with respect to—

5 (1) contracts and subcontracts entered into on
6 or after the date of the enactment of this Act; and

7 (2) options for the procurement of items that
8 are exercised after such date under contracts that
9 are entered into before such date if the option prices
10 are adjusted for any reason other than the applica-
11 tion of a waiver granted under subsection (a).

12 (c) Subsection (a) does not apply to a limitation re-
13 garding construction of public vessels, ball and roller bear-
14 ings, food, and clothing or textile materials as defined by
15 section XI (chapters 50–65) of the Harmonized Tariff
16 Schedule of the United States and products classified
17 under headings 4010, 4202, 4203, 6401 through 6406,
18 6505, 7019, 7218 through 7229, 7304.41 through
19 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109,
20 8211, 8215, and 9404.

21 SEC. 8037. None of the funds made available in this
22 Act, or any subsequent Act making appropriations for the
23 Department of Defense, may be used for the purchase or
24 manufacture of a flag of the United States unless such

1 flags are treated as covered items under section 4862(b)
2 of title 10, United States Code.

3 SEC. 8038. During the current fiscal year, amounts
4 contained in the Department of Defense Overseas Military
5 Facility Investment Recovery Account shall be available
6 until expended for the payments specified by section
7 2687a(b)(2) of title 10, United States Code.

8 SEC. 8039. During the current fiscal year, appropria-
9 tions which are available to the Department of Defense
10 for operation and maintenance may be used to purchase
11 items having an investment item unit cost of not more
12 than \$350,000: *Provided*, That upon determination by the
13 Secretary of Defense that such action is necessary to meet
14 the operational requirements of a Commander of a Com-
15 batant Command engaged in a named contingency oper-
16 ation overseas, such funds may be used to purchase items
17 having an investment item unit cost of not more than
18 \$500,000.

19 SEC. 8040. Up to \$13,720,000 of the funds appro-
20 priated under the heading “Operation and Maintenance,
21 Navy” may be made available for the Asia Pacific Re-
22 gional Initiative Program for the purpose of enabling the
23 United States Indo-Pacific Command to execute Theater
24 Security Cooperation activities such as humanitarian as-
25 sistance, and payment of incremental and personnel costs

1 of training and exercising with foreign security forces:
2 *Provided*, That funds made available for this purpose may
3 be used, notwithstanding any other funding authorities for
4 humanitarian assistance, security assistance or combined
5 exercise expenses: *Provided further*, That funds may not
6 be obligated to provide assistance to any foreign country
7 that is otherwise prohibited from receiving such type of
8 assistance under any other provision of law.

9 SEC. 8041. The Secretary of Defense shall issue reg-
10 ulations to prohibit the sale of any tobacco or tobacco-
11 related products in military resale outlets in the United
12 States, its territories and possessions at a price below the
13 most competitive price in the local community: *Provided*,
14 That such regulations shall direct that the prices of to-
15 bacco or tobacco-related products in overseas military re-
16 tail outlets shall be within the range of prices established
17 for military retail system stores located in the United
18 States.

19 SEC. 8042. (a) During the current fiscal year, none
20 of the appropriations or funds available to the Department
21 of Defense Working Capital Funds shall be used for the
22 purchase of an investment item for the purpose of acquir-
23 ing a new inventory item for sale or anticipated sale dur-
24 ing the current fiscal year or a subsequent fiscal year to
25 customers of the Department of Defense Working Capital

1 Funds if such an item would not have been chargeable
2 to the Department of Defense Business Operations Fund
3 during fiscal year 1994 and if the purchase of such an
4 investment item would be chargeable during the current
5 fiscal year to appropriations made to the Department of
6 Defense for procurement.

7 (b) The fiscal year 2024 budget request for the De-
8 partment of Defense as well as all justification material
9 and other documentation supporting the fiscal year 2024
10 Department of Defense budget shall be prepared and sub-
11 mitted to the Congress on the basis that any equipment
12 which was classified as an end item and funded in a pro-
13 curement appropriation contained in this Act shall be
14 budgeted for in a proposed fiscal year 2024 procurement
15 appropriation and not in the supply management business
16 area or any other area or category of the Department of
17 Defense Working Capital Funds.

18 SEC. 8043. None of the funds appropriated by this
19 Act for programs of the Central Intelligence Agency shall
20 remain available for obligation beyond the current fiscal
21 year, except for funds appropriated for the Reserve for
22 Contingencies, which shall remain available until Sep-
23 tember 30, 2024: *Provided*, That funds appropriated,
24 transferred, or otherwise credited to the Central Intel-
25 ligence Agency Central Services Working Capital Fund

1 during this or any prior or subsequent fiscal year shall
2 remain available until expended: *Provided further*, That
3 any funds appropriated or transferred to the Central Intel-
4 ligence Agency for advanced research and development ac-
5 quisition, for agent operations, and for covert action pro-
6 grams authorized by the President under section 503 of
7 the National Security Act of 1947 (50 U.S.C. 3093) shall
8 remain available until September 30, 2024: *Provided fur-*
9 *ther*, That any funds appropriated or transferred to the
10 Central Intelligence Agency for the construction, improve-
11 ment, or alteration of facilities, including leased facilities,
12 to be used primarily by personnel of the intelligence com-
13 munity, shall remain available until September 30, 2025.

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 8044. Of the funds appropriated in this Act
16 under the heading “Operation and Maintenance, Defense-
17 Wide”, \$47,000,000 shall be for continued implementation
18 and expansion of the Sexual Assault Special Victims’
19 Counsel Program: *Provided*, That the funds are made
20 available for transfer to the Department of the Army, the
21 Department of the Navy, and the Department of the Air
22 Force: *Provided further*, That funds transferred shall be
23 merged with and available for the same purposes and for
24 the same time period as the appropriations to which the
25 funds are transferred: *Provided further*, That this transfer

1 authority is in addition to any other transfer authority
2 provided in this Act.

3 SEC. 8045. (a) Except as provided in subsections (b)
4 and (c), none of the funds made available by this Act may
5 be used—

6 (1) to establish a field operating agency; or

7 (2) to pay the basic pay of a member of the
8 Armed Forces or civilian employee of the depart-
9 ment who is transferred or reassigned from a head-
10 quarters activity if the member or employee's place
11 of duty remains at the location of that headquarters.

12 (b) The Secretary of Defense or Secretary of a mili-
13 tary department may waive the limitations in subsection
14 (a), on a case-by-case basis, if the Secretary determines,
15 and certifies to the Committees on Appropriations of the
16 House of Representatives and the Senate that the grant-
17 ing of the waiver will reduce the personnel requirements
18 or the financial requirements of the department.

19 (c) This section does not apply to—

20 (1) field operating agencies funded within the
21 National Intelligence Program;

22 (2) an Army field operating agency established
23 to eliminate, mitigate, or counter the effects of im-
24 improvised explosive devices, and, as determined by the
25 Secretary of the Army, other similar threats;

1 (3) an Army field operating agency established
2 to improve the effectiveness and efficiencies of bio-
3 metric activities and to integrate common biometric
4 technologies throughout the Department of Defense;
5 or

6 (4) an Air Force field operating agency estab-
7 lished to administer the Air Force Mortuary Affairs
8 Program and Mortuary Operations for the Depart-
9 ment of Defense and authorized Federal entities.

10 SEC. 8046. (a) None of the funds appropriated by
11 this Act shall be available to convert to contractor per-
12 formance an activity or function of the Department of De-
13 fense that, on or after the date of the enactment of this
14 Act, is performed by Department of Defense civilian em-
15 ployees unless—

16 (1) the conversion is based on the result of a
17 public-private competition that includes a most effi-
18 cient and cost effective organization plan developed
19 by such activity or function;

20 (2) the Competitive Sourcing Official deter-
21 mines that, over all performance periods stated in
22 the solicitation of offers for performance of the ac-
23 tivity or function, the cost of performance of the ac-
24 tivity or function by a contractor would be less costly

1 to the Department of Defense by an amount that
2 equals or 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 advan-
9 tage for a proposal that would reduce costs for the
10 Department 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 pre-
18 mium or subscription share than the amount
19 that is paid by the Department of Defense for
20 health benefits for civilian employees under
21 chapter 89 of title 5, United States Code.

22 (b)(1) The Department of Defense, without regard
23 to subsection (a) of this section or subsection (a), (b), or
24 (c) of section 2461 of title 10, United States Code, and
25 notwithstanding any administrative regulation, require-

1 ment, or policy to the contrary shall have full authority
2 to enter into a contract for the performance of any com-
3 mercial or industrial type function of the Department of
4 Defense that—

5 (A) is included on the procurement list estab-
6 lished pursuant to section 2 of the Javits-Wagner-
7 O'Day Act (section 8503 of title 41, United States
8 Code);

9 (B) is planned to be converted to performance
10 by a qualified nonprofit agency for the blind or by
11 a qualified nonprofit agency for other severely handi-
12 capped individuals in accordance with that Act; or

13 (C) is planned to be converted to performance
14 by a qualified firm under at least 51 percent owner-
15 ship by an Indian tribe, as defined in section 4(e)
16 of the Indian Self-Determination and Education As-
17 sistance Act (25 U.S.C. 450b(e)), or a Native Ha-
18 waiian Organization, as defined in section 8(a)(15)
19 of the Small Business Act (15 U.S.C. 637(a)(15)).

20 (2) This section shall not apply to depot contracts
21 or contracts for depot maintenance as provided in sections
22 2469 and 2474 of title 10, United States Code.

23 (c) The conversion of any activity or function of the
24 Department of Defense under the authority provided by
25 this section shall be credited toward any competitive or

1 outsourcing goal, target, or measurement that may be es-
2 tablished by statute, regulation, or policy and is deemed
3 to be awarded under the authority of, and in compliance
4 with, subsection (h) of section 2304 of title 10, United
5 States Code, for the competition or outsourcing of com-
6 mercial activities.

7 (RESCISSIONS)

8 SEC. 8047. Of the funds appropriated in Department
9 of Defense Appropriations Acts, the following funds are
10 hereby rescinded from the following accounts and pro-
11 grams in the specified amounts: *Provided*, That no
12 amounts may be rescinded from amounts that were des-
13 ignated by the Congress as an emergency requirement
14 pursuant to a concurrent resolution on the budget or the
15 Balanced Budget and Emergency Deficit Control Act of
16 1985:

17 “Aircraft Procurement, Army”, 2021/2023,
18 \$7,300,000;

19 “Other Procurement, Army”, 2021/2023,
20 \$3,177,000;

21 “Aircraft Procurement, Air Force”, 2021/2023,
22 \$115,804,000;

23 “Operation and Maintenance, Defense-Wide”,
24 2022/2023, \$105,000,000;

1 “Counter-ISIS Train and Equip Fund”, 2022/
2 2023, \$65,000,000;
3 “Aircraft Procurement, Army”, 2022/2024,
4 \$9,437,000;
5 “Other Procurement, Army”, 2022/2024,
6 \$71,544,000;
7 “Shipbuilding and Conversion, Navy: CVN Re-
8 fueling Overhauls”, 2022/2026, \$191,000,000;
9 “Shipbuilding and Conversion, Navy: Service
10 Craft”, 2022/2026, \$6,092,000;
11 “Aircraft Procurement, Air Force”, 2022/2024,
12 \$205,568,000;
13 “Other Procurement, Air Force”, 2022/2024,
14 \$9,100,000;
15 “Procurement, Space Force”, 2022/2024,
16 \$7,000,000;
17 “Research, Development, Test and Evaluation,
18 Army”, 2022/2023, \$26,700,000;
19 “Research, Development, Test and Evaluation,
20 Air Force”, 2022/2023, \$117,727,000;
21 “Research, Development, Test and Evaluation,
22 Space Force”, 2022/2023, \$113,400,000; and
23 “Defense Counterintelligence and Security
24 Agency Working Capital Fund”, XXXX/XXXX,
25 \$30,000,000.

1 SEC. 8048. None of the funds available in this Act
2 may be used to reduce the authorized positions for mili-
3 tary technicians (dual status) of the Army National
4 Guard, Air National Guard, Army Reserve and Air Force
5 Reserve for the purpose of applying any administratively
6 imposed civilian personnel ceiling, freeze, or reduction on
7 military technicians (dual status), unless such reductions
8 are a direct result of a reduction in military force struc-
9 ture.

10 SEC. 8049. None of the funds appropriated or other-
11 wise made available in this Act may be obligated or ex-
12 pended for assistance to the Democratic People's Republic
13 of Korea unless specifically appropriated for that purpose:
14 *Provided*, That this restriction shall not apply to any ac-
15 tivities incidental to the Defense POW/MIA Accounting
16 Agency mission to recover and identify the remains of
17 United States Armed Forces personnel from the Demo-
18 cratic People's Republic of Korea.

19 SEC. 8050. Funds appropriated in this Act for oper-
20 ation and maintenance of the Military Departments, Com-
21 batant Commands and Defense Agencies shall be available
22 for reimbursement of pay, allowances and other expenses
23 which would otherwise be incurred against appropriations
24 for the National Guard and Reserve when members of the
25 National Guard and Reserve provide intelligence or coun-

1 terintelligence support to Combatant Commands, Defense
2 Agencies and Joint Intelligence Activities, including the
3 activities and programs included within the National Intel-
4 ligence Program and the Military Intelligence Program:
5 *Provided*, That nothing in this section authorizes deviation
6 from established Reserve and National Guard personnel
7 and training procedures.

8 SEC. 8051. (a) None of the funds available to the
9 Department of Defense for any fiscal year for drug inter-
10 diction or counter-drug activities may be transferred to
11 any other department or agency of the United States ex-
12 cept as specifically provided in an appropriations law.

13 (b) None of the funds available to the Central Intel-
14 ligence Agency for any fiscal year for drug interdiction or
15 counter-drug activities may be transferred to any other de-
16 partment or agency of the United States except as specifi-
17 cally provided in an appropriations law.

18 SEC. 8052. In addition to the amounts appropriated
19 or otherwise made available elsewhere in this Act,
20 \$49,000,000 is hereby appropriated to the Department of
21 Defense: *Provided*, That upon the determination of the
22 Secretary of Defense that it shall serve the national inter-
23 est, the Secretary shall make grants in the amounts speci-
24 fied as follows: \$24,000,000 to the United Service Organi-
25 zations and \$25,000,000 to the Red Cross.

1 SEC. 8053. Notwithstanding any other provision in
2 this Act, the Small Business Innovation Research program
3 and the Small Business Technology Transfer program set-
4 asides shall be taken proportionally from all programs,
5 projects, or activities to the extent they contribute to the
6 extramural budget. The Secretary of each military depart-
7 ment, the Director of each Defense Agency, and the head
8 of each other relevant component of the Department of
9 Defense shall submit to the congressional defense commit-
10 tees, concurrent with submission of the budget justifica-
11 tion documents to Congress pursuant to section 1105 of
12 title 31, United States Code, a report with a detailed ac-
13 counting of the Small Business Innovation Research pro-
14 gram and the Small Business Technology Transfer pro-
15 gram set-asides taken from programs, projects, or activi-
16 ties within such department, agency, or component during
17 the most recently completed fiscal year.

18 SEC. 8054. None of the funds available to the De-
19 partment of Defense under this Act shall be obligated or
20 expended to pay a contractor under a contract with the
21 Department of Defense for costs of any amount paid by
22 the contractor to an employee when—

23 (1) such costs are for a bonus or otherwise in
24 excess of the normal salary paid by the contractor
25 to the employee; and

1 (2) such bonus is part of restructuring costs as-
2 sociated with a business combination.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8055. During the current fiscal year, no more
5 than \$30,000,000 of appropriations made in this Act
6 under the heading “Operation and Maintenance, Defense-
7 Wide” may be transferred to appropriations available for
8 the pay of military personnel, to be merged with, and to
9 be available for the same time period as the appropriations
10 to which transferred, to be used in support of such per-
11 sonnel in connection with support and services for eligible
12 organizations and activities outside the Department of De-
13 fense pursuant to section 2012 of title 10, United States
14 Code.

15 SEC. 8056. During the current fiscal year, in the case
16 of an appropriation account of the Department of Defense
17 for which the period of availability for obligation has ex-
18 pired or which has closed under the provisions of section
19 1552 of title 31, United States Code, and which has a
20 negative unliquidated or unexpended balance, an obliga-
21 tion or an adjustment of an obligation may be charged
22 to any current appropriation account for the same purpose
23 as the expired or closed account if—

24 (1) the obligation would have been properly
25 chargeable (except as to amount) to the expired or

1 closed account before the end of the period of avail-
2 ability or closing of that account;

3 (2) the obligation is not otherwise properly
4 chargeable to any current appropriation account of
5 the Department of Defense; and

6 (3) in the case of an expired account, the obli-
7 gation is not chargeable to a current appropriation
8 of the Department of Defense under the provisions
9 of section 1405(b)(8) of the National Defense Au-
10 thorization Act for Fiscal Year 1991, Public Law
11 101–510, as amended (31 U.S.C. 1551 note): *Pro-*
12 *vided*, That in the case of an expired account, if sub-
13 sequent review or investigation discloses that there
14 was not in fact a negative unliquidated or unex-
15 pended balance in the account, any charge to a cur-
16 rent account under the authority of this section shall
17 be reversed and recorded against the expired ac-
18 count: *Provided further*, That the total amount
19 charged to a current appropriation under this sec-
20 tion may not exceed an amount equal to 1 percent
21 of the total appropriation for that account:

22 *Provided*, That the Under Secretary of Defense (Comp-
23 troller) shall include with the budget of the President for
24 fiscal year 2024 (as submitted to Congress pursuant to
25 section 1105 of title 31, United States Code) a statement

1 describing each instance if any, during each of the fiscal
2 years 2016 through 2023 in which the authority in this
3 section was exercised.

4 SEC. 8057. (a) Notwithstanding any other provision
5 of law, the Chief of the National Guard Bureau may per-
6 mit the use of equipment of the National Guard Distance
7 Learning Project by any person or entity on a space-avail-
8 able, reimbursable basis. The Chief of the National Guard
9 Bureau shall establish the amount of reimbursement for
10 such use on a case-by-case basis.

11 (b) Amounts collected under subsection (a) shall be
12 credited to funds available for the National Guard Dis-
13 tance Learning Project and be available to defray the costs
14 associated with the use of equipment of the project under
15 that subsection. Such funds shall be available for such
16 purposes without fiscal year limitation.

17 SEC. 8058. (a) None of the funds appropriated or
18 otherwise made available by this or prior Acts may be obli-
19 gated or expended to retire, prepare to retire, or place in
20 storage or on backup aircraft inventory status any C-40
21 aircraft.

22 (b) The limitation under subsection (a) shall not
23 apply to an individual C-40 aircraft that the Secretary
24 of the Air Force determines, on a case-by-case basis, to
25 be no 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
4 certification in writing that the status of such aircraft is
5 due to a Class A mishap and not due to lack of mainte-
6 nance, 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
9 to the congressional defense committees a report on the
10 necessary steps taken by the Department of Defense to
11 meet the travel requirements for official or representa-
12 tional duties of members of Congress and the Cabinet in
13 fiscal years 2023 and 2024.

14 SEC. 8059. (a) None of the funds appropriated in
15 title IV of this Act may be used to procure end-items for
16 delivery to military forces for operational training, oper-
17 ational use, or inventory requirements: *Provided*, That this
18 restriction does not apply to end-items used in develop-
19 ment, prototyping in accordance with an approved test
20 strategy, and test activities preceding and leading to ac-
21 ceptance for operational use.

22 (b) If the number of end-items budgeted with funds
23 appropriated in title IV of this Act exceeds the number
24 required in an approved test strategy, the Under Secretary
25 of Defense (Research and Engineering) and the Under

1 Secretary of Defense (Acquisition and Sustainment), in
2 coordination with the responsible Service Acquisition Ex-
3 ecutive, shall certify in writing to the congressional de-
4 fense committees that there is a bonafide need for the ad-
5 ditional end-items at the time of submittal to Congress
6 of the budget of the President for fiscal year 2024 pursu-
7 ant to section 1105 of title 31, United States Code: *Pro-*
8 *vided*, That this restriction does not apply to programs
9 funded within the 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
12 fiscal year 2024 pursuant to section 1105 of title 31,
13 United States Code, submit to the congressional defense
14 committees a report detailing the use of funds requested
15 in research, development, test and evaluation accounts for
16 end-items used in development, prototyping and test ac-
17 tivities preceding and leading to acceptance for operational
18 use: *Provided*, That the report shall set forth, for each
19 end item covered by the preceding proviso, a detailed list
20 of the statutory authorities under which amounts in the
21 accounts described in that proviso were used for such item:
22 *Provided further*, That the Secretary of Defense shall, at
23 the time of the submittal to Congress of the budget of
24 the President for fiscal year 2024 pursuant to section
25 1105 of title 31, United States Code, submit to the con-

1 gressional defense committees a certification that funds
2 requested for fiscal year 2024 in research, development,
3 test and evaluation accounts are in compliance with this
4 section: *Provided further*, That the Secretary of Defense
5 may waive this restriction on a case-by-case basis by certi-
6 fying in writing to the Committees on Appropriations of
7 the House of Representatives and the Senate that it is
8 in the national security interest to do so.

9 SEC. 8060. None of the funds appropriated or other-
10 wise made available by this or other Department of De-
11 fense Appropriations Acts may be obligated or expended
12 for the purpose of performing repairs or maintenance to
13 military family housing units of the Department of De-
14 fense, including areas in such military family housing
15 units that may be used for the purpose of conducting offi-
16 cial Department of Defense business.

17 SEC. 8061. Notwithstanding any other provision of
18 law, funds appropriated in this Act under the heading
19 “Research, Development, Test and Evaluation, Defense-
20 Wide” for any new start defense innovation acceleration
21 or rapid prototyping program demonstration project with
22 a value of more than \$5,000,000 may only be obligated
23 15 days after a report, including a description of the
24 project, the planned acquisition and transition strategy
25 and its estimated annual and total cost, has been provided

1 in writing to the congressional defense committees: *Pro-*
2 *vided*, That the Secretary of Defense may waive this re-
3 striction on a case-by-case basis by certifying to the con-
4 gressional defense committees that it is in the national in-
5 terest to do so.

6 SEC. 8062. The Secretary of Defense shall continue
7 to provide a classified quarterly report to the Committees
8 on Appropriations of the House of Representatives and the
9 Senate, Subcommittees on Defense on certain matters as
10 directed in the classified annex accompanying this Act.

11 SEC. 8063. Notwithstanding section 12310(b) of title
12 10, United States Code, a Reserve who is a member of
13 the National Guard serving on full-time National Guard
14 duty under section 502(f) of title 32, United States Code,
15 may perform duties in support of the ground-based ele-
16 ments of the National Ballistic Missile Defense System.

17 SEC. 8064. None of the funds provided in this Act
18 may be used to transfer to any nongovernmental entity
19 ammunition held by the Department of Defense that has
20 a center-fire cartridge and a United States military no-
21 menclature designation of “armor penetrator”, “armor
22 piercing (AP)”, “armor piercing incendiary (API)”, or
23 “armor-piercing incendiary tracer (API-T)”, except to an
24 entity performing demilitarization services for the Depart-
25 ment of Defense under a contract that requires the entity

1 to demonstrate to the satisfaction of the Department of
2 Defense that armor piercing projectiles are either: (1) ren-
3 dered incapable of reuse by the demilitarization process;
4 or (2) used to manufacture ammunition pursuant to a con-
5 tract with the Department of Defense or the manufacture
6 of ammunition for export pursuant to a License for Per-
7 manent Export of Unclassified Military Articles issued by
8 the Department of State.

9 SEC. 8065. Notwithstanding any other provision of
10 law, the Chief of the National Guard Bureau, or their des-
11 ignee, may waive payment of all or part of the consider-
12 ation that otherwise would be required under section 2667
13 of title 10, United States Code, in the case of a lease of
14 personal property for a period not in excess of 1 year to
15 any organization specified in section 508(d) of title 32,
16 United States Code, or any other youth, social, or fra-
17 ternal nonprofit organization as may be approved by the
18 Chief of the National Guard Bureau, or their designee,
19 on a case-by-case basis.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 8066. Of the amounts appropriated in this Act
22 under the heading “Operation and Maintenance, Army”,
23 \$158,967,374 shall remain available until expended: *Pro-*
24 *vided*, That, notwithstanding any other provision of law,
25 the Secretary of Defense is authorized to transfer such

1 funds to other activities of the Federal Government: *Pro-*
2 *vided further*, That the Secretary of Defense is authorized
3 to enter into and carry out contracts for the acquisition
4 of real property, construction, personal services, and oper-
5 ations related to projects carrying out the purposes of this
6 section: *Provided further*, That contracts entered into
7 under the authority of this section may provide for such
8 indemnification as the Secretary determines to be nec-
9 essary: *Provided further*, That projects authorized by this
10 section shall comply with applicable Federal, State, and
11 local law to the maximum extent consistent with the na-
12 tional security, as determined by the Secretary of Defense.

13 SEC. 8067. (a) None of the funds appropriated in this
14 or any other Act may be used to take any action to mod-
15 ify—

16 (1) the appropriations account structure for the
17 National Intelligence Program budget, including
18 through the creation of a new appropriation or new
19 appropriation account;

20 (2) how the National Intelligence Program
21 budget request is presented in the unclassified P–1,
22 R–1, and O–1 documents supporting the Depart-
23 ment of Defense budget request;

1 (3) the process by which the National Intel-
2 ligence Program appropriations are apportioned to
3 the executing agencies; or

4 (4) the process by which the National Intel-
5 ligence Program appropriations are allotted, obli-
6 gated and disbursed.

7 (b) Nothing in subsection (a) shall be construed to
8 prohibit the merger of programs or changes to the Na-
9 tional Intelligence Program budget at or below the Ex-
10 penditure Center level, provided such change is otherwise
11 in accordance with paragraphs (1)–(3) of subsection (a).

12 (c) The Director of National Intelligence and the Sec-
13 retary of Defense may jointly, only for the purposes of
14 achieving auditable financial statements and improving
15 fiscal reporting, study and develop detailed proposals for
16 alternative financial management processes. Such study
17 shall include a comprehensive counterintelligence risk as-
18 sessment to ensure that none of the alternative processes
19 will adversely affect counterintelligence.

20 (d) Upon development of the detailed proposals de-
21 fined under subsection (c), the Director of National Intel-
22 ligence and the Secretary of Defense shall—

23 (1) provide the proposed alternatives to all af-
24 fected agencies;

1 (2) receive certification from all affected agen-
2 cies attesting that the proposed alternatives will help
3 achieve auditability, improve fiscal reporting, and
4 will not adversely affect counterintelligence; and

5 (3) not later than 30 days after receiving all
6 necessary certifications under paragraph (2), present
7 the proposed alternatives and certifications to the
8 congressional defense and intelligence committees.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 8068. In addition to amounts made available
11 elsewhere in this Act, \$200,000,000 is hereby appro-
12 priated to the Department of Defense and made available
13 for transfer to operation and maintenance accounts, pro-
14 curement accounts, and research, development, test and
15 evaluation accounts only for those efforts by the United
16 States Africa Command or United States Southern Com-
17 mand to expand cooperation or improve the capabilities
18 of our allies and partners in their areas of operation: *Pro-*
19 *vided*, That none of the funds provided under this section
20 may be obligated or expended until 60 days after the Sec-
21 retary of Defense provides to the congressional defense
22 committees an execution plan: *Provided further*, That not
23 less than 30 days prior to any transfer of funds, the Sec-
24 retary of Defense shall notify the congressional defense
25 committees of the details of any such transfer: *Provided*

1 *further*, That upon transfer, the funds shall be merged
2 with and available for the same purposes, and for the same
3 time period, as the appropriation to which transferred:
4 *Provided further*, That the transfer authority provided
5 under this section is in addition to any other transfer au-
6 thority provided elsewhere in this Act.

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 8069. During the current fiscal year, not to ex-
9 ceed \$11,000,000 from each of the appropriations made
10 in title II of this Act for “Operation and Maintenance,
11 Army”, “Operation and Maintenance, Navy”, and “Oper-
12 ation and Maintenance, Air Force” may be transferred by
13 the military department concerned to its central fund es-
14 tablished for Fisher Houses and Suites pursuant to sec-
15 tion 2493(d) of title 10, United States Code.

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 8070. Of the amounts appropriated for “Oper-
18 ation and Maintenance, Navy”, up to \$1,000,000 shall be
19 available for transfer to the John C. Stennis Center for
20 Public Service Development Trust Fund established under
21 section 116 of the John C. Stennis Center for Public Serv-
22 ice Training and Development Act (2 U.S.C. 1105).

23 SEC. 8071. None of the funds available to the De-
24 partment of Defense may be obligated to modify command
25 and control relationships to give Fleet Forces Command

1 operational and administrative control of United States
2 Navy forces assigned to the Pacific fleet: *Provided*, That
3 the command and control relationships which existed on
4 October 1, 2004, shall remain in force until a written
5 modification has been proposed to the Committees on Ap-
6 propriations of the House of Representatives and the Sen-
7 ate: *Provided further*, That the proposed modification may
8 be implemented 30 days after the notification unless an
9 objection is received from either the House or Senate Ap-
10 propriations Committees: *Provided further*, That any pro-
11 posed modification shall not preclude the ability of the
12 commander of United States Indo-Pacific Command to
13 meet operational requirements.

14 SEC. 8072. Any notice that is required to be sub-
15 mitted to the Committees on Appropriations of the House
16 of Representatives and the Senate under section 3601 of
17 title 10, United States Code, as added by section 804(a)
18 of the James M. Inhofe National Defense Authorization
19 Act for Fiscal Year 2023, after the date of the enactment
20 of this Act shall be submitted pursuant to that require-
21 ment concurrently to the Subcommittees on Defense of the
22 Committees on Appropriations of the House of Represent-
23 atives and the Senate.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8073. Of the amounts appropriated in this Act
3 under the headings “Procurement, Defense-Wide” and
4 “Research, Development, Test and Evaluation, Defense-
5 Wide”, \$500,000,000 shall be for the Israeli Cooperative
6 Programs: *Provided*, That of this amount, \$80,000,000
7 shall be for the Secretary of Defense to provide to the Gov-
8 ernment of Israel for the procurement of the Iron Dome
9 defense system to counter short-range rocket threats, sub-
10 ject to the U.S.-Israel Iron Dome Procurement Agree-
11 ment, as amended; \$127,000,000 shall be for the Short
12 Range Ballistic Missile Defense (SRBMD) program, in-
13 cluding cruise missile defense research and development
14 under the SRBMD program; \$40,000,000 shall be for co-
15 production activities of SRBMD systems in the United
16 States and in Israel to meet Israel’s defense requirements
17 consistent with each nation’s laws, regulations, and proce-
18 dures, subject to the U.S.-Israeli co-production agreement
19 for SRBMD, as amended; \$80,000,000 shall be for an
20 upper-tier component to the Israeli Missile Defense Archi-
21 tecture, of which \$80,000,000 shall be for co-production
22 activities of Arrow 3 Upper Tier systems in the United
23 States and in Israel to meet Israel’s defense requirements
24 consistent with each nation’s laws, regulations, and proce-
25 dures, subject to the U.S.-Israeli co-production agreement

1 for Arrow 3 Upper Tier, as amended; and \$173,000,000
2 shall be for the Arrow System Improvement Program in-
3 cluding development of a long range, ground and airborne,
4 detection suite: *Provided further*, That the transfer author-
5 ity provided under this provision is in addition to any
6 other transfer authority contained in this Act.

7 SEC. 8074. Of the amounts appropriated in this Act
8 under the heading “Shipbuilding and Conversion, Navy”,
9 \$1,312,646,000 shall be available until September 30,
10 2023, to fund prior year shipbuilding cost increases for
11 the following programs:

12 (1) Under the heading “Shipbuilding and Con-
13 version, Navy”, 2013/2023: Carrier Replacement
14 Program, \$461,700,000;

15 (2) Under the heading “Shipbuilding and Con-
16 version, Navy”, 2015/2023: Virginia Class Sub-
17 marine Program, \$46,060,000;

18 (3) Under the heading “Shipbuilding and Con-
19 version, Navy”, 2015/2023: DDG-51 Destroyer,
20 \$30,231,000;

21 (4) Under the heading “Shipbuilding and Con-
22 version, Navy”, 2015/2023: Littoral Combat Ship,
23 \$4,250,000;

1 (5) Under the heading “Shipbuilding and Con-
2 version, Navy”, 2016/2023: DDG–51 Destroyer,
3 \$24,238,000;

4 (6) Under the heading “Shipbuilding and Con-
5 version, Navy”, 2016/2023: Virginia Class Sub-
6 marine Program, \$58,642,000;

7 (7) Under the heading “Shipbuilding and Con-
8 version, Navy”, 2016/2023: TAO Fleet Oiler,
9 \$9,200,000;

10 (8) Under the heading “Shipbuilding and Con-
11 version, Navy”, 2016/2023: Littoral Combat Ship,
12 \$18,000,000;

13 (9) Under the heading “Shipbuilding and Con-
14 version, Navy”, 2016/2023: CVN Refueling Over-
15 hauls, \$62,000,000;

16 (10) Under the heading “Shipbuilding and Con-
17 version, Navy”, 2016/2023: Towing, Salvage, and
18 Rescue Ship Program, \$1,750,000;

19 (11) Under the heading “Shipbuilding and Con-
20 version, Navy”, 2017/2023: DDG–51 Destroyer,
21 \$168,178,000;

22 (12) Under the heading “Shipbuilding and Con-
23 version, Navy”, 2017/2023: LPD–17, \$17,739,000;

1 (13) Under the heading “Shipbuilding and Con-
2 version, Navy”, 2017/2023: LHA Replacement Pro-
3 gram, \$19,300,000;

4 (14) Under the heading “Shipbuilding and Con-
5 version, Navy”, 2017/2023: Littoral Combat Ship,
6 \$29,030,000;

7 (15) Under the heading “Shipbuilding and Con-
8 version, Navy”, 2018/2023: DDG-51 Destroyer,
9 \$5,930,000;

10 (16) Under the heading “Shipbuilding and Con-
11 version, Navy”, 2018/2023: Littoral Combat Ship,
12 \$9,538,000;

13 (17) Under the heading “Shipbuilding and Con-
14 version, Navy”, 2018/2023: TAO Fleet Oiler,
15 \$12,500,000;

16 (18) Under the heading “Shipbuilding and Con-
17 version, Navy”, 2018/2023: Towing, Salvage, and
18 Rescue Ship Program, \$2,800,000;

19 (19) Under the heading “Shipbuilding and Con-
20 version, Navy”, 2019/2023: Littoral Combat Ship,
21 \$6,983,000;

22 (20) Under the heading “Shipbuilding and Con-
23 version, Navy”, 2019/2023: TAO Fleet Oiler,
24 \$106,400,000;

1 (21) Under the heading “Shipbuilding and Con-
2 version, Navy”, 2019/2023: Towing, Salvage, and
3 Rescue Ship Program, \$2,450,000;

4 (22) Under the heading “Shipbuilding and Con-
5 version, Navy”, 2021/2023: Virginia Class Sub-
6 marine Program, \$200,000,000; and

7 (23) Under the heading “Shipbuilding and Con-
8 version, Navy”, 2021/2023: Towing, Salvage, and
9 Rescue Ship Program, \$15,727,000.

10 SEC. 8075. Funds appropriated by this Act, or made
11 available by the transfer of funds in this Act, for intel-
12 ligence activities and intelligence-related activities not oth-
13 erwise authorized in the Intelligence Authorization Act for
14 Fiscal Year 2023 are deemed to be specifically authorized
15 by the Congress for purposes of section 504 of the Na-
16 tional Security Act of 1947 (50 U.S.C. 3094).

17 SEC. 8076. None of the funds provided in this Act
18 shall be available for obligation or expenditure through a
19 reprogramming of funds that creates or initiates a new
20 program, project, or activity unless such program, project,
21 or activity must be undertaken immediately in the interest
22 of national security and only after written prior notifica-
23 tion to the congressional defense committees.

24 SEC. 8077. In addition to amounts provided else-
25 where in this Act, \$5,000,000 is hereby appropriated to

1 the Department of Defense, to remain available for obliga-
2 tion until expended: *Provided*, That notwithstanding any
3 other provision of law, that upon the determination of the
4 Secretary of Defense that it shall serve the national inter-
5 est, these funds shall be available only for a grant to the
6 Fisher House Foundation, Inc., only for the construction
7 and furnishing of additional Fisher Houses to meet the
8 needs of military family members when confronted with
9 the illness or hospitalization of an eligible military bene-
10 ficiary.

11 SEC. 8078. None of the funds in this Act may be
12 used for research, development, test, evaluation, procure-
13 ment or deployment of nuclear armed interceptors of a
14 missile defense system.

15 SEC. 8079. None of the funds made available by this
16 Act may be obligated or expended for the purpose of de-
17 commissioning the USS *Fort Worth*, the USS *Wichita*, the
18 USS *Billings*, the USS *Indianapolis*, or the USS *St.*
19 *Louis*.

20 SEC. 8080. None of the funds appropriated or made
21 available in this Act shall be used to reduce or disestablish
22 the operation of the 53rd Weather Reconnaissance Squad-
23 ron of the Air Force Reserve, if such action would reduce
24 the WC-130 Weather Reconnaissance mission below the
25 levels funded in this Act: *Provided*, That the Air Force

1 shall allow the 53rd Weather Reconnaissance Squadron to
2 perform other missions in support of national defense re-
3 quirements during the non-hurricane season.

4 SEC. 8081. None of the funds provided in this Act
5 shall be available for integration of foreign intelligence in-
6 formation unless the information has been lawfully col-
7 lected and processed during the conduct of authorized for-
8 eign intelligence activities: *Provided*, That information
9 pertaining to United States persons shall only be handled
10 in accordance with protections provided in the Fourth
11 Amendment of the United States Constitution as imple-
12 mented through Executive Order No. 12333.

13 SEC. 8082. (a) None of the funds appropriated by
14 this Act may be used to transfer research and develop-
15 ment, acquisition, or other program authority relating to
16 current tactical unmanned aerial vehicles (TUAVs) from
17 the Army.

18 (b) The Army shall retain responsibility for and oper-
19 ational control of the MQ-1C Gray Eagle Unmanned Aer-
20 ial Vehicle (UAV) in order to support the Secretary of De-
21 fense in matters relating to the employment of unmanned
22 aerial vehicles.

23 SEC. 8083. None of the funds appropriated by this
24 Act for programs of the Office of the Director of National
25 Intelligence shall remain available for obligation beyond

1 the current fiscal year, except for funds appropriated for
2 research and technology, which shall remain available until
3 September 30, 2024, and except for funds appropriated
4 for the purchase of real property, which shall remain avail-
5 able until September 30, 2025.

6 SEC. 8084. For purposes of section 1553(b) of title
7 31, United States Code, any subdivision of appropriations
8 made in this Act under the heading “Shipbuilding and
9 Conversion, Navy” shall be considered to be for the same
10 purpose as any subdivision under the heading “Ship-
11 building and Conversion, Navy” appropriations in any
12 prior fiscal year, and the 1 percent limitation shall apply
13 to the total amount of the appropriation.

14 SEC. 8085. (a) Not later than 60 days after the date
15 of enactment of this Act, the Director of National Intel-
16 ligence shall submit a report to the congressional intel-
17 ligence committees to establish the baseline for application
18 of reprogramming and transfer authorities for fiscal year
19 2023: *Provided*, That the report shall include—

20 (1) a table for each appropriation with a sepa-
21 rate column to display the President’s budget re-
22 quest, adjustments made by Congress, adjustments
23 due to enacted rescissions, if appropriate, and the
24 fiscal year enacted level;

1 (2) a delineation in the table for each appro-
2 priation by Expenditure Center and project; and

3 (3) an identification of items of special congres-
4 sional interest.

5 (b) None of the funds provided for the National Intel-
6 ligence Program in this Act shall be available for re-
7 programming or transfer until the report identified in sub-
8 section (a) is submitted to the congressional intelligence
9 committees, unless the Director of National Intelligence
10 certifies in writing to the congressional intelligence com-
11 mittees that such reprogramming or transfer is necessary
12 as an emergency requirement.

13 SEC. 8086. Any transfer of amounts appropriated to
14 the Department of Defense Acquisition Workforce Devel-
15 opment Account in or for fiscal year 2023 to a military
16 department or Defense Agency pursuant to section
17 1705(e)(1) of title 10, United States Code, shall be cov-
18 ered by and subject to section 8005 of this Act.

19 SEC. 8087. (a) None of the funds provided for the
20 National Intelligence Program in this or any prior appro-
21 priations Act shall be available for obligation or expendi-
22 ture through a reprogramming or transfer of funds in ac-
23 cordance with section 102A(d) of the National Security
24 Act of 1947 (50 U.S.C. 3024(d)) that—

25 (1) creates a new start effort;

1 (2) terminates a program with appropriated
2 funding of \$10,000,000 or more;

3 (3) transfers funding into or out of the Na-
4 tional Intelligence Program; or

5 (4) transfers funding between appropriations,
6 unless the congressional intelligence committees are
7 notified 30 days in advance of such reprogramming
8 of funds; this notification period may be reduced for
9 urgent national security requirements.

10 (b) None of the funds provided for the National Intel-
11 ligence Program in this or any prior appropriations Act
12 shall be available for obligation or expenditure through a
13 reprogramming or transfer of funds in accordance with
14 section 102A(d) of the National Security Act of 1947 (50
15 U.S.C. 3024(d)) that results in a cumulative increase or
16 decrease of the levels specified in the classified annex ac-
17 companying the Act unless the congressional intelligence
18 committees are notified 30 days in advance of such re-
19 programming of funds; this notification period may be re-
20 duced for urgent national security requirements.

21 SEC. 8088. (a) Any agency receiving funds made
22 available in this Act, shall, subject to subsections (b) and
23 (c), post on the public Web site of that agency any report
24 required to be submitted by the Congress in this or any

1 other Act, upon the determination by the head of the agen-
2 cy that it shall serve the national interest.

3 (b) Subsection (a) shall not apply to a report if—

4 (1) the public posting of the report com-
5 promises national security; or

6 (2) the report contains proprietary information.

7 (c) The head of the agency posting such report shall
8 do so only after such report has been made available to
9 the requesting Committee or Committees of Congress for
10 no less than 45 days.

11 SEC. 8089. (a) None of the funds appropriated or
12 otherwise made available by this Act may be expended for
13 any Federal contract for an amount in excess of
14 \$1,000,000, unless the contractor agrees not to—

15 (1) enter into any agreement with any of its
16 employees or independent contractors that requires,
17 as a condition of employment, that the employee or
18 independent contractor agree to resolve through ar-
19 bitration any claim under title VII of the Civil
20 Rights Act of 1964 or any tort related to or arising
21 out of sexual assault or harassment, including as-
22 sault and battery, intentional infliction of emotional
23 distress, false imprisonment, or negligent hiring, su-
24 pervision, or retention; or

1 (2) take any action to enforce any provision of
2 an existing agreement with an employee or inde-
3 pendent contractor that mandates that the employee
4 or independent contractor resolve through arbitra-
5 tion any claim under title VII of the Civil Rights Act
6 of 1964 or any tort related to or arising out of sex-
7 ual assault or harassment, including assault and
8 battery, intentional infliction of emotional distress,
9 false imprisonment, or negligent hiring, supervision,
10 or retention.

11 (b) None of the funds appropriated or otherwise
12 made available by this Act may be expended for any Fed-
13 eral contract unless the contractor certifies that it requires
14 each covered subcontractor to agree not to enter into, and
15 not to take any action to enforce any provision of, any
16 agreement as described in paragraphs (1) and (2) of sub-
17 section (a), with respect to any employee or independent
18 contractor performing work related to such subcontract.
19 For purposes of this subsection, a “covered subcon-
20 tractor” is an entity that has a subcontract in excess of
21 \$1,000,000 on a contract subject to subsection (a).

22 (c) The prohibitions in this section do not apply with
23 respect to a contractor’s or subcontractor’s agreements
24 with employees or independent contractors that may not
25 be enforced in a court of the United States.

1 (d) The Secretary of Defense may waive the applica-
2 tion of subsection (a) or (b) to a particular contractor or
3 subcontractor for the purposes of a particular contract or
4 subcontract if the Secretary or the Deputy Secretary per-
5 sonally determines that the waiver is necessary to avoid
6 harm to national security interests of the United States,
7 and that the term of the contract or subcontract is not
8 longer than necessary to avoid such harm. The determina-
9 tion shall set forth with specificity the grounds for the
10 waiver and for the contract or subcontract term selected,
11 and shall state any alternatives considered in lieu of a
12 waiver and the reasons each such alternative would not
13 avoid harm to national security interests of the United
14 States. The Secretary of Defense shall transmit to Con-
15 gress, and simultaneously make public, any determination
16 under this subsection not less than 15 business days be-
17 fore the contract or subcontract addressed in the deter-
18 mination may be awarded.

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 8090. From within the funds appropriated for
21 operation and maintenance for the Defense Health Pro-
22 gram in this Act, up to \$168,000,000, shall be available
23 for transfer to the Joint Department of Defense-Depart-
24 ment of Veterans Affairs Medical Facility Demonstration
25 Fund in accordance with the provisions of section 1704

1 of the National Defense Authorization Act for Fiscal Year
2 2010, Public Law 111–84: *Provided*, That for purposes
3 of section 1704(b), the facility operations funded are oper-
4 ations of the integrated Captain James A. Lovell Federal
5 Health Care Center, consisting of the North Chicago Vet-
6 erans Affairs Medical Center, the Navy Ambulatory Care
7 Center, and supporting facilities designated as a combined
8 Federal medical facility as described by section 706 of
9 Public Law 110–417: *Provided further*, That additional
10 funds may be transferred from funds appropriated for op-
11 eration and maintenance for the Defense Health Program
12 to the Joint Department of Defense-Department of Vet-
13 erans Affairs Medical Facility Demonstration Fund upon
14 written notification by the Secretary of Defense to the
15 Committees on Appropriations of the House of Represent-
16 atives and the Senate.

17 SEC. 8091. None of the funds appropriated or other-
18 wise made available by this Act may be used by the De-
19 partment of Defense or a component thereof in contraven-
20 tion of the provisions of section 130h of title 10, United
21 States Code.

22 SEC. 8092. Appropriations available to the Depart-
23 ment of Defense may be used for the purchase of heavy
24 and light armored vehicles for the physical security of per-
25 sonnel or for force protection purposes up to a limit of

1 \$450,000 per vehicle, notwithstanding price or other limi-
2 tations applicable to the purchase of passenger carrying
3 vehicles.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 8093. Upon a determination by the Director of
6 National Intelligence that such action is necessary and in
7 the national interest, the Director may, with the approval
8 of the Office of Management and Budget, transfer not to
9 exceed \$1,500,000,000 of the funds made available in this
10 Act for the National Intelligence Program: *Provided*, That
11 such authority to transfer may not be used unless for
12 higher priority items, based on unforeseen intelligence re-
13 quirements, than those for which originally appropriated
14 and in no case where the item for which funds are re-
15 quested has been denied by the Congress: *Provided further*,
16 That a request for multiple reprogrammings of funds
17 using authority provided in this section shall be made
18 prior to June 30, 2023.

19 SEC. 8094. Of the amounts appropriated in this Act
20 for “Shipbuilding and Conversion, Navy”, \$133,000,000,
21 to remain available for obligation until September 30,
22 2027, may be used for the purchase of two used sealift
23 vessels for the National Defense Reserve Fleet, established
24 under section 11 of the Merchant Ship Sales Act of 1946
25 (46 U.S.C. 57100): *Provided*, That such amounts are

1 available for reimbursements to the Ready Reserve Force,
2 Maritime Administration account of the United States De-
3 partment of Transportation for programs, projects, activi-
4 ties, and expenses related to the National Defense Reserve
5 Fleet: *Provided further*, That notwithstanding section
6 2218 of title 10, United States Code, none of these funds
7 shall be transferred to the National Defense Sealift Fund
8 for execution.

9 SEC. 8095. The Secretary of Defense shall post grant
10 awards on a public website in a searchable format.

11 SEC. 8096. None of the funds made available by this
12 Act may be used by the National Security Agency to—

13 (1) conduct an acquisition pursuant to section
14 702 of the Foreign Intelligence Surveillance Act of
15 1978 for the purpose of targeting a United States
16 person; or

17 (2) acquire, monitor, or store the contents (as
18 such term is defined in section 2510(8) of title 18,
19 United States Code) of any electronic communica-
20 tion of a United States person from a provider of
21 electronic communication services to the public pur-
22 suant to section 501 of the Foreign Intelligence Sur-
23 veillance Act of 1978.

24 SEC. 8097. None of the funds made available in this
25 or any other Act may be used to pay the salary of any

1 officer or employee of any agency funded by this Act who
2 approves or implements the transfer of administrative re-
3 sponsibilities or budgetary resources of any program,
4 project, or activity financed by this Act to the jurisdiction
5 of another Federal agency not financed by this Act with-
6 out the express authorization of Congress: *Provided*, That
7 this limitation shall not apply to transfers of funds ex-
8 pressly provided for in Defense Appropriations Acts, or
9 provisions of Acts providing supplemental appropriations
10 for the Department of Defense.

11 SEC. 8098. Of the amounts appropriated in this Act
12 for “Operation and Maintenance, Navy”, \$589,325,000,
13 to remain available until expended, may be used for any
14 purposes related to the National Defense Reserve Fleet
15 established under section 11 of the Merchant Ship Sales
16 Act of 1946 (46 U.S.C. 57100): *Provided*, That such
17 amounts are available for reimbursements to the Ready
18 Reserve Force, Maritime Administration account of the
19 United States Department of Transportation for pro-
20 grams, projects, activities, and expenses related to the Na-
21 tional Defense Reserve Fleet.

22 SEC. 8099. None of the funds made available by this
23 Act may be used for Government Travel Charge Card ex-
24 penses by military or civilian personnel of the Department
25 of Defense for gaming, or for entertainment that includes

1 topless or nude entertainers or participants, as prohibited
2 by Department of Defense FMR, Volume 9, Chapter 3
3 and Department of Defense Instruction 1015.10 (enclo-
4 sure 3, 14a and 14b).

5 SEC. 8100. (a) None of the funds provided in this
6 Act for the TAO Fleet Oiler program shall be used to
7 award a new contract that provides for the acquisition of
8 the following components unless those components are
9 manufactured in the United States: Auxiliary equipment
10 (including pumps) for shipboard services; propulsion
11 equipment (including engines, reduction gears, and propel-
12 lers); shipboard cranes; spreaders for shipboard cranes;
13 and anchor chains, specifically for the seventh and subse-
14 quent ships of the fleet.

15 (b) None of the funds provided in this Act for the
16 FFG(X) Frigate program shall be used to award a new
17 contract that provides for the acquisition of the following
18 components unless those components are manufactured in
19 the United States: Air circuit breakers; gyrocompasses;
20 electronic navigation chart systems; steering controls;
21 pumps; propulsion and machinery control systems; totally
22 enclosed lifeboats; auxiliary equipment pumps; shipboard
23 cranes; auxiliary chill water systems; and propulsion pro-
24 pellers: *Provided*, That the Secretary of the Navy shall in-
25 corporate United States manufactured propulsion engines

1 and propulsion reduction gears into the FFG(X) Frigate
2 program beginning not later than with the eleventh ship
3 of the program.

4 SEC. 8101. None of the funds provided in this Act
5 for requirements development, performance specification
6 development, concept design and development, ship con-
7 figuration development, systems engineering, naval archi-
8 tecture, marine engineering, operations research analysis,
9 industry studies, preliminary design, development of the
10 Detailed Design and Construction Request for Proposals
11 solicitation package, or related activities for the T-
12 ARC(X) Cable Laying and Repair Ship or the T-
13 AGOS(X) Oceanographic Surveillance Ship may be used
14 to award a new contract for such activities unless these
15 contracts include specifications that all auxiliary equip-
16 ment, including pumps and propulsion shafts, are manu-
17 factured in the United States.

18 SEC. 8102. No amounts credited or otherwise made
19 available in this or any other Act to the Department of
20 Defense Acquisition Workforce Development Account may
21 be transferred to:

22 (1) the Rapid Prototyping Fund established
23 under section 804(d) of the National Defense Au-
24 thorization Act for Fiscal Year 2016 (10 U.S.C.
25 2302 note); or

1 (2) credited to a military-department specific
2 fund established under section 804(d)(2) of the Na-
3 tional Defense Authorization Act for Fiscal Year
4 2016 (as amended by section 897 of the National
5 Defense Authorization Act for Fiscal Year 2017).

6 SEC. 8103. From funds made available in title II of
7 this Act, the Secretary of Defense may purchase for use
8 by military and civilian employees of the Department of
9 Defense in the United States Central Command area of
10 responsibility: (1) passenger motor vehicles up to a limit
11 of \$75,000 per vehicle; and (2) heavy and light armored
12 vehicles for the physical security of personnel or for force
13 protection purposes up to a limit of \$450,000 per vehicle,
14 notwithstanding price or other limitations applicable to the
15 purchase of passenger carrying vehicles.

16 SEC. 8104. (a) None of the funds made available in
17 this Act may be used to maintain or establish a computer
18 network unless such network is designed to block access
19 to pornography websites.

20 (b) Nothing in subsection (a) shall limit the use of
21 funds necessary for any Federal, State, tribal, or local law
22 enforcement agency or any other entity carrying out crimi-
23 nal investigations, prosecution, or adjudication activities,
24 or for any activity necessary for the national defense, in-
25 cluding intelligence activities.

1 SEC. 8105. None of the funds provided for, or other-
2 wise made available, in this or any other Act, may be obli-
3 gated or expended by the Secretary of Defense to provide
4 motorized vehicles, aviation platforms, munitions other
5 than small arms and munitions appropriate for customary
6 ceremonial honors, operational military units, or oper-
7 ational military platforms if the Secretary determines that
8 providing such units, platforms, or equipment would un-
9 dermine the readiness of such units, platforms, or equip-
10 ment.

11 SEC. 8106. (a) None of the funds made available by
12 this or any other Act may be used to enter into a contract,
13 memorandum of understanding, or cooperative agreement
14 with, make a grant to, or provide a loan or loan guarantee
15 to any corporation that has any unpaid Federal tax liabil-
16 ity that has been assessed, for which all judicial and ad-
17 ministrative remedies have been exhausted or have lapsed,
18 and that is not being paid in a timely manner pursuant
19 to an agreement with the authority responsible for col-
20 lecting such tax liability, provided that the applicable Fed-
21 eral agency is aware of the unpaid Federal tax liability.

22 (b) Subsection (a) shall not apply if the applicable
23 Federal agency has considered suspension or debarment
24 of the corporation described in such subsection and has
25 made a determination that such suspension or debarment

1 is not necessary to protect the interests of the Federal
2 Government.

3 SEC. 8107. (a) Amounts appropriated under title IV
4 of this Act, as detailed in budget activity eight of the “Ex-
5 planation of Project Level Adjustments” tables in the ex-
6 planatory statement regarding this Act, may be used for
7 expenses for the agile research, development, test and
8 evaluation, procurement, production, modification, and op-
9 eration and maintenance, only for the following Software
10 and Digital Technology Pilot programs—

11 (1) Defensive CYBER (PE 0608041A);

12 (2) Risk Management Information (PE
13 0608013N);

14 (3) Maritime Tactical Command and Control
15 (PE 0608231N);

16 (4) Space Command & Control (PE
17 1208248SF);

18 (5) National Background Investigation Services
19 (PE 0608197V);

20 (6) Global Command and Control System (PE
21 0303150K); and

22 (7) Acquisition Visibility (PE 0608648D8Z).

23 (b) None of the funds appropriated by this or prior
24 Department of Defense Appropriations Acts may be obli-

1 gated or expended to initiate additional Software and Dig-
2 ital Technology Pilot Programs in fiscal year 2023.

3 SEC. 8108. In addition to amounts provided else-
4 where in this Act, there is appropriated \$686,500,000, for
5 an additional amount for “Operation and Maintenance,
6 Defense-Wide”, to remain available until expended: *Pro-*
7 *vided*, That such funds shall only be available to the Sec-
8 retary of Defense, acting through the Office of Local De-
9 fense Community Cooperation of the Department of De-
10 fense, or for transfer to the Secretary of Education, not-
11 withstanding any other provision of law, to make grants,
12 conclude cooperative agreements, or supplement other
13 Federal funds to construct, renovate, repair, or expand el-
14 ementary and secondary public schools on military instal-
15 lations in order to address capacity or facility condition
16 deficiencies at such schools: *Provided further*, That in
17 making such funds available, the Office of Local Defense
18 Community Cooperation or the Secretary of Education
19 shall give priority consideration to those military installa-
20 tions with schools having the most serious capacity or fa-
21 cility condition deficiencies as determined by the Secretary
22 of Defense: *Provided further*, That as a condition of receiv-
23 ing funds under this section a local educational agency or
24 State shall provide a matching share as described in the
25 notice titled “Department of Defense Program for Con-

1 struction, Renovation, Repair or Expansion of Public
2 Schools Located on Military Installations” published by
3 the Department of Defense in the Federal Register on
4 September 9, 2011 (76 Fed. Reg. 55883 et seq.): *Provided*
5 *further*, That these provisions apply to funds provided
6 under this section, and to funds previously provided by
7 Congress to construct, renovate, repair, or expand elemen-
8 tary and secondary public schools on military installations
9 in order to address capacity or facility condition defi-
10 ciencies at such schools to the extent such funds remain
11 unobligated on the date of enactment of this section.

12 SEC. 8109. None of the funds made available in this
13 Act may be used in contravention of the following laws
14 enacted or regulations promulgated to implement the
15 United Nations Convention Against Torture and Other
16 Cruel, Inhuman or Degrading Treatment or Punishment
17 (done at New York on December 10, 1984):

18 (1) Section 2340A of title 18, United States
19 Code.

20 (2) Section 2242 of the Foreign Affairs Reform
21 and Restructuring Act of 1998 (division G of Public
22 Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231
23 note) and regulations prescribed thereto, including
24 regulations under part 208 of title 8, Code of Fed-

1 eral Regulations, and part 95 of title 22, Code of
2 Federal Regulations.

3 (3) Sections 1002 and 1003 of the Department
4 of Defense, Emergency Supplemental Appropriations
5 to Address Hurricanes in the Gulf of Mexico, and
6 Pandemic Influenza Act, 2006 (Public Law 109–
7 148).

8 SEC. 8110. Of the amounts appropriated in this Act
9 under the heading “Operation and Maintenance, Defense-
10 Wide”, for the Defense Security Cooperation Agency,
11 \$300,000,000, to remain available until September 30,
12 2024, shall be for the Ukraine Security Assistance Initia-
13 tive: *Provided*, That such funds shall be available to the
14 Secretary of Defense, with the concurrence of the Sec-
15 retary of State, to provide assistance, including training;
16 equipment; lethal assistance; logistics support, supplies
17 and services; salaries and stipends; sustainment; and intel-
18 ligence support to the military and national security forces
19 of Ukraine, and to other forces or groups recognized by
20 and under the authority of the Government of Ukraine,
21 including governmental entities within Ukraine, engaged
22 in resisting Russian aggression against Ukraine, for re-
23 placement of any weapons or articles provided to the Gov-
24 ernment of Ukraine from the inventory of the United
25 States, and to recover or dispose of equipment procured

1 using funds made available in this section in this or prior
2 Acts: *Provided further*, That the Secretary of Defense
3 shall, not less than 15 days prior to obligating funds made
4 available in this section, notify the congressional defense
5 committees in writing of the details of any such obligation:
6 *Provided further*, That the Secretary of Defense shall, not
7 more than 60 days after such notification is made, inform
8 such committees if such funds have not been obligated and
9 the reasons therefor: *Provided further*, That the Secretary
10 of Defense shall consult with such committees in advance
11 of the provision of support provided to other forces or
12 groups recognized by and under the authority of the Gov-
13 ernment of Ukraine: *Provided further*, That the United
14 States may accept equipment procured using funds made
15 available in this section in this or prior Acts transferred
16 to the security forces of Ukraine and returned by such
17 forces to the United States: *Provided further*, That equip-
18 ment procured using funds made available in this section
19 in this or prior Acts, and not yet transferred to the mili-
20 tary or national security forces of Ukraine or to other as-
21 sisted entities, or returned by such forces or other assisted
22 entities to the United States, may be treated as stocks
23 of the Department of Defense upon written notification
24 to the congressional defense committees: *Provided further*,
25 That the Secretary of Defense shall provide quarterly re-

1 ports to the congressional defense committees on the use
2 and status of funds made available in this section.

3 SEC. 8111. During the current fiscal year, the De-
4 partment of Defense is authorized to incur obligations of
5 not to exceed \$350,000,000 for purposes specified in sec-
6 tion 2350j(c) of title 10, United States Code, in anticipa-
7 tion of receipt of contributions, only from the Government
8 of Kuwait, under that section: *Provided*, That, such con-
9 tributions shall, upon receipt, be credited to the appropria-
10 tions or fund which incurred such obligations.

11 SEC. 8112. Of the amounts appropriated in this Act
12 under the heading “Operation and Maintenance, Defense-
13 Wide”, for the Defense Security Cooperation Agency,
14 \$1,510,260,000, to remain available until September 30,
15 2024, shall be available for International Security Co-
16 operation Programs and other programs to provide sup-
17 port and assistance to foreign security forces or other
18 groups or individuals to conduct, support or facilitate
19 counterterrorism, crisis response, or building partner ca-
20 pacity programs: *Provided*, That the Secretary of Defense
21 shall, not less than 15 days prior to obligating funds made
22 available in this section, notify the congressional defense
23 committees in writing of the details of any planned obliga-
24 tion: *Provided further*, That the Secretary of Defense shall
25 provide quarterly reports to the Committees on Appropria-

1 tions of the House of Representatives and the Senate on
2 the use and status of funds made available in this section.

3 SEC. 8113. Of the amounts appropriated in this Act
4 under the heading “Operation and Maintenance, Defense-
5 Wide”, for the Defense Security Cooperation Agency,
6 \$410,000,000, to remain available until September 30,
7 2024, shall be available to reimburse Jordan, Lebanon,
8 Egypt, Tunisia, and Oman under section 1226 of the Na-
9 tional Defense Authorization Act for Fiscal Year 2016 (22
10 U.S.C. 2151 note), for enhanced border security, of which
11 not less than \$150,000,000 shall be for Jordan: *Provided*,
12 That the Secretary of Defense shall, not less than 15 days
13 prior to obligating funds made available in this section,
14 notify the congressional defense committees in writing of
15 the details of any planned obligation and the nature of
16 the expenses incurred: *Provided further*, That the Sec-
17 retary of Defense shall provide quarterly reports to the
18 Committees on Appropriations of the House of Represent-
19 atives and the Senate on the use and status of funds made
20 available in this section.

21 SEC. 8114. None of the funds made available by this
22 Act may be used in contravention of the War Powers Res-
23 olution (50 U.S.C. 1541 et seq.).

24 SEC. 8115. None of the funds made available by this
25 Act for excess defense articles, assistance under section

1 333 of title 10, United States Code, or peacekeeping oper-
2 ations for the countries designated annually to be in viola-
3 tion of the standards of the Child Soldiers Prevention Act
4 of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may
5 be used to support any military training or operation that
6 includes child soldiers, as defined by the Child Soldiers
7 Prevention Act of 2008, unless such assistance is other-
8 wise permitted under section 404 of the Child Soldiers
9 Prevention Act of 2008.

10 SEC. 8116. None of the funds made available by this
11 Act may be made available for any member of the Taliban.

12 SEC. 8117. Notwithstanding any other provision of
13 law, any transfer of funds, appropriated or otherwise made
14 available by this Act, for support to friendly foreign coun-
15 tries in connection with the conduct of operations in which
16 the United States is not participating, pursuant to section
17 331(d) of title 10, United States Code, shall be made in
18 accordance with section 8005 of this Act.

19 SEC. 8118. (a) None of the funds appropriated or
20 otherwise made available by this or any other Act may
21 be used by the Secretary of Defense, or any other official
22 or officer of the Department of Defense, to enter into a
23 contract, memorandum of understanding, or cooperative
24 agreement with, or make a grant to, or provide a loan

1 or loan guarantee to Rosoboronexport or any subsidiary
2 of Rosoboronexport.

3 (b) The Secretary of Defense may waive the limita-
4 tion in subsection (a) if the Secretary, in consultation with
5 the Secretary of State and the Director of National Intel-
6 ligence, determines that it is in the vital national security
7 interest of the United States to do so, and certifies in writ-
8 ing to the congressional defense committees that—

9 (1) Rosoboronexport has ceased the transfer of
10 lethal military equipment to, and the maintenance of
11 existing lethal military equipment for, the Govern-
12 ment of the Syrian Arab Republic;

13 (2) the armed forces of the Russian Federation
14 have withdrawn from Ukraine; and

15 (3) agents of the Russian Federation have
16 ceased taking active measures to destabilize the con-
17 trol of the Government of Ukraine over eastern
18 Ukraine.

19 (c) The Inspector General of the Department of De-
20 fense shall conduct a review of any action involving
21 Rosoboronexport with respect to a waiver issued by the
22 Secretary of Defense pursuant to subsection (b), and not
23 later than 90 days after the date on which such a waiver
24 is issued by the Secretary of Defense, the Inspector Gen-
25 eral shall submit to the congressional defense committees

1 a report containing the results of the review conducted
2 with respect to such waiver.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8119. In addition to the amounts appropriated
5 or otherwise made available elsewhere in this Act,
6 \$1,000,000,000, to remain available until September 30,
7 2024, is hereby appropriated to the Department of De-
8 fense and made available for transfer only to other appro-
9 priations available to the Department of Defense in De-
10 partment of Defense Appropriations Acts: *Provided*, That
11 such funds shall be available to the Secretary of Defense
12 for the purpose of conducting activities relating to im-
13 provements of infrastructure and defueling at the Red Hill
14 Bulk Fuel Storage Facility: *Provided further*, That
15 amounts transferred pursuant to this appropriation shall
16 be merged with, and be available for the same purposes
17 and time period as the appropriations to which trans-
18 ferred: *Provided further*, That upon a determination that
19 all or part of the funds transferred from this appropriation
20 are not necessary for the purposes provided in this section,
21 such amounts may be transferred back to this section:
22 *Provided further*, That the transfer authority provided
23 pursuant to this section is in addition to any other trans-
24 fer authority provided by law: *Provided further*, That not
25 less than 30 days prior to any transfer of funds pursuant

1 to this section, the Secretary of Defense shall notify the
2 congressional defense committees of the details of any
3 such transfer: *Provided further*, That not later than 60
4 days after the enactment of this Act and every 30 days
5 thereafter through fiscal year 2024, the Secretary of De-
6 fense shall submit a report to the Committees on Appro-
7 priations of the House of Representatives and Senate, set-
8 ting forth all categories and amounts of obligations and
9 expenditures made under the authority provided in this
10 section.

11 SEC. 8120. (a) Notwithstanding section 2215 of title
12 10, United States Code, the Secretary of Defense may
13 transfer to the Secretary of State, for use by the United
14 States Agency for International Development, amounts to
15 be used for the Bien Hoa dioxin cleanup in Vietnam.

16 (b) Not more than \$15,000,000 may be transferred
17 in each of fiscal years 2024 through 2030 under the trans-
18 fer authority in subsection (a).

19 (c) The transfer authority in subsection (a) is in addi-
20 tion to any other transfer authority available to the De-
21 partment of Defense.

22 (d) If the Secretary of Defense determines to use the
23 transfer authority in subsection (a), the Secretary shall
24 notify the congressional defense committees of that deter-

1 mination not later than 30 days before the Secretary uses
2 the transfer authority.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8121. In addition to amounts appropriated in
5 title III, title IV, or otherwise made available elsewhere
6 in this Act, \$1,052,501,000 is hereby appropriated to the
7 Department of Defense and made available for transfer
8 to the procurement and research, development, test and
9 evaluation accounts of the Army, Navy, Marine Corps, Air
10 Force, and Space Force to reflect revised economic as-
11 sumptions: *Provided*, That the transfer authority provided
12 under this section is in addition to any other transfer au-
13 thority provided elsewhere in this Act: *Provided further*,
14 That none of the funds provided under this section may
15 be obligated or expended until 30 days after the Secretary
16 of Defense provides the Committees on Appropriations of
17 the House of Representatives and the Senate a detailed
18 execution plan for such funds.

19 SEC. 8122. Notwithstanding any other provision of
20 this Act, to reflect savings due to favorable foreign ex-
21 change rates, the total amount appropriated in this Act
22 is hereby reduced by \$956,400,000.

23 SEC. 8123. Equipment procured using funds provided
24 in prior Acts under the heading “Counterterrorism Part-
25 nerships Fund” for the program authorized by section

1 1209 of the Carl Levin and Howard P. “Buck” McKeon
2 National Defense Authorization Act for Fiscal Year 2015
3 (Public Law 113–291), or under the heading “Iraq Train
4 and Equip Fund” for the program authorized by section
5 1236 of such Act, and not yet transferred to authorized
6 recipients may be transferred to foreign security forces,
7 irregular forces, groups, or individuals, authorized to re-
8 ceive assistance using amounts provided under the heading
9 “Counter-ISIS Train and Equip Fund” in this Act: *Pro-*
10 *vided*, That such equipment may be transferred 15 days
11 following written notification to the congressional defense
12 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,
17 2024, shall be for payments to reimburse key cooperating
18 nations for logistical, military, and other support, includ-
19 ing access, provided to United States military and stability
20 operations to counter the Islamic State of Iraq and Syria:
21 *Provided*, That such reimbursement payments may be
22 made in such amounts as the Secretary of Defense, with
23 the concurrence of the Secretary of State, and in consulta-
24 tion with the Director of the Office of Management and
25 Budget, may determine, based on documentation deter-

1 mined by the Secretary of Defense to adequately account
2 for the support provided, and such determination is final
3 and conclusive upon the accounting officers of the United
4 States, and 15 days following written notification to the
5 appropriate congressional committees: *Provided further,*
6 That these funds may be used for the purpose of providing
7 specialized training and procuring supplies and specialized
8 equipment and providing such supplies and loaning such
9 equipment on a non-reimbursable basis to coalition forces
10 supporting United States military and stability operations
11 to counter the Islamic State of Iraq and Syria, and 15
12 days following written notification to the appropriate con-
13 gressional committees: *Provided further,* That the Sec-
14 retary of Defense shall provide quarterly reports to the
15 Committees on Appropriations of the House of Represent-
16 atives and the Senate on the use and status of funds made
17 available in this section.

18 SEC. 8125. In carrying out the program described in
19 the memorandum on the subject of “Policy for Assisted
20 Reproductive Services for the Benefit of Seriously or Se-
21 verely Ill/Injured (Category II or III) Active Duty Service
22 Members” issued by the Assistant Secretary of Defense
23 for Health Affairs on April 3, 2012, and the guidance
24 issued to implement such memorandum, the Secretary of

1 Defense shall apply such policy and guidance, except
2 that—

3 (1) the limitation on periods regarding embryo
4 cryopreservation and storage set forth in part III(G)
5 and in part IV(H) of such memorandum shall not
6 apply; and

7 (2) the term “assisted reproductive technology”
8 shall include embryo cryopreservation and storage
9 without limitation on the duration of such
10 cryopreservation and storage.

11 SEC. 8126. None of the funds appropriated or other-
12 wise made available by this Act may be used to transfer
13 the National Reconnaissance Office to the Space Force:
14 *Provided*, That nothing in this Act shall be construed to
15 limit or prohibit cooperation, collaboration, and coordina-
16 tion between the National Reconnaissance Office and the
17 Space Force or any other elements of the Department of
18 Defense.

19 SEC. 8127. Funds awarded pursuant to the authority
20 in section 8085 of the Department of Defense Appropria-
21 tions Act, 2010 (Public Law 111–118) to the Edward M.
22 Kennedy Institute for the Senate may be used for facility
23 operations and maintenance, and program activities, with-
24 out regard to any previous endowment disbursement limi-
25 tations.

1 SEC. 8128. The Secretary of Defense shall notify the
2 congressional defense committees in writing not more than
3 30 days after the receipt of any contribution of funds re-
4 ceived from the government of a foreign country for any
5 purpose relating to the stationing or operations of the
6 United States Armed Forces: *Provided*, That such notifi-
7 cation shall include the amount of the contribution; the
8 purpose for which such contribution was made; and the
9 authority under which such contribution was accepted by
10 the Secretary of Defense: *Provided further*, That not fewer
11 than 15 days prior to obligating such funds, the Secretary
12 of Defense shall submit to the congressional defense com-
13 mittees in writing a notification of the planned use of such
14 contributions, including whether such contributions would
15 support existing or new stationing or operations of the
16 United States Armed Forces.

17 SEC. 8129. (a) The Chairman of the Joint Chiefs,
18 in coordination with the Secretaries of the military depart-
19 ments and the Chiefs of the Armed Forces, shall submit
20 to the congressional defense committees, not later than 30
21 days after the last day of each quarter of the fiscal year,
22 a report on the use of operation and maintenance funds
23 for activities or exercises in excess of \$5,000,000 that have
24 been designated by the Secretary of Defense as unplanned
25 activities for fiscal year 2023.

1 (b) Each report required by subsection (a) shall also
2 include—

3 (1) the title, date, and location, of each activity
4 and exercise covered by the report;

5 (2) an identification of the military department
6 and units that participated in each such activity or
7 exercise (including an estimate of the number of
8 participants);

9 (3) the total cost of the activity or exercise, by
10 budget line item (with a breakdown by cost element
11 such as transportation); and

12 (4) a short explanation of the objective of the
13 activity or exercise.

14 (c) The report required by subsection (a) shall be
15 submitted in unclassified form, but may include a classi-
16 fied annex.

17 SEC. 8130. Not later than 15 days after the date on
18 which any foreign base that involves the stationing or op-
19 erations of the United States Armed Forces, including a
20 temporary base, permanent base, or base owned and oper-
21 ated by a foreign country, is opened or closed, the Sec-
22 retary of Defense shall notify the congressional defense
23 committees in writing of the opening or closing of such
24 base: *Provided*, That such notification shall also include

1 information on any personnel changes, costs, and savings
2 associated with the opening or closing of such base.

3 SEC. 8131. None of the funds made available by this
4 Act may be used with respect to Iraq in contravention of
5 the War Powers Resolution (50 U.S.C. 1541 et seq.), in-
6 cluding for the introduction of United States Armed
7 Forces into hostilities in Iraq, into situations in Iraq
8 where imminent involvement in hostilities is clearly indi-
9 cated by the circumstances, or into Iraqi territory, air-
10 space, or waters while equipped for combat, in contraven-
11 tion of the congressional consultation and reporting re-
12 quirements of sections 3 and 4 of such Resolution (50
13 U.S.C. 1542 and 1543).

14 SEC. 8132. None of the funds made available by this
15 Act may be used with respect to Syria in contravention
16 of the War Powers Resolution (50 U.S.C. 1541 et seq.),
17 including for the introduction of United States armed or
18 military forces into hostilities in Syria, into situations in
19 Syria where imminent involvement in hostilities is clearly
20 indicated by the circumstances, or into Syrian territory,
21 airspace, or waters while equipped for combat, in con-
22 travention of the congressional consultation and reporting
23 requirements of sections 3 and 4 of that law (50 U.S.C.
24 1542 and 1543).

1 SEC. 8133. Nothing in this Act may be construed as
2 authorizing the use of force against Iran or the Demo-
3 cratic People’s Republic of Korea.

4 SEC. 8134. None of the funds appropriated or other-
5 wise made available by this or any other Act shall be obli-
6 gated or expended by the United States Government for
7 a purpose as follows:

8 (1) To establish any military installation or
9 base for the purpose of providing for the permanent
10 stationing of United States Armed Forces in Iraq.

11 (2) To exercise United States control over any
12 oil resource of Iraq or Syria.

13 SEC. 8135. None of the funds made available by this
14 Act under the heading “Counter-ISIS Train and Equip
15 Fund”, and under the heading “Operation and Mainte-
16 nance, Defense-Wide” for Department of Defense security
17 cooperation grant programs, may be used to procure or
18 transfer man-portable air defense systems.

19 SEC. 8136. Up to \$500,000,000 of funds appro-
20 priated by this Act for the Defense Security Cooperation
21 Agency in “Operation and Maintenance, Defense-Wide”
22 may be used to provide assistance to the Government of
23 Jordan to support the armed forces of Jordan and to en-
24 hance security along its borders.

1 SEC. 8137. None of the funds made available by this
2 Act may be used to support any activity conducted by,
3 or associated with, the Wuhan Institute of Virology.

4 SEC. 8138. None of the funds made available by this
5 Act may be used to provide arms, training, or other assist-
6 ance to the Azov Battalion.

7 SEC. 8139. None of the funds appropriated or other-
8 wise made available in this or any other Act may be used
9 to transfer, release, or assist in the transfer or release to
10 or within the United States, its territories, or possessions
11 Khalid Sheikh Mohammed or any other detainee who—

12 (1) is not a United States citizen or a member
13 of the Armed Forces of the United States; and

14 (2) is or was held on or after June 24, 2009,
15 at United States Naval Station, Guantánamo Bay,
16 Cuba, by the Department of Defense.

17 SEC. 8140. None of the funds appropriated or other-
18 wise made available in this Act may be used to transfer
19 any individual detained at United States Naval Station
20 Guantánamo Bay, Cuba, to the custody or control of the
21 individual's country of origin, any other foreign country,
22 or any other foreign entity except in accordance with sec-
23 tion 1034 of the National Defense Authorization Act for
24 Fiscal Year 2016 (Public Law 114–92) and section 1035

1 of the John S. McCain National Defense Authorization
2 Act for Fiscal Year 2019 (Public Law 115–232).

3 SEC. 8141. (a) None of the funds appropriated or
4 otherwise made available in this or any other Act may be
5 used to construct, acquire, or modify any facility in the
6 United States, its territories, or possessions to house any
7 individual described in subsection (c) for the purposes of
8 detention or imprisonment in the custody or under the ef-
9 fective control of the Department of Defense.

10 (b) The prohibition in subsection (a) shall not apply
11 to any modification of facilities at United States Naval
12 Station, Guantánamo Bay, Cuba.

13 (c) An individual described in this subsection is any
14 individual who, as of June 24, 2009, is located at United
15 States Naval Station, Guantánamo Bay, Cuba, and who—

16 (1) is not a citizen of the United States or a
17 member of the Armed Forces of the United States;
18 and

19 (2) is—

20 (A) in the custody or under the effective
21 control of the Department of Defense; or

22 (B) otherwise under detention at United
23 States Naval Station, Guantánamo Bay, Cuba.

24 SEC. 8142. None of the funds made available by this
25 Act may be used to carry out the closure or realignment

1 of the United States Naval Station, Guantánamo Bay,
2 Cuba.

3 SEC. 8143. None of the funds made available by this
4 Act may be used to fund any work to be performed by
5 EcoHealth Alliance, Inc. in China on research supported
6 by the government of China unless the Secretary of De-
7 fense determines that a waiver to such prohibition is in
8 the national security interests of the United States and,
9 not later than 14 days after granting such a waiver, sub-
10 mits to the congressional defense committees a detailed
11 justification for the waiver, including—

12 (1) an identification of the Department of De-
13 fense entity obligating or expending the funds;

14 (2) an identification of the amount of such
15 funds;

16 (3) an identification of the intended purpose of
17 such funds;

18 (4) an identification of the recipient or prospec-
19 tive recipient of such funds (including any third-
20 party entity recipient, as applicable);

21 (5) an explanation for how the waiver is in the
22 national security interests of the United States; and

23 (6) any other information the Secretary deter-
24 mines appropriate.

1 SEC. 8144. (a) Within 45 days of enactment of this
2 Act, the Secretary of Defense shall allocate amounts made
3 available from the Creating Helpful Incentives to Produce
4 Semiconductors (CHIPS) for America Defense Fund for
5 fiscal year 2023 pursuant to the transfer authority in sec-
6 tion 102(b)(1) of the CHIPS Act of 2022 (division A of
7 Public Law 117–167), to the account specified, in the
8 amounts specified, and for the projects and activities spec-
9 ified, in the table titled “Department of Defense Alloca-
10 tion of Funds: CHIPS and Science Act Fiscal Year 2023”
11 in the explanatory statement described in section 4 (in the
12 matter preceding division A of this consolidated Act).

13 (b) Neither the President nor his designee may allo-
14 cate any amounts that are made available for any fiscal
15 year under section 102(b)(2) of the CHIPS Act of 2022
16 if there is in effect an Act making or continuing appro-
17 priations for part of a fiscal year for the Department of
18 Defense: *Provided*, That in any fiscal year, the matter pre-
19 ceding this proviso shall not apply to the allocation, appor-
20 tionment, or allotment of amounts for continuing adminis-
21 tration of programs allocated using funds transferred from
22 the CHIPS for America Defense Fund, which may be allo-
23 cated pursuant to the transfer authority in section
24 102(b)(1) of the CHIPS Act of 2022 only in amounts that

1 are no more than the allocation for such purposes in sub-
2 section (a) of this section.

3 (c) The Secretary of Defense may reallocate funds
4 allocated by subsection (a) of this section, subject to the
5 terms and conditions contained in the provisos in section
6 8005 of this Act: *Provided*, That amounts may be reallo-
7 cated pursuant to this subsection only for those require-
8 ments necessary to carry out section 9903(b) of the Wil-
9 liam M. (Mac) Thornberry National Defense Authoriza-
10 tion Act for Fiscal Year 2021 (Public Law 116–283).

11 (d) Concurrent with the annual budget submission of
12 the President for fiscal year 2024, the Secretary of De-
13 fense shall submit to the Committees on Appropriations
14 of the House of Representatives and the Senate proposed
15 allocations by account and by program, project, or activity,
16 with detailed justifications, for amounts made available
17 under section 102(b)(2) of the CHIPS Act of 2022 for
18 fiscal year 2024.

19 (e) The Department of Defense shall provide the
20 Committees on Appropriations of the House of Represent-
21 atives and Senate quarterly reports on the status of bal-
22 ances of projects and activities funded by the CHIPS for
23 America Defense Fund for amounts allocated pursuant to
24 subsection (a) of this section, including all uncommitted,
25 committed, and unobligated funds.

1 This division may be cited as the “Department of De-
2 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
16 the collection and study of basic information pertaining
17 to river and harbor, flood and storm damage reduction,
18 shore protection, aquatic ecosystem restoration, and re-
19 lated needs; for surveys and detailed studies, and plans
20 and specifications of proposed river and harbor, flood and
21 storm damage reduction, shore protection, and aquatic
22 ecosystem restoration projects, and related efforts prior to
23 construction; for restudy of authorized projects; and for
24 miscellaneous investigations, and, when authorized by law,
25 surveys and detailed studies, and plans and specifications

1 of projects prior to construction, \$172,500,000, to remain
2 available until expended: *Provided*, That the Secretary
3 shall not deviate from the work plan, once the plan has
4 been submitted to the Committees on Appropriations of
5 both Houses of Congress.

6 CONSTRUCTION

7 For expenses necessary for the construction of river
8 and harbor, flood and storm damage reduction, shore pro-
9 tection, aquatic ecosystem restoration, and related
10 projects authorized by law; for conducting detailed studies,
11 and plans and specifications, of such projects (including
12 those involving participation by States, local governments,
13 or private groups) authorized or made eligible for selection
14 by law (but such detailed studies, and plans and specifica-
15 tions, shall not constitute a commitment of the Govern-
16 ment to construction); \$1,808,800,000, to remain avail-
17 able until expended; of which \$75,518,000, to be derived
18 from the Harbor Maintenance Trust Fund, shall be to
19 cover the Federal share of construction costs for facilities
20 under the Dredged Material Disposal Facilities program;
21 and of which such sums as are necessary to cover 35 per-
22 cent of the costs of construction, replacement, rehabilita-
23 tion, and expansion of inland waterways projects shall be
24 derived from the Inland Waterways Trust Fund, except
25 as otherwise specifically provided for in law: *Provided*,

1 That the Secretary shall not deviate from the work plan,
2 once the plan has been submitted to the Committees on
3 Appropriations of both Houses of Congress.

4 MISSISSIPPI RIVER AND TRIBUTARIES

5 For expenses necessary for flood damage reduction
6 projects and related efforts in the Mississippi River allu-
7 vial valley below Cape Girardeau, Missouri, as authorized
8 by law, \$370,000,000, to remain available until expended,
9 of which \$15,390,000, to be derived from the Harbor
10 Maintenance Trust Fund, shall be to cover the Federal
11 share of eligible operation and maintenance costs for in-
12 land harbors: *Provided*, That the Secretary shall not devi-
13 ate from the work plan, once the plan has been submitted
14 to the Committees on Appropriations of both Houses of
15 Congress.

16 OPERATION AND MAINTENANCE

17 For expenses necessary for the operation, mainte-
18 nance, and care of existing river and harbor, flood and
19 storm damage reduction, aquatic ecosystem restoration,
20 and related projects authorized by law; providing security
21 for infrastructure owned or operated by the Corps, includ-
22 ing administrative buildings and laboratories; maintaining
23 harbor channels provided by a State, municipality, or
24 other public agency that serve essential navigation needs
25 of general commerce, where authorized by law; surveying

1 and charting northern and northwestern lakes and con-
2 necting waters; clearing and straightening channels; and
3 removing obstructions to navigation, \$5,078,500,000, to
4 remain available until expended, of which \$2,227,092,000,
5 to be derived from the Harbor Maintenance Trust Fund,
6 shall be to cover the Federal share of eligible operations
7 and maintenance costs for coastal harbors and channels,
8 and for inland harbors; of which such sums as become
9 available from the special account for the Corps of Engi-
10 neers established by the Land and Water Conservation
11 Fund Act of 1965 shall be derived from that account for
12 resource protection, research, interpretation, and mainte-
13 nance activities related to resource protection in the areas
14 at which outdoor recreation is available; of which such
15 sums as become available from fees collected under section
16 217 of Public Law 104–303 shall be used to cover the
17 cost of operation and maintenance of the dredged material
18 disposal facilities for which such fees have been collected;
19 and of which \$56,000,000, to be derived from the general
20 fund of the Treasury, shall be to carry out subsection (c)
21 of section 2106 of the Water Resources Reform and Devel-
22 opment Act of 2014 (33 U.S.C. 2238c) and shall be des-
23 ignated as being for such purpose pursuant to paragraph
24 (2)(B) of section 14003 of division B of the Coronavirus
25 Aid, Relief, and Economic Security Act (Public Law 116–

1 136): *Provided*, That 1 percent of the total amount of
2 funds provided for each of the programs, projects, or ac-
3 tivities funded under this heading shall not be allocated
4 to a field operating activity prior to the beginning of the
5 fourth quarter of the fiscal year and shall be available for
6 use by the Chief of Engineers to fund such emergency ac-
7 tivities as the Chief of Engineers determines to be nec-
8 essary and appropriate, and that the Chief of Engineers
9 shall allocate during the fourth quarter any remaining
10 funds which have not been used for emergency activities
11 proportionally in accordance with the amounts provided
12 for the programs, projects, or activities: *Provided further*,
13 That the Secretary shall not deviate from the work plan,
14 once the plan has been submitted to the Committees on
15 Appropriations of both Houses of Congress.

16 REGULATORY PROGRAM

17 For expenses necessary for administration of laws
18 pertaining to regulation of navigable waters and wetlands,
19 \$218,000,000, to remain available until September 30,
20 2024.

21 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

22 For expenses necessary to clean up contamination
23 from sites in the United States resulting from work per-
24 formed as part of the Nation's early atomic energy pro-
25 gram, \$400,000,000, to remain available until expended.

417

1 FLOOD CONTROL AND COASTAL EMERGENCIES

2 For expenses necessary to prepare for flood, hurri-
3 cane, and other natural disasters and support emergency
4 operations, repairs, and other activities in response to
5 such disasters as authorized by law, \$35,000,000, to re-
6 main available until expended.

7 EXPENSES

8 For expenses necessary for the supervision and gen-
9 eral administration of the civil works program in the head-
10 quarters of the Corps of Engineers and the offices of the
11 Division Engineers; and for costs of management and op-
12 eration of the Humphreys Engineer Center Support Activ-
13 ity, the Institute for Water Resources, the United States
14 Army Engineer Research and Development Center, and
15 the United States Army Corps of Engineers Finance Cen-
16 ter allocable to the civil works program, \$215,000,000, to
17 remain available until September 30, 2024, of which not
18 to exceed \$5,000 may be used for official reception and
19 representation purposes and only during the current fiscal
20 year: *Provided*, That no part of any other appropriation
21 provided in this title shall be available to fund the civil
22 works activities of the Office of the Chief of Engineers
23 or the civil works executive direction and management ac-
24 tivities of the division offices: *Provided further*, That any
25 Flood Control and Coastal Emergencies appropriation

1 may be used to fund the supervision and general adminis-
2 tration of emergency operations, repairs, and other activi-
3 ties in response to any flood, hurricane, or other natural
4 disaster.

5 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
6 FOR CIVIL WORKS

7 For the Office of the Assistant Secretary of the Army
8 for Civil Works as authorized by 10 U.S.C. 3016(b)(3),
9 \$5,000,000, to remain available until September 30, 2024:
10 *Provided*, That not more than 75 percent of such amount
11 may be obligated or expended until the Assistant Sec-
12 retary submits to the Committees on Appropriations of
13 both Houses of Congress the report required under section
14 101(d) of this Act and a work plan that allocates at least
15 95 percent of the additional funding provided under each
16 heading in the explanatory statement described in section
17 4 (in the matter preceding division A of this consolidated
18 Act), to specific programs, projects, or activities.

19 WATER INFRASTRUCTURE FINANCE AND INNOVATION
20 PROGRAM ACCOUNT

21 For administrative expenses to carry out the direct
22 and guaranteed loan programs authorized by the Water
23 Infrastructure Finance and Innovation Act of 2014,
24 \$7,200,000, to remain available until September 30, 2024.

1 GENERAL PROVISIONS—CORPS OF
2 ENGINEERS—CIVIL
3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 101. (a) None of the funds provided in title I
5 of this Act, or provided by previous appropriations Acts
6 to the agencies or entities funded in title I of this Act
7 that remain available for obligation or expenditure in fiscal
8 year 2023, shall be available for obligation or expenditure
9 through a reprogramming of funds that:

10 (1) creates or initiates a new program, project,
11 or activity;

12 (2) eliminates a program, project, or activity;

13 (3) increases funds or personnel for any pro-
14 gram, project, or activity for which funds have been
15 denied or restricted by this Act, unless prior ap-
16 proval is received from the Committees on Appro-
17 priations of both Houses of Congress;

18 (4) proposes to use funds directed for a specific
19 activity for a different purpose, unless prior approval
20 is received from the Committees on Appropriations
21 of both Houses of Congress;

22 (5) augments or reduces existing programs,
23 projects, or activities in excess of the amounts con-
24 tained in paragraphs (6) through (10), unless prior

1 approval is received from the Committees on Appro-
2 priations of both Houses of Congress;

3 (6) INVESTIGATIONS.—For a base level over
4 \$100,000, reprogramming of 25 percent of the base
5 amount up to a limit of \$150,000 per project, study
6 or activity is allowed: *Provided*, That for a base level
7 less than \$100,000, the reprogramming limit is
8 \$25,000: *Provided further*, That up to \$25,000 may
9 be reprogrammed into any continuing study or activ-
10 ity that did not receive an appropriation for existing
11 obligations and concomitant administrative expenses;

12 (7) CONSTRUCTION.—For a base level over
13 \$2,000,000, reprogramming of 15 percent of the
14 base amount up to a limit of \$3,000,000 per project,
15 study or activity is allowed: *Provided*, That for a
16 base level less than \$2,000,000, the reprogramming
17 limit is \$300,000: *Provided further*, That up to
18 \$3,000,000 may be reprogrammed for settled con-
19 tractor claims, changed conditions, or real estate de-
20 ficiency judgments: *Provided further*, That up to
21 \$300,000 may be reprogrammed into any continuing
22 study or activity that did not receive an appropria-
23 tion for existing obligations and concomitant admin-
24 istrative expenses;

1 (8) OPERATION AND MAINTENANCE.—Unlim-
2 ited reprogramming authority is granted for the
3 Corps to be able to respond to emergencies: *Pro-*
4 *vided*, That the Chief of Engineers shall notify the
5 Committees on Appropriations of both Houses of
6 Congress of these emergency actions as soon there-
7 after as practicable: *Provided further*, That for a
8 base level over \$1,000,000, reprogramming of 15
9 percent of the base amount up to a limit of
10 \$5,000,000 per project, study, or activity is allowed:
11 *Provided further*, That for a base level less than
12 \$1,000,000, the reprogramming limit is \$150,000:
13 *Provided further*, That \$150,000 may be repro-
14 grammed into any continuing study or activity that
15 did not receive an appropriation;

16 (9) MISSISSIPPI RIVER AND TRIBUTARIES.—
17 The reprogramming guidelines in paragraphs (6),
18 (7), and (8) shall apply to the Investigations, Con-
19 struction, and Operation and Maintenance portions
20 of the Mississippi River and Tributaries Account, re-
21 spectively; and

22 (10) FORMERLY UTILIZED SITES REMEDIAL AC-
23 TION PROGRAM.—Reprogramming of up to 15 per-
24 cent of the base of the receiving project is permitted.

1 (b) DE MINIMUS REPROGRAMMINGS.—In no case
2 should a reprogramming for less than \$50,000 be sub-
3 mitted to the Committees on Appropriations of both
4 Houses of Congress.

5 (c) CONTINUING AUTHORITIES PROGRAM.—Sub-
6 section (a)(1) shall not apply to any project or activity
7 funded under the continuing authorities program.

8 (d) Not later than 60 days after the date of enact-
9 ment of this Act, the Secretary shall submit a report to
10 the Committees on Appropriations of both Houses of Con-
11 gress to establish the baseline for application of re-
12 programming and transfer authorities for the current fis-
13 cal year which shall include:

14 (1) A table for each appropriation with a sepa-
15 rate column to display the President’s budget re-
16 quest, adjustments made by Congress, adjustments
17 due to enacted rescissions, if applicable, and the fis-
18 cal year enacted level;

19 (2) A delineation in the table for each appro-
20 priation both by object class and program, project
21 and activity as detailed in the budget appendix for
22 the respective appropriations; and

23 (3) An identification of items of special congres-
24 sional interest.

1 SEC. 102. The Secretary shall allocate funds made
2 available in this Act solely in accordance with the provi-
3 sions of this Act and in the explanatory statement de-
4 scribed in section 4 (in the matter preceding division A
5 of this consolidated Act).

6 SEC. 103. None of the funds made available in this
7 title may be used to award or modify any contract that
8 commits funds beyond the amounts appropriated for that
9 program, project, or activity that remain unobligated, ex-
10 cept that such amounts may include any funds that have
11 been made available through reprogramming pursuant to
12 section 101.

13 SEC. 104. The Secretary of the Army may transfer
14 to the Fish and Wildlife Service, and the Fish and Wildlife
15 Service may accept and expend, up to \$5,400,000 of funds
16 provided in this title under the heading “Operation and
17 Maintenance” to mitigate for fisheries lost due to Corps
18 of Engineers projects.

19 SEC. 105. None of the funds in this Act shall be used
20 for an open lake placement alternative for dredged mate-
21 rial, after evaluating the least costly, environmentally ac-
22 ceptable manner for the disposal or management of
23 dredged material originating from Lake Erie or tributaries
24 thereto, unless it is approved under a State water quality
25 certification pursuant to section 401 of the Federal Water

1 Pollution Control Act (33 U.S.C. 1341): *Provided*, That
2 until an open lake placement alternative for dredged mate-
3 rial is approved under a State water quality certification,
4 the Corps of Engineers shall continue upland placement
5 of such dredged material consistent with the requirements
6 of section 101 of the Water Resources Development Act
7 of 1986 (33 U.S.C. 2211).

8 SEC. 106. None of the funds made available by this
9 Act may be used to carry out any water supply reallocation
10 study under the Wolf Creek Dam, Lake Cumberland, Ken-
11 tucky, project authorized under the Act of July 24, 1946
12 (60 Stat. 636, ch. 595).

13 SEC. 107. None of the funds made available by this
14 Act or any other Act may be used to reorganize or to
15 transfer the Civil Works functions or authority of the
16 Corps of Engineers or the Secretary of the Army to an-
17 other department or agency.

18 SEC. 108. Additional funding provided in this Act
19 shall be allocated only to projects determined to be eligible
20 by the Chief of Engineers.

425

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
7 available until expended, of which \$5,000,000 shall be de-
8 posited into the Utah Reclamation Mitigation and Con-
9 servation Account for use by the Utah Reclamation Miti-
10 gation and Conservation Commission: *Provided*, That of
11 the amount provided under this heading, \$1,600,000 shall
12 be available until September 30, 2024, for expenses nec-
13 essary in carrying out related responsibilities of the Sec-
14 retary of the Interior: *Provided further*, That for fiscal
15 year 2023, of the amount made available to the Commis-
16 sion under this Act or any other Act, the Commission may
17 use an amount not to exceed \$1,880,000 for administra-
18 tive expenses.

19 BUREAU OF RECLAMATION

20 The following appropriations shall be expended to
21 execute authorized functions of the Bureau of Reclama-
22 tion:

1 WATER AND RELATED RESOURCES

2 (INCLUDING TRANSFERS OF FUNDS)

3 For management, development, and restoration of
4 water and related natural resources and for related activi-
5 ties, including the operation, maintenance, and rehabilita-
6 tion of reclamation and other facilities, participation in
7 fulfilling related Federal responsibilities to Native Ameri-
8 cans, and related grants to, and cooperative and other
9 agreements with, State and local governments, federally
10 recognized Indian Tribes, and others, \$1,787,151,000, to
11 remain available until expended, of which \$22,165,000
12 shall be available for transfer to the Upper Colorado River
13 Basin Fund and \$7,584,000 shall be available for transfer
14 to the Lower Colorado River Basin Development Fund;
15 of which such amounts as may be necessary may be ad-
16 vanced to the Colorado River Dam Fund: *Provided*, That
17 \$500,000 shall be available for transfer into the Aging In-
18 frastructure Account established by section 9603(d)(1) of
19 the Omnibus Public Land Management Act of 2009, as
20 amended (43 U.S.C. 510b(d)(1)): *Provided further*, That
21 such transfers, except for the transfer authorized by the
22 preceding proviso, may be increased or decreased within
23 the overall appropriation under this heading: *Provided fur-*
24 *ther*, That of the total appropriated, the amount for pro-
25 gram activities that can be financed by the Reclamation

1 Fund, the Water Storage Enhancement Receipts account
2 established by section 4011(e) of Public Law 114–322, or
3 the Bureau of Reclamation special fee account established
4 by 16 U.S.C. 6806 shall be derived from that Fund or
5 account: *Provided further*, That funds contributed under
6 43 U.S.C. 395 are available until expended for the pur-
7 poses for which the funds were contributed: *Provided fur-*
8 *ther*, That funds advanced under 43 U.S.C. 397a shall be
9 credited to this account and are available until expended
10 for the same purposes as the sums appropriated under this
11 heading: *Provided further*, That of the amounts made
12 available under this heading, \$10,000,000 shall be depos-
13 ited in the San Gabriel Basin Restoration Fund estab-
14 lished by section 110 of title I of division B of appendix
15 D of Public Law 106–554: *Provided further*, That of the
16 amounts provided herein, funds may be used for high-pri-
17 ority projects which shall be carried out by the Youth Con-
18 servation Corps, as authorized by 16 U.S.C. 1706: *Pro-*
19 *vided further*, That within available funds, \$250,000 shall
20 be for grants and financial assistance for educational ac-
21 tivities: *Provided further*, That in accordance with section
22 4007 of Public Law 114–322 and as recommended by the
23 Secretary in a letter dated November 30, 2022, funding
24 provided for such purpose in fiscal years 2021 and 2022
25 shall be made available to the Los Vaqueros Reservoir Ex-

1 pansion Project Phase 2, and the North-of-the-Delta Off
2 Stream Storage (Sites Reservoir Project): *Provided fur-*
3 *ther*, That in accordance with section 4009(a) of Public
4 Law 114–322 and as recommended by the Secretary in
5 a letter dated November 30, 2022, funding provided for
6 such purpose in fiscal year 2022 shall be made available
7 to the El Paso Water Utilities Public Service Board: *Pro-*
8 *vided further*, That in accordance with section 4009(c) of
9 Public Law 114–322 and as recommended by the Sec-
10 retary in a letter dated November 30, 2022, funding pro-
11 vided for such purpose in fiscal year 2022 shall be made
12 available to the Eastern Municipal Water District.

13 CENTRAL VALLEY PROJECT RESTORATION FUND

14 For carrying out the programs, projects, plans, habi-
15 tat restoration, improvement, and acquisition provisions of
16 the Central Valley Project Improvement Act, such sums
17 as may be collected in fiscal year 2023 in the Central Val-
18 ley Project Restoration Fund pursuant to sections
19 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575,
20 to remain available until expended: *Provided*, That the Bu-
21 reau of Reclamation is directed to assess and collect the
22 full amount of the additional mitigation and restoration
23 payments authorized by section 3407(d) of Public Law
24 102–575: *Provided further*, That none of the funds made
25 available under this heading may be used for the acquisi-

1 tion or leasing of water for in-stream purposes if the water
2 is already committed to in-stream purposes by a court
3 adopted decree or order.

4 CALIFORNIA BAY-DELTA RESTORATION
5 (INCLUDING TRANSFERS OF FUNDS)

6 For carrying out activities authorized by the Water
7 Supply, Reliability, and Environmental Improvement Act,
8 consistent with plans to be approved by the Secretary of
9 the Interior, \$33,000,000, to remain available until ex-
10 pended, of which such amounts as may be necessary to
11 carry out such activities may be transferred to appropriate
12 accounts of other participating Federal agencies to carry
13 out authorized purposes: *Provided*, That funds appro-
14 priated herein may be used for the Federal share of the
15 costs of Calfed Program management: *Provided further*,
16 That Calfed implementation shall be carried out in a bal-
17 anced manner with clear performance measures dem-
18 onstrating concurrent progress in achieving the goals and
19 objectives of the Program.

20 POLICY AND ADMINISTRATION

21 For expenses necessary for policy, administration,
22 and related functions in the Office of the Commissioner,
23 the Denver office, and offices in the six regions of the Bu-
24 reau of Reclamation, to remain available until September
25 30, 2024, \$65,079,000, to be derived from the Reclama-

1 tion Fund and be nonreimbursable as provided in 43
2 U.S.C. 377: *Provided*, That no part of any other appro-
3 priation in this Act shall be available for activities or func-
4 tions budgeted as policy and administration expenses.

5 ADMINISTRATIVE PROVISION

6 Appropriations for the Bureau of Reclamation shall
7 be available for purchase and replacement of not to exceed
8 30 motor vehicles, which are for replacement only.

9 GENERAL PROVISIONS—DEPARTMENT OF THE
10 INTERIOR

11 SEC. 201. (a) None of the funds provided in title II
12 of this Act for Water and Related Resources, or provided
13 by previous or subsequent appropriations Acts to the agen-
14 cies or entities funded in title II of this Act for Water
15 and Related Resources that remain available for obligation
16 or expenditure in fiscal year 2023, shall be available for
17 obligation or expenditure through a reprogramming of
18 funds that—

19 (1) initiates or creates a new program, project,
20 or activity;

21 (2) eliminates a program, project, or activity;

22 (3) increases funds for any program, project, or
23 activity for which funds have been denied or re-
24 stricted by this Act, unless prior approval is received

1 from the Committees on Appropriations of both
2 Houses of Congress;

3 (4) restarts or resumes any program, project or
4 activity for which funds are not provided in this Act,
5 unless prior approval is received from the Commit-
6 tees on Appropriations of both Houses of Congress;

7 (5) transfers funds in excess of the following
8 limits, unless prior approval is received from the
9 Committees on Appropriations of both Houses of
10 Congress:

11 (A) 15 percent for any program, project or
12 activity for which \$2,000,000 or more is avail-
13 able at the beginning of the fiscal year; or

14 (B) \$400,000 for any program, project or
15 activity for which less than \$2,000,000 is avail-
16 able at the beginning of the fiscal year;

17 (6) transfers more than \$500,000 from either
18 the Facilities Operation, Maintenance, and Rehabili-
19 tation category or the Resources Management and
20 Development category to any program, project, or
21 activity in the other category, unless prior approval
22 is received from the Committees on Appropriations
23 of both Houses of Congress; or

24 (7) transfers, where necessary to discharge legal
25 obligations of the Bureau of Reclamation, more than

1 \$5,000,000 to provide adequate funds for settled
2 contractor claims, increased contractor earnings due
3 to accelerated rates of operations, and real estate de-
4 ficiency judgments, unless prior approval is received
5 from the Committees on Appropriations of both
6 Houses of Congress.

7 (b) Subsection (a)(5) shall not apply to any transfer
8 of funds within the Facilities Operation, Maintenance, and
9 Rehabilitation category.

10 (c) For purposes of this section, the term “transfer”
11 means any movement of funds into or out of a program,
12 project, or activity.

13 (d) Except as provided in subsections (a) and (b), the
14 amounts made available in this title under the heading
15 “Bureau of Reclamation—Water and Related Resources”
16 shall be expended for the programs, projects, and activities
17 specified in the “Final Bill” columns in the “Water and
18 Related Resources” table included under the heading
19 “Title II—Department of the Interior” in the explanatory
20 statement described in section 4 (in the matter preceding
21 division A of this consolidated Act).

22 (e) The Bureau of Reclamation shall submit reports
23 on a quarterly basis to the Committees on Appropriations
24 of both Houses of Congress detailing all the funds repro-
25 grammed between programs, projects, activities, or cat-

1 egories of funding. The first quarterly report shall be sub-
2 mitted not later than 60 days after the date of enactment
3 of this Act.

4 SEC. 202. (a) None of the funds appropriated or oth-
5 erwise made available by this Act may be used to deter-
6 mine the final point of discharge for the interceptor drain
7 for the San Luis Unit until development by the Secretary
8 of the Interior and the State of California of a plan, which
9 shall conform to the water quality standards of the State
10 of California as approved by the Administrator of the En-
11 vironmental Protection Agency, to minimize any detri-
12 mental effect of the San Luis drainage waters.

13 (b) The costs of the Kesterson Reservoir Cleanup
14 Program and the costs of the San Joaquin Valley Drain-
15 age Program shall be classified by the Secretary of the
16 Interior as reimbursable or nonreimbursable and collected
17 until fully repaid pursuant to the “Cleanup Program—
18 Alternative Repayment Plan” and the “SJVDP—Alter-
19 native Repayment Plan” described in the report entitled
20 “Repayment Report, Kesterson Reservoir Cleanup Pro-
21 gram and San Joaquin Valley Drainage Program, Feb-
22 ruary 1995”, prepared by the Department of the Interior,
23 Bureau of Reclamation. Any future obligations of funds
24 by the United States relating to, or providing for, drainage
25 service or drainage studies for the San Luis Unit shall

1 be fully reimbursable by San Luis Unit beneficiaries of
2 such service or studies pursuant to Federal reclamation
3 law.

4 SEC. 203. Section 9504(e) of the Omnibus Public
5 Land Management Act of 2009 (42 U.S.C. 10364(e)) is
6 amended by striking “\$750,000,000” and inserting
7 “\$820,000,000”.

8 SEC. 204. (a) Title I of Public Law 108–361 (the
9 Calfed Bay-Delta Authorization Act) (118 Stat. 1681), as
10 amended by section 204 of division D of Public Law 117–
11 103, shall be applied by substituting “2023” for “2022”
12 each place it appears.

13 (b) Section 103(f)(4)(A) of Public Law 108–361 (the
14 Calfed Bay-Delta Authorization Act) is amended by strik-
15 ing “\$25,000,000” and inserting “\$30,000,000”.

16 SEC. 205. Section 9106(g)(2) of Public Law 111–11
17 (Omnibus Public Land Management Act of 2009) shall
18 be applied by substituting “2023” for “2022”.

19 SEC. 206. (a) Section 104(c) of the Reclamation
20 States Emergency Drought Relief Act of 1991 (43 U.S.C.
21 2214(c)) shall be applied by substituting “2023” for
22 “2022”.

23 (b) Section 301 of the Reclamation States Emergency
24 Drought Relief Act of 1991 (43 U.S.C. 2241) shall be ap-

1 plied by substituting “2023” for “2022” and by sub-
2 stituting “\$130,000,000” for “\$120,000,000”.

3 SEC. 207. Section 529(b)(3) of the Water Resources
4 Development Act of 2000 (Public Law 106–541) as
5 amended, is amended by striking “\$30,000,000” and in-
6 serting “\$40,000,000”.

7 SEC. 208. None of the funds made available by this
8 Act may be used for pre-construction or construction ac-
9 tivities for any project recommended after enactment of
10 the Energy and Water Development and Related Agencies
11 Appropriations Act, 2020 and prior to enactment of this
12 Act by the Secretary of the Interior and transmitted to
13 the appropriate committees of Congress pursuant to sec-
14 tion 4007 of the Water Infrastructure Improvements for
15 the Nation Act (Public Law 114–322) if such project is
16 not named in this Act, Public Law 116–260, or Public
17 Law 117–43.

436

1

TITLE III

2

DEPARTMENT OF ENERGY

3

ENERGY PROGRAMS

4

ENERGY EFFICIENCY AND RENEWABLE ENERGY

5

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$3,460,000,000, to remain available until expended: *Provided*, That of such amount, \$223,000,000 shall be available until September 30, 2024, for program direction.

16

CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY

17

RESPONSE

18

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy sector cybersecurity, energy security, and emergency response activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisi-

25

437

1 tion, construction, or expansion, \$200,000,000, to remain
2 available until expended: *Provided*, That of such amount,
3 \$25,143,000 shall be available until September 30, 2024,
4 for program direction.

5 ELECTRICITY

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 elec-
9 tricity activities in carrying out the purposes of the De-
10 partment of Energy Organization Act (42 U.S.C. 7101 et
11 seq.), including the acquisition or condemnation of any
12 real property or any facility or for plant or facility acqui-
13 sition, construction, or expansion, \$350,000,000, to remain
14 available until expended: *Provided*, That of such amount,
15 \$23,000,000 shall be available until September 30, 2024,
16 for program direction.

17 NUCLEAR ENERGY

18 (INCLUDING TRANSFER OF FUNDS)

19 For Department of Energy expenses including the
20 purchase, construction, and acquisition of plant and cap-
21 ital equipment, and other expenses necessary for nuclear
22 energy activities in carrying out the purposes of the De-
23 partment of Energy Organization Act (42 U.S.C. 7101 et
24 seq.), including the acquisition or condemnation of any
25 real property or any facility or for plant or facility acqui-

1 tion, construction, or expansion, \$1,473,000,000, to re-
2 main available until expended, of which \$20,000,000 shall
3 be transferred to “Department of Energy—Energy Pro-
4 grams—Science”, for hot cells operations and mainte-
5 nance: *Provided*, That of such amount, \$85,000,000 shall
6 be available until September 30, 2024, for program direc-
7 tion: *Provided further*, That for the purpose of section
8 954(a)(6) of the Energy Policy Act of 2005, as amended,
9 the only amount available shall be from the amount speci-
10 fied as including that purpose in the “Final Bill” column
11 in the “Department of Energy” table included under the
12 heading “Title III—Department of Energy” in the explan-
13 atory statement described in section 4 (in the matter pre-
14 ceding division A 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,
25 and disposal of mineral substances without objectionable

1 social and environmental costs (30 U.S.C. 3, 1602, and
2 1603), \$890,000,000, to remain available until expended:
3 *Provided*, That of such amount \$70,000,000 shall be avail-
4 able 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 avail-
10 able until expended, for projects specified in the table that
11 appears under the heading “Community Project Funding
12 and Congressionally Directed Spending of Energy
13 Projects” in the explanatory statement described in sec-
14 tion 4 (in the matter preceding division A of this consoli-
15 dated Act).

16 NAVAL PETROLEUM AND OIL SHALE RESERVES

17 For Department of Energy expenses necessary to
18 carry out naval petroleum and oil shale reserve activities,
19 \$13,004,000, to remain available until expended: *Pro-*
20 *vided*, That notwithstanding any other provision of law,
21 unobligated funds remaining from prior years shall be
22 available for all naval petroleum and oil shale reserve ac-
23 tivities.

1 STRATEGIC PETROLEUM RESERVE

2 For Department of Energy expenses necessary for
3 Strategic Petroleum Reserve facility development and op-
4 erations and program management activities pursuant to
5 the Energy Policy and Conservation Act (42 U.S.C. 6201
6 et seq.), \$207,175,000, to remain available until expended.

7 SPR PETROLEUM ACCOUNT

8 For the acquisition, transportation, and injection of
9 petroleum products, and for other necessary expenses pur-
10 suant to the Energy Policy and Conservation Act of 1975,
11 as amended (42 U.S.C. 6201 et seq.), sections 403 and
12 404 of the Bipartisan Budget Act of 2015 (42 U.S.C.
13 6241, 6239 note), section 32204 of the Fixing America's
14 Surface Transportation Act (42 U.S.C. 6241 note), and
15 section 30204 of the Bipartisan Budget Act of 2018 (42
16 U.S.C. 6241 note), \$100,000, to remain available until ex-
17 pended: *Provided*, That of the unobligated balances from
18 amounts deposited under this heading pursuant to section
19 167(b)(3) of the Energy Policy and Conservation Act (42
20 U.S.C. 6247(b)(3)), \$2,052,000,000 is hereby perma-
21 nently rescinded not later than September 30, 2023.

22 NORTHEAST HOME HEATING OIL RESERVE

23 For Department of Energy expenses necessary for
24 Northeast Home Heating Oil Reserve storage, operation,
25 and management activities pursuant to the Energy Policy

1 and Conservation Act (42 U.S.C. 6201 et seq.),
2 \$7,000,000, to remain available until expended.

3 ENERGY INFORMATION ADMINISTRATION

4 For Department of Energy expenses necessary in car-
5 rying out the activities of the Energy Information Admin-
6 istration, \$135,000,000, to remain available until ex-
7 pended.

8 NON-DEFENSE ENVIRONMENTAL CLEANUP

9 For Department of Energy expenses, including the
10 purchase, construction, and acquisition of plant and cap-
11 ital equipment and other expenses necessary for non-de-
12 fense environmental cleanup activities in carrying out the
13 purposes of the Department of Energy Organization Act
14 (42 U.S.C. 7101 et seq.), including the acquisition or con-
15 demnation of any real property or any facility or for plant
16 or facility acquisition, construction, or expansion, and the
17 purchase of one passenger motor vehicle, \$358,583,000,
18 to remain available until expended: *Provided*, That in addi-
19 tion, fees collected pursuant to subsection (b)(1) of section
20 6939f of title 42, United States Code, and deposited under
21 this heading in fiscal year 2023 pursuant to section 309
22 of title III of division C of Public Law 116–94 are appro-
23 priated, to remain available until expended, for mercury
24 storage costs.

1 URANIUM ENRICHMENT DECONTAMINATION AND
2 DECOMMISSIONING FUND

3 For Department of Energy expenses necessary in car-
4 rying out uranium enrichment facility decontamination
5 and decommissioning, remedial actions, and other activi-
6 ties of title II of the Atomic Energy Act of 1954, and
7 title X, subtitle A, of the Energy Policy Act of 1992,
8 \$879,052,000, to be derived from the Uranium Enrich-
9 ment Decontamination and Decommissioning Fund, to re-
10 main available until expended, of which \$14,800,000 shall
11 be available in accordance with title X, subtitle A, of the
12 Energy Policy Act of 1992.

13 SCIENCE

14 For Department of Energy expenses including the
15 purchase, construction, and acquisition of plant and cap-
16 ital equipment, and other expenses necessary for science
17 activities in carrying out the purposes of the Department
18 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
19 cluding the acquisition or condemnation of any real prop-
20 erty or any facility or for plant or facility acquisition, con-
21 struction, or expansion, and purchase of not more than
22 35 passenger motor vehicles, including one ambulance, for
23 replacement only, \$8,100,000,000, to remain available
24 until expended: *Provided*, That of such amount,

1 \$211,211,000 shall be available until September 30, 2024,
2 for program direction.

3 NUCLEAR WASTE DISPOSAL

4 For Department of Energy expenses necessary for
5 nuclear waste disposal activities to carry out the purposes
6 of the Nuclear Waste Policy Act of 1982, Public Law 97–
7 425, as amended, \$10,205,000, to remain available until
8 expended, which shall be derived from the Nuclear Waste
9 Fund.

10 TECHNOLOGY TRANSITIONS

11 For Department of Energy expenses necessary for
12 carrying out the activities of technology transitions,
13 \$22,098,000, to remain available until expended: *Pro-*
14 *vided*, That of such amount, \$13,183,000 shall be avail-
15 able until September 30, 2024, for program direction.

16 CLEAN ENERGY DEMONSTRATIONS

17 For Department of Energy expenses, including the
18 purchase, construction, and acquisition of plant and cap-
19 ital equipment and other expenses necessary for clean en-
20 ergy demonstrations in carrying out the purposes of the
21 Department of Energy Organization Act (42 U.S.C. 7101
22 et seq.), including the acquisition or condemnation of any
23 real property or any facility or for plant or facility acquisi-
24 tion, construction, or expansion, \$89,000,000, to remain
25 available until expended: *Provided*, That of such amount,

1 priation and shall remain available until September 30,
2 2024: *Provided further*, That to the extent that fees col-
3 lected in fiscal year 2023 exceed \$66,206,000, those ex-
4 cess amounts shall be credited as offsetting collections
5 under this heading and available in future fiscal years only
6 to the extent provided in advance in appropriations Acts:
7 *Provided further*, That the sum herein appropriated from
8 the general fund shall be reduced (1) as such fees are re-
9 ceived during fiscal year 2023 (estimated at \$35,000,000)
10 and (2) to the extent that any remaining general fund ap-
11 propriations can be derived from fees collected in previous
12 fiscal years that are not otherwise appropriated, so as to
13 result in a final fiscal year 2023 appropriation from the
14 general fund estimated at \$0: *Provided further*, That the
15 Department of Energy shall not subordinate any loan obli-
16 gation to other financing in violation of section 1702 of
17 the Energy Policy Act of 2005 or subordinate any Guar-
18 teed Obligation to any loan or other debt obligations in
19 violation of section 609.10 of title 10, Code of Federal
20 Regulations.

21 Of the unobligated balances from amounts made
22 available in the first proviso of section 1425 of the Depart-
23 ment of Defense and Full-Year Continuing Appropriations
24 Act, 2011 (Public Law 112–10) for the cost of loan guar-
25 antees under section 1703 of the Energy Policy Act of

1 2005, \$150,000,000 are hereby permanently rescinded:
2 *Provided*, That, subject to section 502 of the Congres-
3 sional Budget Act of 1974, commitments to guarantee
4 loans for eligible projects under title XVII of the Energy
5 Policy Act of 2005, shall not exceed a total principal
6 amount of \$15,000,000,000, to remain available until
7 committed: *Provided further*, That the amounts provided
8 under this paragraph are in addition to those provided in
9 any other Act: *Provided further*, That for amounts col-
10 lected pursuant to section 1702(b)(2) of the Energy Policy
11 Act of 2005, the source of such payment received from
12 borrowers may not be a loan or other debt obligation that
13 is guaranteed by the Federal Government: *Provided fur-*
14 *ther*, That none of such loan guarantee authority made
15 available under this paragraph shall be available for com-
16 mitments to guarantee loans for any projects where funds,
17 personnel, or property (tangible or intangible) of any Fed-
18 eral agency, instrumentality, personnel, or affiliated entity
19 are expected be used (directly or indirectly) through acqui-
20 sitions, contracts, demonstrations, exchanges, grants, in-
21 centives, leases, procurements, sales, other transaction au-
22 thority, or other arrangements, to support the project or
23 to obtain goods or services from the project: *Provided fur-*
24 *ther*, That the preceding proviso shall not be interpreted
25 as precluding the use of the loan guarantee authority pro-

1 vided under this paragraph for commitments to guarantee
2 loans for: (1) projects as a result of such projects benefit-
3 ting from otherwise allowable Federal income tax benefits;
4 (2) projects as a result of such projects benefitting from
5 being located on Federal land pursuant to a lease or right-
6 of-way agreement for which all consideration for all uses
7 is: (A) paid exclusively in cash; (B) deposited in the Treas-
8 ury as offsetting receipts; and (C) equal to the fair market
9 value as determined by the head of the relevant Federal
10 agency; (3) projects as a result of such projects benefitting
11 from Federal insurance programs, including under section
12 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210;
13 commonly known as the “Price-Anderson Act”); or (4)
14 electric generation projects using transmission facilities
15 owned or operated by a Federal Power Marketing Admin-
16 istration or the Tennessee Valley Authority that have been
17 authorized, approved, and financed independent of the
18 project receiving the guarantee: *Provided further*, That
19 none of the loan guarantee authority made available under
20 this paragraph shall be available for any project unless
21 the Director of the Office of Management and Budget has
22 certified in advance in writing that the loan guarantee and
23 the project comply with the provisions under this para-
24 graph.

1 Energy Loan Guarantee Program as provided for in the
2 preceding three provisos and for the cost of guaranteed
3 loans for such program under section 2602(c) of the En-
4 ergy Policy Act of 1992 (25 U.S.C. 3502(c)), \$2,000,000,
5 to remain available until expended: *Provided further*, That
6 such costs, including the cost of modifying such loans,
7 shall be as defined in section 502 of the Congressional
8 Budget Act of 1974 (2 U.S.C. 661a).

9 INDIAN ENERGY POLICY AND PROGRAMS

10 For necessary expenses for Indian Energy activities
11 in carrying out the purposes of the Department of Energy
12 Organization Act (42 U.S.C. 7101 et seq.), \$75,000,000,
13 to remain available until expended: *Provided*, That of the
14 amount appropriated under this heading, \$14,000,000
15 shall be available until September 30, 2024, for program
16 direction.

17 DEPARTMENTAL ADMINISTRATION

18 For salaries and expenses of the Department of En-
19 ergy necessary for departmental administration in car-
20 rying out the purposes of the Department of Energy Orga-
21 nization Act (42 U.S.C. 7101 et seq.), \$383,578,000, to
22 remain available until September 30, 2024, including the
23 hire of passenger motor vehicles and official reception and
24 representation expenses not to exceed \$30,000, plus such
25 additional amounts as necessary to cover increases in the

1 estimated amount of cost of work for others notwith-
2 standing the provisions of the Anti-Deficiency Act (31
3 U.S.C. 1511 et seq.): *Provided*, That such increases in cost
4 of work are offset by revenue increases of the same or
5 greater amount: *Provided further*, That moneys received
6 by the Department for miscellaneous revenues estimated
7 to total \$100,578,000 in fiscal year 2023 may be retained
8 and used for operating expenses within this account, as
9 authorized by section 201 of Public Law 95–238, notwith-
10 standing the provisions of 31 U.S.C. 3302: *Provided fur-*
11 *ther*, That the sum herein appropriated shall be reduced
12 as collections are received during the fiscal year so as to
13 result in a final fiscal year 2023 appropriation from the
14 general fund estimated at not more than \$283,000,000.

15 OFFICE OF THE INSPECTOR GENERAL

16 For expenses necessary for the Office of the Inspector
17 General in carrying out the provisions of the Inspector
18 General Act of 1978, \$86,000,000, to remain available
19 until September 30, 2024.

20 ATOMIC ENERGY DEFENSE ACTIVITIES

21 NATIONAL NUCLEAR SECURITY

22 ADMINISTRATION

23 WEAPONS ACTIVITIES

24 For Department of Energy expenses, including the
25 purchase, construction, and acquisition of plant and cap-

1 ital equipment and other incidental expenses necessary for
2 atomic energy defense weapons activities in carrying out
3 the purposes of the Department of Energy Organization
4 Act (42 U.S.C. 7101 et seq.), including the acquisition or
5 condemnation of any real property or any facility or for
6 plant or facility acquisition, construction, or expansion,
7 \$17,116,119,000, to remain available until expended: *Pro-*
8 *vided*, That of such amount, \$130,070,000 shall be avail-
9 able until September 30, 2024, for program direction.

10 DEFENSE NUCLEAR NONPROLIFERATION

11 For Department of Energy expenses, including the
12 purchase, construction, and acquisition of plant and cap-
13 ital equipment and other incidental expenses necessary for
14 defense nuclear nonproliferation activities, in carrying out
15 the purposes of the Department of Energy Organization
16 Act (42 U.S.C. 7101 et seq.), including the acquisition or
17 condemnation of any real property or any facility or for
18 plant or facility acquisition, construction, or expansion,
19 \$2,490,000,000, to remain available until expended.

20 NAVAL REACTORS

21 (INCLUDING TRANSFER OF FUNDS)

22 For Department of Energy expenses necessary for
23 naval reactors activities to carry out the Department of
24 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
25 ing the acquisition (by purchase, condemnation, construc-

1 tion, or otherwise) of real property, plant, and capital
2 equipment, facilities, and facility expansion,
3 \$2,081,445,000, to remain available until expended, of
4 which, \$99,747,000 shall be transferred to “Department
5 of Energy—Energy Programs—Nuclear Energy”, for the
6 Advanced Test Reactor: *Provided*, That of such amount,
7 \$58,525,000 shall be available until September 30, 2024,
8 for program direction.

9 FEDERAL SALARIES AND EXPENSES

10 For expenses necessary for Federal Salaries and Ex-
11 penses in the National Nuclear Security Administration,
12 \$475,000,000, to remain available until September 30,
13 2024, including official reception and representation ex-
14 penses not to exceed \$17,000.

15 ENVIRONMENTAL AND OTHER DEFENSE

16 ACTIVITIES

17 DEFENSE ENVIRONMENTAL CLEANUP

18 For Department of Energy expenses, including the
19 purchase, construction, and acquisition of plant and cap-
20 ital equipment and other expenses necessary for atomic
21 energy defense environmental cleanup activities in car-
22 rying out the purposes of the Department of Energy Orga-
23 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
24 sition or condemnation of any real property or any facility
25 or for plant or facility acquisition, construction, or expan-

1 sion, \$7,025,000,000, to remain available until expended:
2 *Provided*, That of such amount, \$317,002,000 shall be
3 available until September 30, 2024, for program direction.

4 DEFENSE URANIUM ENRICHMENT DECONTAMINATION
5 AND DECOMMISSIONING
6 (INCLUDING TRANSFER OF FUNDS)

7 For an additional amount for atomic energy defense
8 environmental cleanup activities for Department of En-
9 ergy contributions for uranium enrichment decontamina-
10 tion and decommissioning activities, \$586,035,000, to be
11 deposited into the Defense Environmental Cleanup ac-
12 count, which shall be transferred to the “Uranium Enrich-
13 ment Decontamination and Decommissioning Fund”.

14 OTHER DEFENSE ACTIVITIES

15 For Department of Energy expenses, including the
16 purchase, construction, and acquisition of plant and cap-
17 ital equipment and other expenses, necessary for atomic
18 energy defense, other defense activities, and classified ac-
19 tivities, in carrying out the purposes of the Department
20 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
21 cluding the acquisition or condemnation of any real prop-
22 erty or any facility or for plant or facility acquisition, con-
23 struction, or expansion, \$1,035,000,000, to remain avail-
24 able until expended: *Provided*, That of such amount,

1 \$364,734,000 shall be available until September 30, 2024,
2 for program direction.

3 POWER MARKETING ADMINISTRATIONS

4 BONNEVILLE POWER ADMINISTRATION FUND

5 Expenditures from the Bonneville Power Administra-
6 tion Fund, established pursuant to Public Law 93-454,
7 are approved for the Colville Tribes Residents Fish Hatch-
8 ery Expansion, Chief Joseph Hatchery Water Quality
9 Project, and Umatilla Hatchery Facility Project and, in
10 addition, for official reception and representation expenses
11 in an amount not to exceed \$5,000: *Provided*, That during
12 fiscal year 2023, no new direct loan obligations may be
13 made.

14 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
15 ADMINISTRATION

16 For expenses necessary for operation and mainte-
17 nance of power transmission facilities and for marketing
18 electric power and energy, including transmission wheeling
19 and ancillary services, pursuant to section 5 of the Flood
20 Control Act of 1944 (16 U.S.C. 825s), as applied to the
21 southeastern power area, \$8,173,000, including official re-
22 ception and representation expenses in an amount not to
23 exceed \$1,500, to remain available until expended: *Pro-*
24 *vided*, That notwithstanding 31 U.S.C. 3302 and section
25 5 of the Flood Control Act of 1944, up to \$8,173,000 col-

1 lected by the Southeastern Power Administration from the
2 sale of power and related services shall be credited to this
3 account as discretionary offsetting collections, to remain
4 available until expended for the sole purpose of funding
5 the annual expenses of the Southeastern Power Adminis-
6 tration: *Provided further*, That the sum herein appro-
7 priated for annual expenses shall be reduced as collections
8 are received during the fiscal year so as to result in a final
9 fiscal year 2023 appropriation estimated at not more than
10 \$0: *Provided further*, That notwithstanding 31 U.S.C.
11 3302, up to \$78,696,000 collected by the Southeastern
12 Power Administration pursuant to the Flood Control Act
13 of 1944 to recover purchase power and wheeling expenses
14 shall be credited to this account as offsetting collections,
15 to remain available until expended for the sole purpose
16 of making purchase power and wheeling expenditures:
17 *Provided further*, That for purposes of this appropriation,
18 annual expenses means expenditures that are generally re-
19 covered in the same year that they are incurred (excluding
20 purchase power and wheeling expenses).

21 OPERATION AND MAINTENANCE, SOUTHWESTERN

22 POWER ADMINISTRATION

23 For expenses necessary for operation and mainte-
24 nance of power transmission facilities and for marketing
25 electric power and energy, for construction and acquisition

1 of transmission lines, substations and appurtenant facili-
2 ties, and for administrative expenses, including official re-
3 ception and representation expenses in an amount not to
4 exceed \$1,500 in carrying out section 5 of the Flood Con-
5 trol Act of 1944 (16 U.S.C. 825s), as applied to the
6 Southwestern Power Administration, \$53,488,000, to re-
7 main available until expended: *Provided*, That notwith-
8 standing 31 U.S.C. 3302 and section 5 of the Flood Con-
9 trol Act of 1944 (16 U.S.C. 825s), up to \$42,880,000 col-
10 lected by the Southwestern Power Administration from
11 the sale of power and related services shall be credited to
12 this account as discretionary offsetting collections, to re-
13 main available until expended, for the sole purpose of
14 funding the annual expenses of the Southwestern Power
15 Administration: *Provided further*, That the sum herein ap-
16 propriated for annual expenses shall be reduced as collec-
17 tions are received during the fiscal year so as to result
18 in a final fiscal year 2023 appropriation estimated at not
19 more than \$10,608,000: *Provided further*, That notwith-
20 standing 31 U.S.C. 3302, up to \$70,000,000 collected by
21 the Southwestern Power Administration pursuant to the
22 Flood Control Act of 1944 to recover purchase power and
23 wheeling expenses shall be credited to this account as off-
24 setting collections, to remain available until expended for
25 the sole purpose of making purchase power and wheeling

1 expenditures: *Provided further*, That for purposes of this
2 appropriation, annual expenses means expenditures that
3 are generally recovered in the same year that they are in-
4 curred (excluding purchase power and wheeling expenses).

5 CONSTRUCTION, REHABILITATION, OPERATION AND
6 MAINTENANCE, WESTERN AREA POWER ADMINIS-
7 TRATION

8 For carrying out the functions authorized by title III,
9 section 302(a)(1)(E) of the Act of August 4, 1977 (42
10 U.S.C. 7152), and other related activities including con-
11 servation and renewable resources programs as author-
12 ized, \$299,573,000, including official reception and rep-
13 resentation expenses in an amount not to exceed \$1,500,
14 to remain available until expended, of which \$299,573,000
15 shall be derived from the Department of the Interior Rec-
16 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.
17 3302, section 5 of the Flood Control Act of 1944 (16
18 U.S.C. 825s), and section 1 of the Interior Department
19 Appropriation Act, 1939 (43 U.S.C. 392a), up to
20 \$200,841,000 collected by the Western Area Power Ad-
21 ministration from the sale of power and related services
22 shall be credited to this account as discretionary offsetting
23 collections, to remain available until expended, for the sole
24 purpose of funding the annual expenses of the Western
25 Area Power Administration: *Provided further*, That the

1 sum herein appropriated for annual expenses shall be re-
2 duced as collections are received during the fiscal year so
3 as to result in a final fiscal year 2023 appropriation esti-
4 mated at not more than \$98,732,000, of which
5 \$98,732,000 is derived from the Reclamation Fund: *Pro-*
6 *vided further*, That notwithstanding 31 U.S.C. 3302, up
7 to \$475,000,000 collected by the Western Area Power Ad-
8 ministration pursuant to the Flood Control Act of 1944
9 and the Reclamation Project Act of 1939 to recover pur-
10 chase power and wheeling expenses shall be credited to
11 this account as offsetting collections, to remain available
12 until expended for the sole purpose of making purchase
13 power and wheeling expenditures: *Provided further*, That
14 for purposes of this appropriation, annual expenses means
15 expenditures that are generally recovered in the same year
16 that they are incurred (excluding purchase power and
17 wheeling expenses).

18 FALCON AND AMISTAD OPERATING AND MAINTENANCE

19 FUND

20 For operation, maintenance, and emergency costs for
21 the hydroelectric facilities at the Falcon and Amistad
22 Dams, \$6,330,000, to remain available until expended,
23 and to be derived from the Falcon and Amistad Operating
24 and Maintenance Fund of the Western Area Power Ad-
25 ministration, as provided in section 2 of the Act of June

1 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding
2 the provisions of that Act and of 31 U.S.C. 3302, up to
3 \$6,102,000 collected by the Western Area Power Adminis-
4 tration from the sale of power and related services from
5 the Falcon and Amistad Dams shall be credited to this
6 account as discretionary offsetting collections, to remain
7 available until expended for the sole purpose of funding
8 the annual expenses of the hydroelectric facilities of these
9 Dams and associated Western Area Power Administration
10 activities: *Provided further*, That the sum herein appro-
11 priated for annual expenses shall be reduced as collections
12 are received during the fiscal year so as to result in a final
13 fiscal year 2023 appropriation estimated at not more than
14 \$228,000: *Provided further*, That for purposes of this ap-
15 propriation, annual expenses means expenditures that are
16 generally recovered in the same year that they are in-
17 curred: *Provided further*, That for fiscal year 2023, the
18 Administrator of the Western Area Power Administration
19 may accept up to \$1,598,000 in funds contributed by
20 United States power customers of the Falcon and Amistad
21 Dams for deposit into the Falcon and Amistad Operating
22 and Maintenance Fund, and such funds shall be available
23 for the purpose for which contributed in like manner as
24 if said sums had been specifically appropriated for such
25 purpose: *Provided further*, That any such funds shall be

1 available without further appropriation and without fiscal
2 year limitation for use by the Commissioner of the United
3 States Section of the International Boundary and Water
4 Commission for the sole purpose of operating, maintain-
5 ing, repairing, rehabilitating, replacing, or upgrading the
6 hydroelectric facilities at these Dams in accordance with
7 agreements reached between the Administrator, Commis-
8 sioner, and the power customers.

9 FEDERAL ENERGY REGULATORY COMMISSION

10 SALARIES AND EXPENSES

11 For expenses necessary for the Federal Energy Regu-
12 latory Commission to carry out the provisions of the De-
13 partment of Energy Organization Act (42 U.S.C. 7101 et
14 seq.), including services as authorized by 5 U.S.C. 3109,
15 official reception and representation expenses not to ex-
16 ceed \$3,000, and the hire of passenger motor vehicles,
17 \$508,400,000, to remain available until expended: *Pro-*
18 *vided*, That notwithstanding any other provision of law,
19 not to exceed \$508,400,000 of revenues from fees and an-
20 nual charges, and other services and collections in fiscal
21 year 2023 shall be retained and used for expenses nec-
22 essary in this account, and shall remain available until ex-
23 pended: *Provided further*, That the sum herein appro-
24 priated from the general fund shall be reduced as revenues
25 are received during fiscal year 2023 so as to result in a

1 (C) issue a letter of intent to make an alloca-
2 tion, award, or Agreement in excess of the limits in
3 subparagraph (A) or (B); or

4 (D) announce publicly the intention to make an
5 allocation, award, or Agreement in excess of the lim-
6 its in subparagraph (A) or (B).

7 (2) The Secretary of Energy shall submit to the Com-
8 mittees on Appropriations of both Houses of Congress
9 within 15 days of the conclusion of each quarter a report
10 detailing each grant allocation or discretionary grant
11 award totaling less than \$1,000,000 provided during the
12 previous quarter.

13 (3) The notification required by paragraph (1) and
14 the report required by paragraph (2) shall include the re-
15 cipient of the award, the amount of the award, the fiscal
16 year for which the funds for the award were appropriated,
17 the account and program, project, or activity from which
18 the funds are being drawn, the title of the award, and
19 a brief description of the activity for which the award is
20 made.

21 (c) The Department of Energy may not, with respect
22 to any program, project, or activity that uses budget au-
23 thority made available in this title under the heading “De-
24 partment of Energy—Energy Programs”, enter into a

1 multiyear contract, award a multiyear grant, or enter into
2 a multiyear cooperative agreement unless—

3 (1) the contract, grant, or cooperative agree-
4 ment is funded for the full period of performance as
5 anticipated at the time of award; or

6 (2) the contract, grant, or cooperative agree-
7 ment includes a clause conditioning the Federal Gov-
8 ernment's obligation on the availability of future
9 year budget authority and the Secretary notifies the
10 Committees on Appropriations of both Houses of
11 Congress at least 3 days in advance.

12 (d) Except as provided in subsections (e), (f), and (g),
13 the amounts made available by this title shall be expended
14 as authorized by law for the programs, projects, and ac-
15 tivities specified in the “Final Bill” column in the “De-
16 partment of Energy” table included under the heading
17 “Title III—Department of Energy” in the explanatory
18 statement described in section 4 (in the matter preceding
19 division A of this consolidated Act).

20 (e) The amounts made available by this title may be
21 reprogrammed for any program, project, or activity, and
22 the Department shall notify, and obtain the prior approval
23 of, the Committees on Appropriations of both Houses of
24 Congress at least 30 days prior to the use of any proposed
25 reprogramming that would cause any program, project, or

1 activity funding level to increase or decrease by more than
2 \$5,000,000 or 10 percent, whichever is less, during the
3 time period covered by this Act.

4 (f) None of the funds provided in this title shall be
5 available for obligation or expenditure through a re-
6 programming of funds that—

7 (1) creates, initiates, or eliminates a program,
8 project, or activity;

9 (2) increases funds or personnel for any pro-
10 gram, project, or activity for which funds are denied
11 or restricted by this Act; or

12 (3) reduces funds that are directed to be used
13 for a specific program, project, or activity by this
14 Act.

15 (g)(1) The Secretary of Energy may waive any re-
16 quirement or restriction in this section that applies to the
17 use of funds made available for the Department of Energy
18 if compliance with such requirement or restriction would
19 pose a substantial risk to human health, the environment,
20 welfare, or national security.

21 (2) The Secretary of Energy shall notify the Commit-
22 tees on Appropriations of both Houses of Congress of any
23 waiver under paragraph (1) as soon as practicable, but
24 not later than 3 days after the date of the activity to which
25 a requirement or restriction would otherwise have applied.

1 Such notice shall include an explanation of the substantial
2 risk under paragraph (1) that permitted such waiver.

3 (h) The unexpended balances of prior appropriations
4 provided for activities in this Act may be available to the
5 same appropriation accounts for such activities established
6 pursuant to this title. Available balances may be merged
7 with funds in the applicable established accounts and
8 thereafter may be accounted for as one fund for the same
9 time period as originally enacted.

10 SEC. 302. Funds appropriated by this or any other
11 Act, or made available by the transfer of funds in this
12 Act, for intelligence activities are deemed to be specifically
13 authorized by the Congress for purposes of section 504
14 of the National Security Act of 1947 (50 U.S.C. 3094)
15 during fiscal year 2023 until the enactment of the Intel-
16 ligence Authorization Act for fiscal year 2023.

17 SEC. 303. None of the funds made available in this
18 title shall be used for the construction of facilities classi-
19 fied as high-hazard nuclear facilities under 10 CFR Part
20 830 unless independent oversight is conducted by the Of-
21 fice of Enterprise Assessments to ensure the project is in
22 compliance with nuclear safety requirements.

23 SEC. 304. None of the funds made available in this
24 title may be used to approve critical decision-2 or critical
25 decision-3 under Department of Energy Order 413.3B, or

1 any successive departmental guidance, for construction
2 projects where the total project cost exceeds
3 \$100,000,000, until a separate independent cost estimate
4 has been developed for the project for that critical deci-
5 sion.

6 SEC. 305. Notwithstanding section 161 of the Energy
7 Policy and Conservation Act (42 U.S.C. 6241), upon a
8 determination by the President in this fiscal year that a
9 regional supply shortage of refined petroleum product of
10 significant scope and duration exists, that a severe in-
11 crease in the price of refined petroleum product will likely
12 result from such shortage, and that a draw down and sale
13 of refined petroleum product would assist directly and sig-
14 nificantly in reducing the adverse impact of such shortage,
15 the Secretary of Energy may draw down and sell refined
16 petroleum product from the Strategic Petroleum Reserve.
17 Proceeds from a sale under this section shall be deposited
18 into the SPR Petroleum Account established in section
19 167 of the Energy Policy and Conservation Act (42 U.S.C.
20 6247), and such amounts shall be available for obligation,
21 without fiscal year limitation, consistent with that section.

22 SEC. 306. No funds shall be transferred directly from
23 “Department of Energy—Power Marketing Administra-
24 tion—Colorado River Basins Power Marketing Fund,

1 Western Area Power Administration” to the general fund
2 of the Treasury in the current fiscal year.

3 SEC. 307. All unavailable collections currently in the
4 United States Enrichment Corporation Fund shall be
5 transferred to and merged with the Uranium Enrichment
6 Decontamination and Decommissioning Fund and shall be
7 available only to the extent provided in advance in appro-
8 priations Acts.

9 SEC. 308. Subparagraphs (B) and (C) of section
10 40401(a)(2) of Public Law 117–58, paragraph (3) of sec-
11 tion 1702(r) of the Energy Policy Act of 2005 (42 U.S.C.
12 16512(r)(3)) as added by section 40401(c)(2)(C) of Public
13 Law 117–58, and subsection (l) of section 136 of the En-
14 ergy Independence and Security Act of 2007 (42 U.S.C.
15 17013(l)), are hereby repealed.

16 SEC. 309. (a) Hereafter, for energy development,
17 demonstration, and deployment programs funded under
18 Department of Energy appropriations (other than those
19 for the National Nuclear Security Administration and Of-
20 fice of Environmental Management) provided for fiscal
21 year 2022, the current fiscal year, or any fiscal year there-
22 after (including by Acts other than appropriations Acts),
23 the Secretary may vest unconditional title or other prop-
24 erty interests acquired under projects in an award recipi-
25 ent, subrecipient, or successor in interest, including the

1 United States, at the conclusion of the award period for
2 projects receiving an initial award in fiscal year 2022 or
3 later.

4 (b) Upon vesting unconditional title pursuant to sub-
5 section (a) in an award recipient, subrecipient, or suc-
6 cessor in interest other than the United States, the United
7 States shall have no liabilities or obligations to the prop-
8 erty.

9 (c) For purposes of this section, the term “property
10 interest” does not include any interest in intellectual prop-
11 erty developed using funding provided under a project.

12 SEC. 310. None of the funds made available in this
13 title may be used to support a grant allocation award, dis-
14 cretionary grant award, or cooperative agreement that ex-
15 ceeds \$100,000,000 in Federal funding unless the project
16 is carried out through internal independent project man-
17 agement procedures.

469

1 TITLE IV
2 INDEPENDENT AGENCIES
3 APPALACHIAN REGIONAL COMMISSION

4 For expenses necessary to carry out the programs au-
5 thorized by the Appalachian Regional Development Act of
6 1965, as amended, and for expenses necessary for the
7 Federal Co-Chairman and the Alternate on the Appa-
8 lachian Regional Commission, for payment of the Federal
9 share of the administrative expenses of the Commission,
10 including services as authorized by 5 U.S.C. 3109, and
11 hire of passenger motor vehicles, \$200,000,000, to remain
12 available until expended.

13 DEFENSE NUCLEAR FACILITIES SAFETY BOARD
14 SALARIES AND EXPENSES

15 For expenses necessary for the Defense Nuclear Fa-
16 cilities Safety Board in carrying out activities authorized
17 by the Atomic Energy Act of 1954, as amended by Public
18 Law 100–456, section 1441, \$41,401,000, to remain
19 available until September 30, 2024, of which not to exceed
20 \$1,000 shall be available for official reception and rep-
21 resentation expenses.

22 DELTA REGIONAL AUTHORITY
23 SALARIES AND EXPENSES

24 For expenses necessary for the Delta Regional Au-
25 thority and to carry out its activities, as authorized by

1 the Delta Regional Authority Act of 2000, notwith-
2 standing sections 382F(d), 382M, and 382N of said Act,
3 \$30,100,000, to remain available until expended.

4 DENALI COMMISSION

5 For expenses necessary for the Denali Commission
6 including the purchase, construction, and acquisition of
7 plant and capital equipment as necessary and other ex-
8 penses, \$17,000,000, to remain available until expended,
9 notwithstanding the limitations contained in section
10 306(g) of the Denali Commission Act of 1998: *Provided*,
11 That funds shall be available for construction projects for
12 which the Denali Commission is the sole or primary fund-
13 ing source in an amount not to exceed 80 percent of total
14 project cost for distressed communities, as defined by sec-
15 tion 307 of the Denali Commission Act of 1998 (division
16 C, title III, Public Law 105–277), as amended by section
17 701 of appendix D, title VII, Public Law 106–113 (113
18 Stat. 1501A–280), and an amount not to exceed 50 per-
19 cent for non-distressed communities: *Provided further*,
20 That notwithstanding any other provision of law regarding
21 payment of a non-Federal share in connection with a
22 grant-in-aid program, amounts under this heading shall
23 be available for the payment of such a non-Federal share
24 for any project for which the Denali Commission is not

471

1 the sole or primary funding source, provided that such
2 project is consistent with the purposes 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,
7 to remain available until expended: *Provided*, That such
8 amounts shall be available for administrative expenses,
9 notwithstanding section 15751(b) of title 40, United
10 States Code.

11 SOUTHEAST CRESCENT REGIONAL COMMISSION

12 For expenses necessary for the Southeast Crescent
13 Regional Commission in carrying out activities authorized
14 by subtitle V of title 40, United States Code, \$20,000,000,
15 to 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 car-
24 rying out the purposes of the Energy Reorganization Act
25 of 1974 and the Atomic Energy Act of 1954,

472

1 \$911,384,000, including official representation expenses
2 not to exceed \$25,000, to remain available until expended:
3 *Provided*, That of the amount appropriated herein, not
4 more than \$9,500,000 may be made available for salaries,
5 travel, and other support costs for the Office of the Com-
6 mission, to remain available until September 30, 2024:
7 *Provided further*, That revenues from licensing fees, in-
8 spection services, and other services and collections esti-
9 mated at \$777,498,000 in fiscal year 2023 shall be re-
10 tained and used for necessary salaries and expenses in this
11 account, notwithstanding 31 U.S.C. 3302, and shall re-
12 main available until expended: *Provided further*, That the
13 sum herein appropriated shall be reduced by the amount
14 of revenues received during fiscal year 2023 so as to result
15 in a final fiscal year 2023 appropriation estimated at not
16 more than \$133,886,000.

17 OFFICE OF INSPECTOR GENERAL

18 For expenses necessary for the Office of Inspector
19 General in carrying out the provisions of the Inspector
20 General Act of 1978, \$15,769,000, to remain available
21 until September 30, 2024: *Provided*, That revenues from
22 licensing fees, inspection services, and other services and
23 collections estimated at \$12,655,000 in fiscal year 2023
24 shall be retained and be available until September 30,
25 2024, for necessary salaries and expenses in this account,

1 notwithstanding section 3302 of title 31, United States
2 Code: *Provided further*, That the sum herein appropriated
3 shall be reduced by the amount of revenues received dur-
4 ing fiscal year 2023 so as to result in a final fiscal year
5 2023 appropriation estimated at not more than
6 \$3,114,000: *Provided further*, That of the amounts appro-
7 priated under this heading, \$1,520,000 shall be for In-
8 spector General services for the Defense Nuclear Facilities
9 Safety Board.

10 NUCLEAR WASTE TECHNICAL REVIEW BOARD

11 SALARIES AND EXPENSES

12 For expenses necessary for the Nuclear Waste Tech-
13 nical Review Board, as authorized by Public Law 100-
14 203, section 5051, \$3,945,000, to be derived from the Nu-
15 clear Waste Fund, to remain available until September 30,
16 2024.

17 GENERAL PROVISIONS—INDEPENDENT

18 AGENCIES

19 SEC. 401. The Nuclear Regulatory Commission shall
20 comply with the July 5, 2011, version of Chapter VI of
21 its Internal Commission Procedures when responding to
22 Congressional requests for information, consistent with
23 Department of Justice guidance for all Federal agencies.

24 SEC. 402. (a) The amounts made available by this
25 title for the Nuclear Regulatory Commission may be re-

1 programmed for any program, project, or activity, and the
2 Commission shall notify the Committees on Appropria-
3 tions of both Houses of Congress at least 30 days prior
4 to the use of any proposed reprogramming that would
5 cause any program funding level to increase or decrease
6 by more than \$500,000 or 10 percent, whichever is less,
7 during the time period covered by this Act.

8 (b)(1) The Nuclear Regulatory Commission may
9 waive the notification requirement in subsection (a) if
10 compliance with such requirement would pose a substan-
11 tial risk to human health, the environment, welfare, or na-
12 tional security.

13 (2) The Nuclear Regulatory Commission shall notify
14 the Committees on Appropriations of both Houses of Con-
15 gress of any waiver under paragraph (1) as soon as prac-
16 ticable, but not later than 3 days after the date of the
17 activity to which a requirement or restriction would other-
18 wise have applied. Such notice shall include an explanation
19 of the substantial risk under paragraph (1) that permitted
20 such waiver and shall provide a detailed report to the
21 Committees of such waiver and changes to funding levels
22 to programs, projects, or activities.

23 (c) Except as provided in subsections (a), (b), and
24 (d), the amounts made available by this title for “Nuclear
25 Regulatory Commission—Salaries and Expenses” shall be

1 expended as directed in the explanatory statement de-
2 scribed in section 4 (in the matter preceding division A
3 of this consolidated Act).

4 (d) None of the funds provided for the Nuclear Regu-
5 latory Commission shall be available for obligation or ex-
6 penditure through a reprogramming of funds that in-
7 creases funds or personnel for any program, project, or
8 activity for which funds are denied or restricted by this
9 Act.

10 (e) The Commission shall provide a monthly report
11 to the Committees on Appropriations of both Houses of
12 Congress, which includes the following for each program,
13 project, or activity, including any prior year appropria-
14 tions—

- 15 (1) total budget authority;
16 (2) total unobligated balances; and
17 (3) total unliquidated obligations.

476

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
11 title III of this Act may be transferred to any department,
12 agency, or instrumentality of the United States Govern-
13 ment, except pursuant to a transfer made by or transfer
14 authority provided in this Act or any other appropriations
15 Act for any fiscal year, transfer authority referenced in
16 the explanatory statement described in section 4 (in the
17 matter preceding division A of this consolidated Act), or
18 any authority whereby a department, agency, or instru-
19 mentality of the United States Government may provide
20 goods or services to another department, agency, or in-
21 strumentality.

22 (b) None of the funds made available for any depart-
23 ment, agency, or instrumentality of the United States
24 Government may be transferred to accounts funded in title
25 III of this Act, except pursuant to a transfer made by or

1 transfer authority provided in this Act or any other appro-
2 priations Act for any fiscal year, transfer authority ref-
3 erenced in the explanatory statement described in section
4 4 (in the matter preceding division A of this consolidated
5 Act), or any authority whereby a department, agency, or
6 instrumentality of the United States Government may
7 provide goods or services to another department, agency,
8 or instrumentality.

9 (c) The head of any relevant department or agency
10 funded in this Act utilizing any transfer authority shall
11 submit to the Committees on Appropriations of both
12 Houses of Congress a semiannual report detailing the
13 transfer authorities, except for any authority whereby a
14 department, agency, or instrumentality of the United
15 States Government may provide goods or services to an-
16 other department, agency, or instrumentality, used in the
17 previous 6 months and in the year-to-date. This report
18 shall include the amounts transferred and the purposes
19 for which they were transferred, and shall not replace or
20 modify existing notification requirements for each author-
21 ity.

22 SEC. 503. None of the funds made available by this
23 Act may be used in contravention of Executive Order No.
24 12898 of February 11, 1994 (Federal Actions to Address

1 Environmental Justice in Minority Populations and Low-
2 Income Populations).

3 SEC. 504. (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 blocks the viewing,
6 downloading, and exchanging of pornography.

7 (b) Nothing in subsection (a) shall limit the use of
8 funds necessary for any Federal, State, Tribal, or local
9 law enforcement agency or any other entity carrying out
10 criminal investigations, prosecution, or adjudication activi-
11 ties.

12 This division may be cited as the “Energy and Water
13 Development and Related Agencies Appropriations Act,
14 2023”.

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
9 including operation and maintenance of the Treasury
10 Building and Freedman’s Bank Building; hire of pas-
11 senger motor vehicles; maintenance, repairs, and improve-
12 ments of, and purchase of commercial insurance policies
13 for, real properties leased or owned overseas, when nec-
14 essary for the performance of official business; executive
15 direction program activities; international affairs and eco-
16 nomic policy activities; domestic finance and tax policy ac-
17 tivities, including technical assistance to State, local, and
18 territorial entities; and Treasury-wide management poli-
19 cies and programs activities, \$273,882,000, of which not
20 less than \$12,000,000 shall be available for the adminis-
21 tration of financial assistance, in addition to amounts oth-
22 erwise available for such purposes: *Provided*, That of the
23 amount appropriated under this heading—

24 (1) not to exceed \$350,000 is for official recep-
25 tion and representation expenses;

1 available until expended: *Provided*, That the chairperson
2 of the Committee may transfer such amounts to any de-
3 partment or agency represented on the Committee (includ-
4 ing the Department of the Treasury) subject to advance
5 notification to the Committees on Appropriations of the
6 House of Representatives and the Senate: *Provided fur-*
7 *ther*, That amounts so transferred shall remain available
8 until expended for expenses of implementing section 721
9 of the Defense Production Act of 1950, as amended (50
10 U.S.C. 4565), and shall be available in addition to any
11 other funds available to any department or agency: *Pro-*
12 *vided further*, That fees authorized by section 721(p) of
13 such Act shall be credited to this appropriation as offset-
14 ting collections: *Provided further*, That the total amount
15 appropriated under this heading from the general fund
16 shall be reduced as such offsetting collections are received
17 during fiscal year 2023, so as to result in a total appro-
18 priation from the general fund estimated at not more than
19 \$0.

20 OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE

21 SALARIES AND EXPENSES

22 For the necessary expenses of the Office of Terrorism
23 and Financial Intelligence to safeguard the financial sys-
24 tem against illicit use and to combat rogue nations, ter-
25 rorist facilitators, weapons of mass destruction

1 proliferators, human rights abusers, money launderers,
2 drug kingpins, and other national security threats,
3 \$216,059,000, of which not less than \$3,000,000 shall be
4 available for addressing human rights violations and cor-
5 ruption, including activities authorized by the Global
6 Magnitsky Human Rights Accountability Act (22 U.S.C.
7 2656 note): *Provided*, That of the amounts appropriated
8 under this heading, up to \$12,000,000 shall remain avail-
9 able until September 30, 2024.

10 CYBERSECURITY ENHANCEMENT ACCOUNT

11 For salaries and expenses for enhanced cybersecurity
12 for systems operated by the Department of the Treasury,
13 \$100,000,000, to remain available until September 30,
14 2025: *Provided*, That such funds shall supplement and not
15 supplant any other amounts made available to the Treas-
16 ury offices and bureaus for cybersecurity: *Provided fur-*
17 *ther*, That of the total amount made available under this
18 heading \$6,000,000 shall be available for administrative
19 expenses for the Treasury Chief Information Officer to
20 provide oversight of the investments made under this
21 heading: *Provided further*, That such funds shall supple-
22 ment and not supplant any other amounts made available
23 to the Treasury Chief Information Officer.

1 DEPARTMENT-WIDE SYSTEMS AND CAPITAL
2 INVESTMENTS PROGRAMS
3 (INCLUDING TRANSFER OF FUNDS)

4 For development and acquisition of automatic data
5 processing equipment, software, and services and for re-
6 pairs and renovations to buildings owned by the Depart-
7 ment of the Treasury, \$11,118,000, to remain available
8 until September 30, 2025: *Provided*, That these funds
9 shall be transferred to accounts and in amounts as nec-
10 essary to satisfy the requirements of the Department's of-
11 fices, bureaus, and other organizations: *Provided further*,
12 That this transfer authority shall be in addition to any
13 other transfer authority provided in this Act: *Provided fur-*
14 *ther*, That none of the funds appropriated under this head-
15 ing shall be used to support or supplement "Internal Rev-
16 enue Service, Operations Support" or "Internal Revenue
17 Service, Business Systems Modernization".

18 OFFICE OF INSPECTOR GENERAL
19 SALARIES AND EXPENSES

20 For necessary expenses of the Office of Inspector
21 General in carrying out the provisions of the Inspector
22 General Act of 1978, \$48,878,000, including hire of pas-
23 senger motor vehicles; of which not to exceed \$100,000
24 shall be available for unforeseen emergencies of a con-
25 fidential nature, to be allocated and expended under the

1 direction of the Inspector General of the Treasury; of
2 which up to \$2,800,000 to remain available until Sep-
3 tember 30, 2024, shall be for audits and investigations
4 conducted pursuant to section 1608 of the Resources and
5 Ecosystems Sustainability, Tourist Opportunities, and Re-
6 vived Economies of the Gulf Coast States Act of 2012 (33
7 U.S.C. 1321 note); and of which not to exceed \$1,000
8 shall be available for official reception and representation
9 expenses.

10 TREASURY INSPECTOR GENERAL FOR TAX

11 ADMINISTRATION

12 SALARIES AND EXPENSES

13 For necessary expenses of the Treasury Inspector
14 General for Tax Administration in carrying out the In-
15 spector General Act of 1978, as amended, including pur-
16 chase and hire of passenger motor vehicles (31 U.S.C.
17 1343(b)); and services authorized by 5 U.S.C. 3109, at
18 such rates as may be determined by the Inspector General
19 for Tax Administration; \$174,250,000, of which
20 \$5,000,000 shall remain available until September 30,
21 2024; of which not to exceed \$6,000,000 shall be available
22 for official travel expenses; of which not to exceed
23 \$500,000 shall be available for unforeseen emergencies of
24 a confidential nature, to be allocated and expended under
25 the direction of the Inspector General for Tax Administra-

485

1 tion; and of which not to exceed \$1,500 shall be available
2 for official reception and representation expenses.

3 SPECIAL INSPECTOR GENERAL FOR THE TROUBLED
4 ASSET RELIEF PROGRAM
5 SALARIES AND EXPENSES

6 For necessary expenses of the Office of the Special
7 Inspector General in carrying out the provisions of the
8 Emergency Economic Stabilization Act of 2008 (Public
9 Law 110–343), \$9,000,000.

10 FINANCIAL CRIMES ENFORCEMENT NETWORK
11 SALARIES AND EXPENSES

12 For necessary expenses of the Financial Crimes En-
13 forcement Network, including hire of passenger motor ve-
14 hicles; travel and training expenses of non-Federal and
15 foreign government personnel to attend meetings and
16 training concerned with domestic and foreign financial in-
17 telligence activities, law enforcement, and financial regula-
18 tion; services authorized by 5 U.S.C. 3109; not to exceed
19 \$25,000 for official reception and representation expenses;
20 and for assistance to Federal law enforcement agencies,
21 with or without reimbursement, \$190,193,000, of which
22 not to exceed \$55,000,000 shall remain available until
23 September 30, 2025.

486

1 BUREAU OF THE FISCAL SERVICE

2 SALARIES AND EXPENSES

3 For necessary expenses of operations of the Bureau
4 of the Fiscal Service, \$372,485,000; of which not to ex-
5 ceed \$8,000,000, to remain available until September 30,
6 2025, is for information systems modernization initiatives;
7 and of which \$5,000 shall be available for official reception
8 and representation expenses.

9 In addition, \$165,000, to be derived from the Oil
10 Spill Liability Trust Fund to reimburse administrative
11 and personnel expenses for financial management of the
12 Fund, as authorized by section 1012 of Public Law 101-
13 380.

14 ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

15 SALARIES AND EXPENSES

16 For necessary expenses of carrying out section 1111
17 of the Homeland Security Act of 2002, including hire of
18 passenger motor vehicles, \$148,863,000; of which not to
19 exceed \$6,000 shall be available for official reception and
20 representation expenses; and of which not to exceed
21 \$50,000 shall be available for cooperative research and de-
22 velopment programs for laboratory services; and provision
23 of laboratory assistance to State and local agencies with
24 or without reimbursement: *Provided*, That of the amount
25 appropriated under this heading, \$5,000,000 shall be for

487

1 the costs of accelerating the processing of formula and
2 label applications: *Provided further*, That of the amount
3 appropriated under this heading, \$5,000,000, to remain
4 available until September 30, 2024, shall be for the costs
5 associated with enforcement of and education regarding
6 the trade practice provisions of the Federal Alcohol Ad-
7 ministration Act (27 U.S.C. 201 et seq.).

8 UNITED STATES MINT

9 UNITED STATES MINT PUBLIC ENTERPRISE FUND

10 Pursuant to section 5136 of title 31, United States
11 Code, the United States Mint is provided funding through
12 the United States Mint Public Enterprise Fund for costs
13 associated with the production of circulating coins, numis-
14 matic coins, and protective services, including both oper-
15 ating expenses and capital investments: *Provided*, That
16 the aggregate amount of new liabilities and obligations in-
17 curred during fiscal year 2023 under such section 5136
18 for circulating coinage and protective service capital in-
19 vestments of the United States Mint shall not exceed
20 \$50,000,000.

21 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

22 FUND PROGRAM ACCOUNT

23 To carry out the Riegle Community Development and
24 Regulatory Improvement Act of 1994 (subtitle A of title
25 I of Public Law 103–325), including services authorized

1 by section 3109 of title 5, United States Code, but at rates
2 for individuals not to exceed the per diem rate equivalent
3 to the rate for EX–III, \$324,000,000. Of the amount ap-
4 propriated under this heading—

5 (1) not less than \$196,000,000, notwith-
6 standing section 108(e) of Public Law 103–325 (12
7 U.S.C. 4707(e)) with regard to Small and/or Emerg-
8 ing Community Development Financial Institutions
9 Assistance awards, is available until September 30,
10 2024, for financial assistance and technical assist-
11 ance under subparagraphs (A) and (B) of section
12 108(a)(1), respectively, of Public Law 103–325 (12
13 U.S.C. 4707(a)(1)(A) and (B)), of which up to
14 \$1,600,000 may be available for training and out-
15 reach under section 109 of Public Law 103–325 (12
16 U.S.C. 4708), of which up to \$3,153,750 may be
17 used for the cost of direct loans, of which up to
18 \$10,000,000, notwithstanding subsection (d) of sec-
19 tion 108 of Public Law 103–325 (12 U.S.C.
20 4707(d)), may be available to provide financial as-
21 sistance, technical assistance, training, and outreach
22 to community development financial institutions to
23 expand investments that benefit individuals with dis-
24 abilities, and of which up to \$2,000,000 shall be for
25 the Economic Mobility Corps to be operated in con-

1 junction with the Corporation for National and
2 Community Service, pursuant to 42 U.S.C. 12571:
3 *Provided*, That the cost of direct and guaranteed
4 loans, including the cost of modifying such loans,
5 shall be as defined in section 502 of the Congres-
6 sional Budget Act of 1974: *Provided further*, That
7 these funds are available to subsidize gross obliga-
8 tions for the principal amount of direct loans not to
9 exceed \$25,000,000: *Provided further*, That of the
10 funds provided under this paragraph, excluding
11 those made to community development financial in-
12 stitutions to expand investments that benefit individ-
13 uals with disabilities and those made to community
14 development financial institutions that serve popu-
15 lations living in persistent poverty counties, the
16 CDFI Fund shall prioritize Financial Assistance
17 awards to organizations that invest and lend in high-
18 poverty areas: *Provided further*, That for purposes of
19 this section, the term “high-poverty area” means
20 any census tract with a poverty rate of at least 20
21 percent as measured by the 2016–2020 5-year data
22 series available from the American Community Sur-
23 vey of the Bureau of the Census for all States and
24 Puerto Rico or with a poverty rate of at least 20
25 percent as measured by the 2010 Island areas De-

1 cennial Census data for any territory or possession
2 of the United States;

3 (2) not less than \$25,000,000, notwithstanding
4 section 108(e) of Public Law 103–325 (12 U.S.C.
5 4707(e)), is available until September 30, 2024, for
6 financial assistance, technical assistance, training,
7 and outreach programs designed to benefit Native
8 American, Native Hawaiian, and Alaska Native com-
9 munities and provided primarily through qualified
10 community development lender organizations with
11 experience and expertise in community development
12 banking and lending in Indian country, Native
13 American organizations, Tribes and Tribal organiza-
14 tions, and other suitable providers;

15 (3) not less than \$35,000,000 is available until
16 September 30, 2024, for the Bank Enterprise Award
17 program;

18 (4) not less than \$24,000,000, notwithstanding
19 subsections (d) and (e) of section 108 of Public Law
20 103–325 (12 U.S.C. 4707(d) and (e)), is available
21 until September 30, 2024, for a Healthy Food Fi-
22 nancing Initiative to provide financial assistance,
23 technical assistance, training, and outreach to com-
24 munity development financial institutions for the
25 purpose of offering affordable financing and tech-

1 nical assistance to expand the availability of healthy
2 food options in distressed communities;

3 (5) not less than \$9,000,000 is available until
4 September 30, 2024, to provide grants for loan loss
5 reserve funds and to provide technical assistance for
6 small dollar loan programs under section 122 of
7 Public Law 103–325 (12 U.S.C. 4719): *Provided*,
8 That sections 108(d) and 122(b)(2) of such Public
9 Law shall not apply to the provision of such grants
10 and technical assistance;

11 (6) up to \$35,000,000 is available for adminis-
12 trative expenses, including administration of CDFI
13 Fund programs and the New Markets Tax Credit
14 Program, of which not less than \$1,000,000 is for
15 the development of tools to better assess and inform
16 CDFI investment performance and CDFI program
17 impacts, and up to \$300,000 is for administrative
18 expenses to carry out the direct loan program; and

19 (7) during fiscal year 2023, none of the funds
20 available under this heading are available for the
21 cost, as defined in section 502 of the Congressional
22 Budget Act of 1974, of commitments to guarantee
23 bonds and notes under section 114A of the Riegle
24 Community Development and Regulatory Improve-
25 ment Act of 1994 (12 U.S.C. 4713a): *Provided*,

1 That commitments to guarantee bonds and notes
2 under such section 114A shall not exceed
3 \$500,000,000: *Provided further*, That such section
4 114A shall remain in effect until December 31,
5 2023: *Provided further*, That of the funds awarded
6 under this heading, except those provided for the
7 Economic Mobility Corps, not less than 10 percent
8 shall be used for awards that support investments
9 that serve populations living in persistent poverty
10 counties: *Provided further*, That for the purposes of
11 this paragraph and paragraph (1), the term “per-
12 sistent poverty counties” means any county, includ-
13 ing county equivalent areas in Puerto Rico, that has
14 had 20 percent or more of its population living in
15 poverty over the past 30 years, as measured by the
16 1990 and 2000 decennial censuses and the 2016–
17 2020 5-year data series available from the American
18 Community Survey of the Bureau of the Census or
19 any other territory or possession of the United
20 States that has had 20 percent or more of its popu-
21 lation living in poverty over the past 30 years, as
22 measured by the 1990, 2000 and 2010 Island Areas
23 Decennial Censuses, or equivalent data, of the Bu-
24 reau of the Census.

1 INTERNAL REVENUE SERVICE

2 TAXPAYER SERVICES

3 For necessary expenses of the Internal Revenue Serv-
4 ice to provide taxpayer services, including pre-filing assist-
5 ance and education, filing and account services, taxpayer
6 advocacy services, and other services as authorized by 5
7 U.S.C. 3109, at such rates as may be determined by the
8 Commissioner, \$2,780,606,000, of which not to exceed
9 \$100,000,000 shall remain available until September 30,
10 2024, of which not less than \$11,000,000 shall be for the
11 Tax Counseling for the Elderly Program, of which not less
12 than \$26,000,000 shall be available for low-income tax-
13 payer clinic grants, including grants to individual clinics
14 of up to \$200,000, of which not less than \$40,000,000,
15 to remain available until September 30, 2024, shall be
16 available for the Community Volunteer Income Tax Assist-
17 ance Matching Grants Program for tax return preparation
18 assistance, and of which not less than \$236,000,000 shall
19 be available for operating expenses of the Taxpayer Advo-
20 cate Service: *Provided*, That of the amounts made avail-
21 able for the Taxpayer Advocate Service, not less than
22 \$7,000,000 shall be for identity theft and refund fraud
23 casework.

494

1 ENFORCEMENT

2 For necessary expenses for tax enforcement activities
3 of the Internal Revenue Service to determine and collect
4 owed taxes, to provide legal and litigation support, to con-
5 duct criminal investigations, to enforce criminal statutes
6 related to violations of internal revenue laws and other fi-
7 nancial crimes, to purchase and hire passenger motor vehi-
8 cles (31 U.S.C. 1343(b)), and to provide other services
9 as authorized by 5 U.S.C. 3109, at such rates as may be
10 determined by the Commissioner, \$5,437,622,000; of
11 which not to exceed \$250,000,000 shall remain available
12 until September 30, 2024; of which not less than
13 \$60,257,000 shall be for the Interagency Crime and Drug
14 Enforcement program; and of which not to exceed
15 \$25,000,000 shall be for investigative technology for the
16 Criminal Investigation Division: *Provided*, That the
17 amount made available for investigative technology for the
18 Criminal Investigation Division shall be in addition to
19 amounts made available for the Criminal Investigation Di-
20 vision under the “Operations Support” heading.

21 OPERATIONS SUPPORT

22 For necessary expenses to operate the Internal Rev-
23 enue Service to support taxpayer services and enforcement
24 programs, including rent payments; facilities services;
25 printing; postage; physical security; headquarters and

1 other IRS-wide administration activities; research and sta-
2 tistics of income; telecommunications; information tech-
3 nology development, enhancement, operations, mainte-
4 nance and security; the hire of passenger motor vehicles
5 (31 U.S.C. 1343(b)); the operations of the Internal Rev-
6 enue Service Oversight Board; and other services as au-
7 thorized by 5 U.S.C. 3109, at such rates as may be deter-
8 mined by the Commissioner; \$4,100,826,000, of which not
9 to exceed \$275,000,000 shall remain available until Sep-
10 tember 30, 2024; of which not to exceed \$10,000,000 shall
11 remain available until expended for acquisition of equip-
12 ment and construction, repair and renovation of facilities;
13 of which not to exceed \$1,000,000 shall remain available
14 until September 30, 2025, for research; and of which not
15 to exceed \$20,000 shall be for official reception and rep-
16 resentation expenses: *Provided*, That not later than 30
17 days after the end of each quarter, the Internal Revenue
18 Service shall submit a report to the Committees on Appro-
19 priations of the House of Representatives and the Senate
20 and the Comptroller General of the United States detail-
21 ing major information technology investments in the Inter-
22 nal Revenue Service Integrated Modernization Business
23 Plan portfolio, including detailed, plain language sum-
24 maries on the status of plans, costs, and results; prior re-
25 sults and actual expenditures of the prior quarter; upcom-

1 ing deliverables and costs for the fiscal year; risks and
2 mitigation strategies associated with ongoing work; rea-
3 sons for any cost or schedule variances; and total expendi-
4 tures by fiscal year: *Provided further*, That the Internal
5 Revenue Service shall include, in its budget justification
6 for fiscal year 2024, a summary of cost and schedule per-
7 formance information for its major information technology
8 systems.

9 ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE

10 SERVICE

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 101. Not to exceed 5 percent of the appropria-
13 tion made available in this Act to the Internal Revenue
14 Service under the “Enforcement” heading, and not to ex-
15 ceed 5 percent of any other appropriation made available
16 in this Act to the Internal Revenue Service, may be trans-
17 ferred to any other Internal Revenue Service appropria-
18 tion upon the advance approval of the Committees on Ap-
19 propriations of the House of Representatives and the Sen-
20 ate.

21 SEC. 102. The Internal Revenue Service shall main-
22 tain an employee training program, which shall include the
23 following topics: taxpayers’ rights, dealing courteously
24 with taxpayers, cross-cultural relations, ethics, and the im-
25 partial application of tax law.

1 SEC. 103. The Internal Revenue Service shall insti-
2 tute and enforce policies and procedures that will safe-
3 guard the confidentiality of taxpayer information and pro-
4 tect taxpayers against identity theft.

5 SEC. 104. Funds made available by this or any other
6 Act to the Internal Revenue Service shall be available for
7 improved facilities and increased staffing to provide suffi-
8 cient and effective 1–800 help line service for taxpayers.
9 The Commissioner shall continue to make improvements
10 to the Internal Revenue Service 1–800 help line service
11 a priority and allocate resources necessary to enhance the
12 response time to taxpayer communications, particularly
13 with regard to victims of tax-related crimes.

14 SEC. 105. The Internal Revenue Service shall issue
15 a notice of confirmation of any address change relating
16 to an employer making employment tax payments, and
17 such notice shall be sent to both the employer’s former
18 and new address and an officer or employee of the Internal
19 Revenue Service shall give special consideration to an
20 offer-in-compromise from a taxpayer who has been the vic-
21 tim of fraud by a third party payroll tax preparer.

22 SEC. 106. None of the funds made available under
23 this Act may be used by the Internal Revenue Service to
24 target citizens of the United States for exercising any

1 right guaranteed under the First Amendment to the Con-
2 stitution of the United States.

3 SEC. 107. None of the funds made available in this
4 Act may be used by the Internal Revenue Service to target
5 groups for regulatory scrutiny based on their ideological
6 beliefs.

7 SEC. 108. None of funds made available by this Act
8 to the Internal Revenue Service shall be obligated or ex-
9 pended on conferences that do not adhere to the proce-
10 dures, verification processes, documentation requirements,
11 and policies issued by the Chief Financial Officer, Human
12 Capital Office, and Agency-Wide Shared Services as a re-
13 sult of the recommendations in the report published on
14 May 31, 2013, by the Treasury Inspector General for Tax
15 Administration entitled “Review of the August 2010 Small
16 Business/Self-Employed Division’s Conference in Ana-
17 heim, California” (Reference Number 2013–10–037).

18 SEC. 109. None of the funds made available in this
19 Act to the Internal Revenue Service may be obligated or
20 expended—

21 (1) to make a payment to any employee under
22 a bonus, award, or recognition program; or

23 (2) under any hiring or personnel selection
24 process with respect to re-hiring a former employee;

1 unless such program or process takes into account the
2 conduct and Federal tax compliance of such employee or
3 former employee.

4 SEC. 110. None of the funds made available by this
5 Act may be used in contravention of section 6103 of the
6 Internal Revenue Code of 1986 (relating to confidentiality
7 and disclosure of returns and return information).

8 SEC. 111. The Secretary of the Treasury (or the Sec-
9 retary's delegate) may use the funds made available in this
10 Act, subject to such policies as the Secretary (or the Sec-
11 retary's delegate) may establish, to utilize direct hire au-
12 thority to recruit and appoint qualified applicants, without
13 regard to any notice or preference requirements, directly
14 to positions in the competitive service to process back-
15 logged tax returns and return information.

16 SEC. 112. Notwithstanding section 1344 of title 31,
17 United States Code, funds appropriated to the Internal
18 Revenue Service in this Act may be used to provide pas-
19 senger carrier transportation and protection between the
20 Commissioner of Internal Revenue's residence and place
21 of employment.

1 ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE
2 TREASURY

3 (INCLUDING TRANSFERS OF FUNDS)

4 SEC. 113. Appropriations to the Department of the
5 Treasury in this Act shall be available for uniforms or al-
6 lowances therefor, as authorized by law (5 U.S.C. 5901),
7 including maintenance, repairs, and cleaning; purchase of
8 insurance for official motor vehicles operated in foreign
9 countries; purchase of motor vehicles without regard to the
10 general purchase price limitations for vehicles purchased
11 and used overseas for the current fiscal year; entering into
12 contracts with the Department of State for the furnishing
13 of health and medical services to employees and their de-
14 pendants serving in foreign countries; and services author-
15 ized by 5 U.S.C. 3109.

16 SEC. 114. Not to exceed 2 percent of any appropria-
17 tions in this title made available under the headings “De-
18 partmental Offices—Salaries and Expenses”, “Office of
19 Inspector General”, “Special Inspector General for the
20 Troubled Asset Relief Program”, “Financial Crimes En-
21 forcement Network”, “Bureau of the Fiscal Service”, and
22 “Alcohol and Tobacco Tax and Trade Bureau” may be
23 transferred between such appropriations upon the advance
24 approval of the Committees on Appropriations of the
25 House of Representatives and the Senate: *Provided*, That

1 no transfer under this section may increase or decrease
2 any such appropriation by more than 2 percent.

3 SEC. 115. Not to exceed 2 percent of any appropria-
4 tion made available in this Act to the Internal Revenue
5 Service may be transferred to the Treasury Inspector Gen-
6 eral for Tax Administration's appropriation upon the ad-
7 vance approval of the Committees on Appropriations of
8 the House of Representatives and the Senate: *Provided*,
9 That no transfer may increase or decrease any such appro-
10 priation by more than 2 percent.

11 SEC. 116. None of the funds appropriated in this Act
12 or otherwise available to the Department of the Treasury
13 or the Bureau of Engraving and Printing may be used
14 to redesign the \$1 Federal Reserve note.

15 SEC. 117. The Secretary of the Treasury may trans-
16 fer funds from the "Bureau of the Fiscal Service—Sala-
17 ries and Expenses" to the Debt Collection Fund as nec-
18 essary to cover the costs of debt collection: *Provided*, That
19 such amounts shall be reimbursed to such salaries and ex-
20 penses account from debt collections received in the Debt
21 Collection Fund.

22 SEC. 118. None of the funds appropriated or other-
23 wise made available by this or any other Act may be used
24 by the United States Mint to construct or operate any mu-
25 seum without the explicit approval of the Committees on

1 Appropriations of the House of Representatives and the
2 Senate, the House Committee on Financial Services, and
3 the Senate Committee on Banking, Housing, and Urban
4 Affairs.

5 SEC. 119. None of the funds appropriated or other-
6 wise made available by this or any other Act or source
7 to the Department of the Treasury, the Bureau of Engrav-
8 ing and Printing, and the United States Mint, individually
9 or collectively, may be used to consolidate any or all func-
10 tions of the Bureau of Engraving and Printing and the
11 United States Mint without the explicit approval of the
12 House Committee on Financial Services; the Senate Com-
13 mittee on Banking, Housing, and Urban Affairs; and the
14 Committees on Appropriations of the House of Represent-
15 atives and the Senate.

16 SEC. 120. Funds appropriated by this Act, or made
17 available by the transfer of funds in this Act, for the De-
18 partment of the Treasury's intelligence or intelligence re-
19 lated activities are deemed to be specifically authorized by
20 the Congress for purposes of section 504 of the National
21 Security Act of 1947 (50 U.S.C. 414) during fiscal year
22 2023 until the enactment of the Intelligence Authorization
23 Act for Fiscal Year 2023.

24 SEC. 121. Not to exceed \$5,000 shall be made avail-
25 able from the Bureau of Engraving and Printing's Indus-

1 trial Revolving Fund for necessary official reception and
2 representation expenses.

3 SEC. 122. The Secretary of the Treasury shall submit
4 a Capital Investment Plan to the Committees on Appro-
5 priations of the House of Representatives and the Senate
6 not later than 30 days following the submission of the an-
7 nual budget submitted by the President: *Provided*, That
8 such Capital Investment Plan shall include capital invest-
9 ment spending from all accounts within the Department
10 of the Treasury, including but not limited to the Depart-
11 ment-wide Systems and Capital Investment Programs ac-
12 count, Treasury Franchise Fund account, and the Treas-
13 ury Forfeiture Fund account: *Provided further*, That such
14 Capital Investment Plan shall include expenditures occur-
15 ring in previous fiscal years for each capital investment
16 project that has not been fully completed.

17 SEC. 123. During fiscal year 2023—

18 (1) none of the funds made available in this or
19 any other Act may be used by the Department of
20 the Treasury, including the Internal Revenue Serv-
21 ice, to issue, revise, or finalize any regulation, rev-
22 enue ruling, or other guidance not limited to a par-
23 ticular taxpayer relating to the standard which is
24 used to determine whether an organization is oper-
25 ated exclusively for the promotion of social welfare

1 for purposes of section 501(c)(4) of the Internal
2 Revenue Code of 1986 (including the proposed regu-
3 lations published at 78 Fed. Reg. 71535 (November
4 29, 2013)); and

5 (2) the standard and definitions as in effect on
6 January 1, 2010, which are used to make such de-
7 terminations shall apply after the date of the enact-
8 ment of this Act for purposes of determining status
9 under section 501(c)(4) of such Code of organiza-
10 tions created on, before, or after such date.

11 SEC. 124. Within 45 days after the date of enactment
12 of this Act, the Secretary of the Treasury shall submit
13 an itemized report to the Committees on Appropriations
14 of the House of Representatives and the Senate on the
15 amount of total funds charged to each office by the Fran-
16 chise Fund including the amount charged for each service
17 provided by the Franchise Fund to each office, a detailed
18 description of the services, a detailed explanation of how
19 each charge for each service is calculated, and a descrip-
20 tion of the role customers have in governing in the Fran-
21 chise Fund.

22 SEC. 125. (a) Not later than 60 days after the end
23 of each quarter, the Office of Financial Stability and the
24 Office of Financial Research shall submit reports on their
25 activities to the Committees on Appropriations of the

1 House of Representatives and the Senate, the Committee
2 on Financial Services of the House of Representatives,
3 and the Senate Committee on Banking, Housing, and
4 Urban Affairs.

5 (b) The reports required under subsection (a) shall
6 include—

7 (1) the obligations made during the previous
8 quarter by object class, office, and activity;

9 (2) the estimated obligations for the remainder
10 of the fiscal year by object class, office, and activity;

11 (3) the number of full-time equivalents within
12 each office during the previous quarter;

13 (4) the estimated number of full-time equiva-
14 lents within each office for the remainder of the fis-
15 cal year; and

16 (5) actions taken to achieve the goals, objec-
17 tives, and performance measures of each office.

18 (c) At the request of any such Committees specified
19 in subsection (a), the Office of Financial Stability and the
20 Office of Financial Research shall make officials available
21 to testify on the contents of the reports required under
22 subsection (a).

23 SEC. 126. In addition to amounts otherwise available,
24 there is appropriated to the Special Inspector General for
25 Pandemic Recovery, \$12,000,000, to remain available

1 until expended, for necessary expenses in carrying out sec-
2 tion 4018 of the Coronavirus Aid, Relief, and Economic
3 Security Act (Public Law 116–136).

4 SEC. 127. Section 127 of the Department of the
5 Treasury Appropriations Act, 2019 (title I of division D
6 of Public Law 116–6) is amended by inserting before the
7 period at the end the following: “, including public im-
8 provements in the area around such facility to mitigate
9 traffic impacts caused by the construction and occupancy
10 of the facility”.

11 This title may be cited as the “Department of the
12 Treasury Appropriations Act, 2023”.

507

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 au-
7 thorized by law, including not to exceed \$3,850,000 for
8 services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105;
9 subsistence expenses as authorized by 3 U.S.C. 105, which
10 shall be expended and accounted for as provided in that
11 section; hire of passenger motor vehicles, and travel (not
12 to exceed \$100,000 to be expended and accounted for as
13 provided by 3 U.S.C. 103); and not to exceed \$19,000 for
14 official reception and representation expenses, to be avail-
15 able for allocation within the Executive Office of the Presi-
16 dent; and for necessary expenses of the Office of Policy
17 Development, including services as authorized by 5 U.S.C.
18 3109 and 3 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
22 at 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.

1 REIMBURSABLE EXPENSES

2 For the reimbursable expenses of the Executive Resi-
3 dence at the White House, such sums as may be nec-
4 essary: *Provided*, That all reimbursable operating expenses
5 of the Executive Residence shall be made in accordance
6 with the provisions of this paragraph: *Provided further*,
7 That, notwithstanding any other provision of law, such
8 amount for reimbursable operating expenses shall be the
9 exclusive authority of the Executive Residence to incur ob-
10 ligations and to receive offsetting collections, for such ex-
11 penses: *Provided further*, That the Executive Residence
12 shall require each person sponsoring a reimbursable polit-
13 ical event to pay in advance an amount equal to the esti-
14 mated cost of the event, and all such advance payments
15 shall be credited to this account and remain available until
16 expended: *Provided further*, That the Executive Residence
17 shall require the national committee of the political party
18 of the President to maintain on deposit \$25,000, to be
19 separately accounted for and available for expenses relat-
20 ing to reimbursable political events sponsored by such
21 committee during such fiscal year: *Provided further*, That
22 the Executive Residence shall ensure that a written notice
23 of any amount owed for a reimbursable operating expense
24 under this paragraph is submitted to the person owing
25 such amount within 60 days after such expense is in-

1 curred, and that such amount is collected within 30 days
2 after the submission of such notice: *Provided further*, That
3 the Executive Residence shall charge interest and assess
4 penalties and other charges on any such amount that is
5 not reimbursed within such 30 days, in accordance with
6 the interest and penalty provisions applicable to an out-
7 standing debt on a United States Government claim under
8 31 U.S.C. 3717: *Provided further*, That each such amount
9 that is reimbursed, and any accompanying interest and
10 charges, shall be deposited in the Treasury as miscella-
11 neous receipts: *Provided further*, That the Executive Resi-
12 dence shall prepare and submit to the Committees on Ap-
13 propriations, by not later than 90 days after the end of
14 the fiscal year covered by this Act, a report setting forth
15 the reimbursable operating expenses of the Executive Res-
16 idence during the preceding fiscal year, including the total
17 amount of such expenses, the amount of such total that
18 consists of reimbursable official and ceremonial events, the
19 amount of such total that consists of reimbursable political
20 events, and the portion of each such amount that has been
21 reimbursed as of the date of the report: *Provided further*,
22 That the Executive Residence shall maintain a system for
23 the tracking of expenses related to reimbursable events
24 within the Executive Residence that includes a standard
25 for the classification of any such expense as political or

1 nonpolitical: *Provided further*, That no provision of this
2 paragraph may be construed to exempt the Executive Res-
3 idence from any other applicable requirement of sub-
4 chapter I or II of chapter 37 of title 31, United States
5 Code.

6 WHITE HOUSE REPAIR AND RESTORATION

7 For the repair, alteration, and improvement of the
8 Executive Residence at the White House pursuant to 3
9 U.S.C. 105(d), \$2,500,000, to remain available until ex-
10 pended, for required maintenance, resolution of safety and
11 health issues, and continued preventative maintenance.

12 COUNCIL OF ECONOMIC ADVISERS

13 SALARIES AND EXPENSES

14 For necessary expenses of the Council of Economic
15 Advisers in carrying out its functions under the Employ-
16 ment Act of 1946 (15 U.S.C. 1021 et seq.), \$4,903,000.

17 NATIONAL SECURITY COUNCIL AND HOMELAND

18 SECURITY COUNCIL

19 SALARIES AND EXPENSES

20 For necessary expenses of the National Security
21 Council and the Homeland Security Council, including
22 services as authorized by 5 U.S.C. 3109, \$17,901,000, of
23 which not to exceed \$10,000 shall be available for official
24 reception and representation expenses.

1 OFFICE OF ADMINISTRATION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Administra-
4 tion, including services as authorized by 5 U.S.C. 3109
5 and 3 U.S.C. 107, and hire of passenger motor vehicles,
6 \$115,463,000, of which not to exceed \$12,800,000 shall
7 remain available until expended for continued moderniza-
8 tion of information resources within the Executive Office
9 of the President: *Provided*, That of the amounts provided
10 under this heading, up to \$7,000,000 shall be available
11 for a program to provide payments (such as stipends, sub-
12 sistence allowances, cost reimbursements, or awards) to
13 students, recent graduates, and veterans recently dis-
14 charged from active duty who are performing voluntary
15 services in the Executive Office of the President under sec-
16 tion 3111(b) of title 5, United States Code, or comparable
17 authority and shall be in addition to amounts otherwise
18 available to pay or compensate such individuals: *Provided*
19 *further*, That such payments shall not be considered com-
20 pensation for purposes of such section 3111(b) and may
21 be paid in advance.

22 OFFICE OF MANAGEMENT AND BUDGET

23 SALARIES AND EXPENSES

24 For necessary expenses of the Office of Management
25 and Budget, including hire of passenger motor vehicles

1 and services as authorized by 5 U.S.C. 3109, to carry out
2 the provisions of chapter 35 of title 44, United States
3 Code, and to prepare and submit the budget of the United
4 States Government, in accordance with section 1105(a) of
5 title 31, United States Code, \$128,035,000, of which not
6 to exceed \$3,000 shall be available for official representa-
7 tion expenses: *Provided*, That none of the funds appro-
8 priated in this Act for the Office of Management and
9 Budget may be used for the purpose of reviewing any agri-
10 cultural marketing orders or any activities or regulations
11 under the provisions of the Agricultural Marketing Agree-
12 ment Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*,
13 That none of the funds made available for the Office of
14 Management and Budget by this Act may be expended for
15 the altering of the transcript of actual testimony of wit-
16 nesses, except for testimony of officials of the Office of
17 Management and Budget, before the Committees on Ap-
18 propriations or their subcommittees: *Provided further*,
19 That none of the funds made available for the Office of
20 Management and Budget by this Act may be expended for
21 the altering of the annual work plan developed by the
22 Corps of Engineers for submission to the Committees on
23 Appropriations: *Provided further*, That none of the funds
24 provided in this or prior Acts shall be used, directly or
25 indirectly, by the Office of Management and Budget, for

1 evaluating or determining if water resource project or
2 study reports submitted by the Chief of Engineers acting
3 through the Secretary of the Army are in compliance with
4 all applicable laws, regulations, and requirements relevant
5 to the Civil Works water resource planning process: *Pro-*
6 *vided further*, That the Office of Management and Budget
7 shall have not more than 60 days in which to perform
8 budgetary policy reviews of water resource matters on
9 which the Chief of Engineers has reported: *Provided fur-*
10 *ther*, That the Director of the Office of Management and
11 Budget shall notify the appropriate authorizing and ap-
12 propriating committees when the 60-day review is initi-
13 ated: *Provided further*, That if water resource reports have
14 not been transmitted to the appropriate authorizing and
15 appropriating committees within 15 days after the end of
16 the Office of Management and Budget review period based
17 on the notification from the Director, Congress shall as-
18 sume Office of Management and Budget concurrence with
19 the report and act accordingly: *Provided further*, That no
20 later than 14 days after the submission of the budget of
21 the United States Government for fiscal year 2024, the
22 Director of the Office of Management and Budget shall
23 make publicly available on a website a tabular list for each
24 agency that submits budget justification materials (as de-
25 fined in section 3 of the Federal Funding Accountability

1 and Transparency Act of 2006) that shall include, at min-
2 imum, the name of the agency, the date on which the
3 budget justification materials of the agency were sub-
4 mitted to Congress, and a uniform resource locator where
5 the budget justification materials are published on the
6 website of the agency.

7 INTELLECTUAL PROPERTY ENFORCEMENT

8 COORDINATOR

9 For necessary expenses of the Office of the Intellec-
10 tual Property Enforcement Coordinator, as authorized by
11 title III of the Prioritizing Resources and Organization for
12 Intellectual Property Act of 2008 (Public Law 110–403),
13 including services authorized by 5 U.S.C. 3109,
14 \$1,902,000.

15 OFFICE OF THE NATIONAL CYBER DIRECTOR

16 SALARIES AND EXPENSES

17 For necessary expenses of the Office of the National
18 Cyber Director, as authorized by section 1752 of the Wil-
19 liam M. (Mac) Thornberry National Defense Authoriza-
20 tion Act for Fiscal Year 2021 (Public Law 116–283),
21 \$21,926,000, of which not to exceed \$5,000 shall be avail-
22 able for official reception and representation expenses.

1 OFFICE OF NATIONAL DRUG CONTROL POLICY

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of National
4 Drug Control Policy; for research activities pursuant to
5 the Office of National Drug Control Policy Reauthoriza-
6 tion Act of 1998, as amended; not to exceed \$10,000 for
7 official reception and representation expenses; and for par-
8 ticipation in joint projects or in the provision of services
9 on matters of mutual interest with nonprofit, research, or
10 public organizations or agencies, with or without reim-
11 bursement, \$21,500,000: *Provided*, That the Office is au-
12 thorized to accept, hold, administer, and utilize gifts, both
13 real and personal, public and private, without fiscal year
14 limitation, for the purpose of aiding or facilitating the
15 work of the Office.

16 FEDERAL DRUG CONTROL PROGRAMS

17 HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

18 (INCLUDING TRANSFERS OF FUNDS)

19 For necessary expenses of the Office of National
20 Drug Control Policy's High Intensity Drug Trafficking
21 Areas Program, \$302,000,000, to remain available until
22 September 30, 2024, for drug control activities consistent
23 with the approved strategy for each of the designated
24 High Intensity Drug Trafficking Areas ("HIDTAs"), of
25 which not less than 51 percent shall be transferred to

1 State and local entities for drug control activities and shall
2 be obligated not later than 120 days after enactment of
3 this Act: *Provided*, That up to 49 percent may be trans-
4 ferred to Federal agencies and departments in amounts
5 determined by the Director of the Office of National Drug
6 Control Policy, of which up to \$5,800,000 may be used
7 for auditing services and associated activities and
8 \$1,500,000 shall be for the Grants Management System
9 for use by the Office of National Drug Control Policy: *Pro-*
10 *vided further*, That any unexpended funds obligated prior
11 to fiscal year 2021 may be used for any other approved
12 activities of that HIDTA, subject to reprogramming re-
13 quirements: *Provided further*, That each HIDTA des-
14 ignated as of September 30, 2022, shall be funded at not
15 less than the fiscal year 2022 base level, unless the Direc-
16 tor submits to the Committees on Appropriations of the
17 House of Representatives and the Senate justification for
18 changes to those levels based on clearly articulated prior-
19 ities and published Office of National Drug Control Policy
20 performance measures of effectiveness: *Provided further*,
21 That the Director shall notify the Committees on Appro-
22 priations of the initial allocation of fiscal year 2023 fund-
23 ing among HIDTAs not later than 45 days after enact-
24 ment of this Act, and shall notify the Committees of
25 planned uses of discretionary HIDTA funding, as deter-

1 mined in consultation with the HIDTA Directors, not
2 later than 90 days after enactment of this Act: *Provided*
3 *further*, That upon a determination that all or part of the
4 funds so transferred from this appropriation are not nec-
5 essary for the purposes provided herein and upon notifica-
6 tion to the Committees on Appropriations of the House
7 of Representatives and the Senate, such amounts may be
8 transferred back to this appropriation.

9 OTHER FEDERAL DRUG CONTROL PROGRAMS

10 (INCLUDING TRANSFERS OF FUNDS)

11 For other drug control activities authorized by the
12 Anti-Drug Abuse Act of 1988 and the Office of National
13 Drug Control Policy Reauthorization Act of 1998, as
14 amended, \$137,120,000, to remain available until ex-
15 pended, which shall be available as follows: \$109,000,000
16 for the Drug-Free Communities Program, of which not
17 more than \$12,780,000 is for administrative expenses,
18 and of which \$2,500,000 shall be made available as di-
19 rected by section 4 of Public Law 107–82, as amended
20 by section 8204 of Public Law 115–271; \$3,000,000 for
21 drug court training and technical assistance; \$15,250,000
22 for anti-doping activities; up to \$3,420,000 for the United
23 States membership dues to the World Anti-Doping Agen-
24 cy; \$1,250,000 for the Model Acts Program; and
25 \$5,200,000 for activities authorized by section 103 of

1 Public Law 114–198: *Provided*, That amounts made avail-
2 able under this heading may be transferred to other Fed-
3 eral departments and agencies to carry out such activities:
4 *Provided further*, That the Director of the Office of Na-
5 tional Drug Control Policy shall, not fewer than 30 days
6 prior to obligating funds under this heading for United
7 States membership dues to the World Anti-Doping Agen-
8 cy, submit to the Committees on Appropriations of the
9 House of Representatives and the Senate a spending plan
10 and explanation of the proposed uses of these funds.

11 UNANTICIPATED NEEDS

12 For expenses necessary to enable the President to
13 meet unanticipated needs, in furtherance of the national
14 interest, security, or defense which may arise at home or
15 abroad during the current fiscal year, as authorized by
16 3 U.S.C. 108, \$1,000,000, to remain available until Sep-
17 tember 30, 2024.

18 INFORMATION TECHNOLOGY OVERSIGHT AND REFORM

19 (INCLUDING TRANSFER OF FUNDS)

20 For necessary expenses for the furtherance of inte-
21 grated, efficient, secure, and effective uses of information
22 technology in the Federal Government, \$13,700,000, to
23 remain available until expended: *Provided*, That the Direc-
24 tor of the Office of Management and Budget may transfer

1 these funds to one or more other agencies to carry out
2 projects to meet these purposes.

3 SPECIAL ASSISTANCE TO THE PRESIDENT

4 SALARIES AND EXPENSES

5 For necessary expenses to enable the Vice President
6 to provide assistance to the President in connection with
7 specially assigned functions; services as authorized by 5
8 U.S.C. 3109 and 3 U.S.C. 106, including subsistence ex-
9 penses as authorized by 3 U.S.C. 106, which shall be ex-
10 pended and accounted for as provided in that section; and
11 hire of passenger motor vehicles, \$6,076,000.

12 OFFICIAL RESIDENCE OF THE VICE PRESIDENT

13 OPERATING EXPENSES

14 (INCLUDING TRANSFER OF FUNDS)

15 For the care, operation, refurnishing, improvement,
16 and to the extent not otherwise provided for, heating and
17 lighting, including electric power and fixtures, of the offi-
18 cial residence of the Vice President; the hire of passenger
19 motor vehicles; and not to exceed \$90,000 pursuant to 3
20 U.S.C. 106(b)(2), \$321,000: *Provided*, That advances, re-
21 payments, or transfers from this appropriation may be
22 made to any department or agency for expenses of car-
23 rying out such activities.

1 ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF
2 THE PRESIDENT AND FUNDS APPROPRIATED TO
3 THE PRESIDENT

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 201. From funds made available in this Act
6 under the headings “The White House”, “Executive Resi-
7 dence at the White House”, “White House Repair and
8 Restoration”, “Council of Economic Advisers”, “National
9 Security Council and Homeland Security Council”, “Of-
10 fice of Administration”, “Special Assistance to the Presi-
11 dent”, and “Official Residence of the Vice President”, the
12 Director of the Office of Management and Budget (or
13 such other officer as the President may designate in writ-
14 ing), may, with advance approval of the Committees on
15 Appropriations of the House of Representatives and the
16 Senate, transfer not to exceed 10 percent of any such ap-
17 propriation to any other such appropriation, to be merged
18 with and available for the same time and for the same
19 purposes as the appropriation to which transferred: *Pro-*
20 *vided*, That the amount of an appropriation shall not be
21 increased by more than 50 percent by such transfers: *Pro-*
22 *vided further*, That no amount shall be transferred from
23 “Special Assistance to the President” or “Official Resi-
24 dence of the Vice President” without the approval of the
25 Vice President.

1 SEC. 202. (a) During fiscal year 2023, any Executive
2 order or Presidential memorandum issued or revoked by
3 the President shall be accompanied by a written statement
4 from the Director of the Office of Management and Budg-
5 et on the budgetary impact, including costs, benefits, and
6 revenues, of such order or memorandum.

7 (b) Any such statement shall include—

8 (1) a narrative summary of the budgetary im-
9 pact of such order or memorandum on the Federal
10 Government;

11 (2) the impact on mandatory and discretionary
12 obligations and outlays as the result of such order
13 or memorandum, listed by Federal agency, for each
14 year in the 5-fiscal-year period beginning in fiscal
15 year 2023; and

16 (3) the impact on revenues of the Federal Gov-
17 ernment as the result of such order or memorandum
18 over the 5-fiscal-year period beginning in fiscal year
19 2023.

20 (c) If an Executive order or Presidential memo-
21 randum is issued during fiscal year 2023 due to a national
22 emergency, the Director of the Office of Management and
23 Budget may issue the statement required by subsection
24 (a) not later than 15 days after the date that such order
25 or memorandum is issued.

1 (d) The requirement for cost estimates for Presi-
2 dential memoranda shall only apply for Presidential
3 memoranda estimated to have a regulatory cost in excess
4 of \$100,000,000.

5 SEC. 203. Not later than 30 days after the date of
6 enactment of this Act, the Director of the Office of Man-
7 agement and Budget shall issue a memorandum to all
8 Federal departments, agencies, and corporations directing
9 compliance with the provisions in title VII of this Act.

10 SEC. 204. In fiscal year 2023 and each fiscal year
11 thereafter—(1) the Office of Management and Budget
12 shall operate and maintain the automated system required
13 to be implemented by section 204 of the Financial Services
14 and General Government Appropriations Act, 2022 (divi-
15 sion E of Public Law 117–103) and shall continue to post
16 each document apportioning an appropriation, pursuant to
17 section 1513(b) of title 31, United States Code, including
18 any associated footnotes, in a format that qualifies each
19 such document as an open Government data asset (as that
20 term is defined in section 3502 of title 44, United States
21 Code); and (2) the requirements specified in subsection
22 (c), the first and second provisos of subsection (d)(1), and
23 subsection (d)(2) of such section 204 shall continue to
24 apply.

1 SEC. 205. For an additional amount for “Office of
2 National Drug Control Policy—Salaries and Expenses”,
3 \$10,482,000, which shall be for initiatives in the amounts
4 and for the projects specified in the table that appears
5 under the heading “Administrative Provisions—Executive
6 Office of the President and Funds Appropriated to the
7 President” in the explanatory statement described in sec-
8 tion 4 (in the matter preceding division A of this consoli-
9 dated Act): *Provided*, That none of the funds made avail-
10 able by this section may be transferred for any other pur-
11 pose.

12 This title may be cited as the “Executive Office of
13 the President Appropriations Act, 2023”.

524

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
9 to exceed \$10,000 for official reception and representation
10 expenses; and for miscellaneous expenses, to be expended
11 as 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 im-
19 posed upon the Architect by 40 U.S.C. 6111 and 6112,
20 \$29,246,000, to remain available until expended.

525

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,
13 services, and necessary expenses of the court, as author-
14 ized by 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 offi-
23 cers and employees of the Federal Judiciary not otherwise
24 specifically provided for, necessary expenses of the courts,
25 and the purchase, rental, repair, and cleaning of uniforms

1 for Probation and Pretrial Services Office staff, as author-
2 ized by law, \$5,905,055,000 (including the purchase of
3 firearms and ammunition); of which not to exceed
4 \$27,817,000 shall remain available until expended for
5 space alteration projects and for furniture and furnishings
6 related to new 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
10 courts of the United States), bankruptcy judges, and jus-
11 tices and judges retired from office or from regular active
12 service.

13 In addition, for expenses of the United States Court
14 of Federal Claims associated with processing cases under
15 the National Childhood Vaccine Injury Act of 1986 (Pub-
16 lic Law 99-660), not to exceed \$9,975,000, to be appro-
17 priated from the Vaccine Injury Compensation Trust
18 Fund.

19 DEFENDER SERVICES

20 For the operation of Federal Defender organizations;
21 the compensation and reimbursement of expenses of attor-
22 neys appointed to represent persons under 18 U.S.C.
23 3006A and 3599, and for the compensation and reim-
24 bursement of expenses of persons furnishing investigative,
25 expert, and other services for such representations as au-

1 thORIZED by law; the compensation (in accordance with the
2 maximums under 18 U.S.C. 3006A) and reimbursement
3 of expenses of attorneys appointed to assist the court in
4 criminal cases where the defendant has waived representa-
5 tion by counsel; the compensation and reimbursement of
6 expenses of attorneys appointed to represent jurors in civil
7 actions for the protection of their employment, as author-
8 ized by 28 U.S.C. 1875(d)(1); the compensation and reim-
9 bursement of expenses of attorneys appointed under 18
10 U.S.C. 983(b)(1) in connection with certain judicial civil
11 forfeiture proceedings; the compensation and reimburse-
12 ment of travel expenses of guardians ad litem appointed
13 under 18 U.S.C. 4100(b); and for necessary training and
14 general administrative expenses, \$1,382,680,000, to re-
15 main available until expended.

16 FEES OF JURORS AND COMMISSIONERS

17 For fees and expenses of jurors as authorized by 28
18 U.S.C. 1871 and 1876; compensation of jury commis-
19 sioners as authorized by 28 U.S.C. 1863; and compensa-
20 tion of commissioners appointed in condemnation cases
21 pursuant to rule 71.1(h) of the Federal Rules of Civil Pro-
22 cedure (28 U.S.C. Appendix Rule 71.1(h)), \$58,239,000,
23 to remain available until expended: *Provided*, That the
24 compensation of land commissioners shall not exceed the

1 daily equivalent of the highest rate payable under 5 U.S.C.
2 5332.

3 COURT SECURITY
4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses, not otherwise provided for,
6 incident to the provision of protective guard services for
7 United States courthouses and other facilities housing
8 Federal court or Administrative Office of the United
9 States Courts operations, the procurement, installation,
10 and maintenance of security systems and equipment for
11 United States courthouses and other facilities housing
12 Federal court or Administrative Office of the United
13 States Courts operations, building ingress-egress control,
14 inspection of mail and packages, directed security patrols,
15 perimeter security, basic security services provided by the
16 Federal Protective Service, and other similar activities as
17 authorized by section 1010 of the Judicial Improvement
18 and Access to Justice Act (Public Law 100–702),
19 \$750,163,000, of which not to exceed \$20,000,000 shall
20 remain available until expended, to be expended directly
21 or transferred to the United States Marshals Service,
22 which shall be responsible for administering the Judicial
23 Facility Security Program consistent with standards or
24 guidelines agreed to by the Director of the Administrative
25 Office of the United States Courts and the Attorney Gen-

1 eral: *Provided*, That funds made available under this head-
2 ing may be used for managing a Judiciary-wide program
3 to facilitate security and emergency management services
4 among the Judiciary, United States Marshals Service,
5 Federal Protective Service, General Services Administra-
6 tion, other Federal agencies, state and local governments
7 and the public; and, notwithstanding sections 331,
8 566(e)(1), and 566(i) of title 28, United States Code, for
9 identifying and pursuing the voluntary redaction and re-
10 duction of personally identifiable information on the inter-
11 net of judges and other familial relatives who live at the
12 judge's domicile.

13 ADMINISTRATIVE OFFICE OF THE UNITED STATES

14 COURTS

15 SALARIES AND EXPENSES

16 For necessary expenses of the Administrative Office
17 of the United States Courts as authorized by law, includ-
18 ing travel as authorized by 31 U.S.C. 1345, hire of a pas-
19 senger motor vehicle as authorized by 31 U.S.C. 1343(b),
20 advertising and rent in the District of Columbia and else-
21 where, \$102,673,000, of which not to exceed \$8,500 is au-
22 thorized for official reception and representation expenses.

1 FEDERAL JUDICIAL CENTER

2 SALARIES AND EXPENSES

3 For necessary expenses of the Federal Judicial Cen-
4 ter, as authorized by Public Law 90–219, \$34,261,000;
5 of which \$1,800,000 shall remain available through Sep-
6 tember 30, 2024, to provide education and training to
7 Federal court personnel; and of which not to exceed
8 \$1,500 is authorized for official reception and representa-
9 tion expenses.

10 UNITED STATES SENTENCING COMMISSION

11 SALARIES AND EXPENSES

12 For the salaries and expenses necessary to carry out
13 the provisions of chapter 58 of title 28, United States
14 Code, \$21,641,000, of which not to exceed \$1,000 is au-
15 thorized for official reception and representation expenses.

16 ADMINISTRATIVE PROVISIONS—THE JUDICIARY

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 301. Appropriations and authorizations made in
19 this title which are available for salaries and expenses shall
20 be available for services as authorized by 5 U.S.C. 3109.

21 SEC. 302. Not to exceed 5 percent of any appropria-
22 tion made available for the current fiscal year for the Judi-
23 ciary in this Act may be transferred between such appropria-
24 tions, but no such appropriation, except “Courts of
25 Appeals, District Courts, and Other Judicial Services, De-

1 fender Services” and “Courts of Appeals, District Courts,
2 and Other Judicial Services, Fees of Jurors and Commis-
3 sioners”, shall be increased by more than 10 percent by
4 any such transfers: *Provided*, That any transfer pursuant
5 to this section shall be treated as a reprogramming of
6 funds under sections 604 and 608 of this Act and shall
7 not be available for obligation or expenditure except in
8 compliance with the procedures set forth in section 608.

9 SEC. 303. Notwithstanding any other provision of
10 law, the salaries and expenses appropriation for “Courts
11 of Appeals, District Courts, and Other Judicial Services”
12 shall be available for official reception and representation
13 expenses of the Judicial Conference of the United States:
14 *Provided*, That such available funds shall not exceed
15 \$11,000 and shall be administered by the Director of the
16 Administrative Office of the United States Courts in the
17 capacity as Secretary of the Judicial Conference.

18 SEC. 304. Section 3315(a) of title 40, United States
19 Code, shall be applied by substituting “Federal” for “exec-
20 utive” each place it appears.

21 SEC. 305. In accordance with 28 U.S.C. 561–569,
22 and notwithstanding any other provision of law, the
23 United States Marshals Service shall provide, for such
24 courthouses as its Director may designate in consultation
25 with the Director of the Administrative Office of the

1 United States Courts, for purposes of a pilot program, the
2 security services that 40 U.S.C. 1315 authorizes the De-
3 partment of Homeland Security to provide, except for the
4 services specified in 40 U.S.C. 1315(b)(2)(E). For build-
5 ing-specific security services at these courthouses, the Di-
6 rector of the Administrative Office of the United States
7 Courts shall reimburse the United States Marshals Service
8 rather than the Department of Homeland Security.

9 SEC. 306. (a) Section 203(c) of the Judicial Improve-
10 ments Act of 1990 (Public Law 101–650; 28 U.S.C. 133
11 note), is amended in the matter following paragraph 12—

12 (1) in the second sentence (relating to the Dis-
13 trict of Kansas), by striking “31 years and 6
14 months” and inserting “32 years and 6 months”;
15 and

16 (2) in the sixth sentence (relating to the Dis-
17 trict of Hawaii), by striking “28 years and 6
18 months” and inserting “29 years and 6 months”.

19 (b) Section 406 of the Transportation, Treasury,
20 Housing and Urban Development, the Judiciary, the Dis-
21 trict of Columbia, and Independent Agencies Appropria-
22 tions Act, 2006 (Public Law 109–115; 119 Stat. 2470;
23 28 U.S.C. 133 note) is amended in the second sentence
24 (relating to the eastern District of Missouri) by striking

1 “29 years and 6 months” and inserting “30 years and
2 6 months”.

3 (c) Section 312(c)(2) of the 21st Century Depart-
4 ment of Justice Appropriations Authorization Act (Public
5 Law 107–273; 28 U.S.C. 133 note), is amended—

6 (1) in the first sentence by striking “20 years”
7 and inserting “21 years”;

8 (2) in the second sentence (relating to the cen-
9 tral District of California), by striking “19 years
10 and 6 months” and inserting “20 years and 6
11 months”; and

12 (3) in the third sentence (relating to the west-
13 ern district of North Carolina), by striking “18
14 years” and inserting “19 years”.

15 SEC. 307. Section 677 of title 28, United States
16 Code, is amended by adding at the end the following:

17 “(d) The Counselor, with the approval of the Chief
18 Justice, shall establish a retention and recruitment pro-
19 gram that is consistent with section 908 of the Emergency
20 Supplemental Act, 2002 (2 U.S.C. 1926) for Supreme
21 Court Police officers and other critical employees who
22 agree in writing to remain employed with the Supreme
23 Court for a period of service of not less than two years.”.

1 SEC. 308. Section 996(b) of title 28, United States
2 Code, is amended by inserting “84 (Federal Employees’
3 Retirement System),” after “83 (Retirement),”.

4 This title may be cited as the “Judiciary Appropria-
5 tions Act, 2023”.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TITLE IV

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$40,000,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account

1 shall be under the control of the District of Columbia
2 Chief Financial Officer, who shall use those funds solely
3 for the purposes of carrying out the Resident Tuition Sup-
4 port Program: *Provided further*, That the Office of the
5 Chief Financial Officer shall provide a quarterly financial
6 report to the Committees on Appropriations of the House
7 of Representatives and the Senate for these funds show-
8 ing, by object class, the expenditures made and the pur-
9 pose therefor.

10 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND
11 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

12 For a Federal payment of necessary expenses, as de-
13 termined by the Mayor of the District of Columbia in writ-
14 ten consultation with the elected county or city officials
15 of surrounding jurisdictions, \$30,000,000, to remain
16 available until expended, for the costs of providing public
17 safety at events related to the presence of the National
18 Capital in the District of Columbia, including support re-
19 quested by the Director of the United States Secret Serv-
20 ice in carrying out protective duties under the direction
21 of the Secretary of Homeland Security, and for the costs
22 of providing support to respond to immediate and specific
23 terrorist threats or attacks in the District of Columbia or
24 surrounding jurisdictions.

1 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

2 COURTS

3 For salaries and expenses for the District of Colum-
4 bia Courts, including the transfer and hire of motor vehi-
5 cles, \$291,068,000 to be allocated as follows: for the Dis-
6 trict of Columbia Court of Appeals, \$15,055,000, of which
7 not to exceed \$2,500 is for official reception and represen-
8 tation expenses; for the Superior Court of the District of
9 Columbia, \$140,973,000, of which not to exceed \$2,500
10 is for official reception and representation expenses; for
11 the District of Columbia Court System, \$88,290,000, of
12 which not to exceed \$2,500 is for official reception and
13 representation expenses; and \$46,750,000, to remain
14 available until September 30, 2024, for capital improve-
15 ments for District of Columbia courthouse facilities: *Pro-*
16 *vided*, That funds made available for capital improvements
17 shall be expended consistent with the District of Columbia
18 Courts master plan study and facilities condition assess-
19 ment: *Provided further*, That, in addition to the amounts
20 appropriated herein, fees received by the District of Co-
21 lumbia Courts for administering bar examinations and
22 processing District of Columbia bar admissions may be re-
23 tained and credited to this appropriation, to remain avail-
24 able until expended, for salaries and expenses associated
25 with such activities, notwithstanding section 450 of the

1 District of Columbia Home Rule Act (D.C. Official Code,
2 sec. 1–204.50): *Provided further*, That notwithstanding
3 any other provision of law, all amounts under this heading
4 shall be apportioned quarterly by the Office of Manage-
5 ment and Budget and obligated and expended in the same
6 manner as funds appropriated for salaries and expenses
7 of other Federal agencies: *Provided further*, That 30 days
8 after providing written notice to the Committees on Ap-
9 propriations of the House of Representatives and the Sen-
10 ate, the District of Columbia Courts may reallocate not
11 more than \$9,000,000 of the funds provided under this
12 heading among the items and entities funded under this
13 heading: *Provided further*, That the Joint Committee on
14 Judicial Administration in the District of Columbia may,
15 by regulation, establish a program substantially similar to
16 the program set forth in subchapter II of chapter 35 of
17 title 5, United States Code, for employees of the District
18 of Columbia Courts.

19 FEDERAL PAYMENT FOR DEFENDER SERVICES IN
20 DISTRICT OF COLUMBIA COURTS
21 (INCLUDING RESCISSION OF FUNDS)

22 For payments authorized under section 11–2604 and
23 section 11–2605, D.C. Official Code (relating to represen-
24 tation provided under the District of Columbia Criminal
25 Justice Act), payments for counsel appointed in pro-

1 ceedings in the Family Court of the Superior Court of the
2 District of Columbia under chapter 23 of title 16, D.C.
3 Official Code, or pursuant to contractual agreements to
4 provide guardian ad litem representation, training, tech-
5 nical assistance, and such other services as are necessary
6 to improve the quality of guardian ad litem representation,
7 payments for counsel appointed in adoption proceedings
8 under chapter 3 of title 16, D.C. Official Code, and pay-
9 ments authorized under section 21–2060, D.C. Official
10 Code (relating to services provided under the District of
11 Columbia Guardianship, Protective Proceedings, and Du-
12 rable Power of Attorney Act of 1986), \$46,005,000, to
13 remain available until expended: *Provided*, That funds pro-
14 vided under this heading shall be administered by the
15 Joint Committee on Judicial Administration in the Dis-
16 trict of Columbia: *Provided further*, That, notwithstanding
17 any other provision of law, this appropriation shall be ap-
18 portioned quarterly by the Office of Management and
19 Budget and obligated and expended in the same manner
20 as funds appropriated for expenses of other Federal agen-
21 cies: *Provided further*, That of the unobligated balances
22 from prior year appropriations made available under this
23 heading, \$22,000,000, are hereby rescinded not later than
24 September 30, 2023.

1 FEDERAL PAYMENT TO THE COURT SERVICES AND OF-
2 FENDER SUPERVISION AGENCY FOR THE DISTRICT
3 OF 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 au-
7 thorized by the National Capital Revitalization and Self-
8 Government Improvement Act of 1997, \$285,016,000, of
9 which not to exceed \$2,000 is for official reception and
10 representation expenses related to Community Supervision
11 and Pretrial Services Agency programs, and of which not
12 to exceed \$25,000 is for dues and assessments relating
13 to the implementation of the Court Services and Offender
14 Supervision Agency Interstate Supervision Act of 2002:
15 *Provided*, That, of the funds appropriated under this head-
16 ing, \$204,579,000 shall be for necessary expenses of Com-
17 munity Supervision and Sex Offender Registration, to in-
18 clude expenses relating to the supervision of adults subject
19 to protection orders or the provision of services for or re-
20 lated to such persons, of which \$7,798,000 shall remain
21 available until September 30, 2025, for costs associated
22 with the relocation under replacement leases for head-
23 quarters offices, field offices and related facilities: *Pro-*
24 *vided further*, That, of the funds appropriated under this
25 heading, \$80,437,000 shall be available to the Pretrial

1 Services Agency, of which \$998,000 shall remain available
2 until September 30, 2025, for costs associated with reloca-
3 tion under a replacement lease for headquarters offices,
4 field offices, and related facilities: *Provided further*, That
5 notwithstanding any other provision of law, all amounts
6 under this heading shall be apportioned quarterly by the
7 Office of Management and Budget and obligated and ex-
8 pended in the same manner as funds appropriated for sal-
9 aries and expenses of other Federal agencies: *Provided fur-*
10 *ther*, That amounts under this heading may be used for
11 programmatic incentives for defendants to successfully
12 complete their terms of supervision.

13 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

14 PUBLIC DEFENDER SERVICE

15 For salaries and expenses, including the transfer and
16 hire of motor vehicles, of the District of Columbia Public
17 Defender Service, as authorized by the National Capital
18 Revitalization and Self-Government Improvement Act of
19 1997, \$53,629,000: *Provided*, That notwithstanding any
20 other provision of law, all amounts under this heading
21 shall be apportioned quarterly by the Office of Manage-
22 ment and Budget and obligated and expended in the same
23 manner as funds appropriated for salaries and expenses
24 of Federal agencies: *Provided further*, That the District
25 of Columbia Public Defender Service may establish for

1 employees of the District of Columbia Public Defender
2 Service a program substantially similar to the program set
3 forth in subchapter II of chapter 35 of title 5, United
4 States Code, except that the maximum amount of the pay-
5 ment made under the program to any individual may not
6 exceed the amount referred to in section 3523(b)(3)(B)
7 of title 5, United States Code: *Provided further*, That for
8 the purposes of engaging with, and receiving services
9 from, Federal Franchise Fund Programs established in
10 accordance with section 403 of the Government Manage-
11 ment Reform Act of 1994, as amended, the District of
12 Columbia Public Defender Service shall be considered an
13 agency of the United States Government: *Provided further*,
14 That the District of Columbia Public Defender Service
15 may enter into contracts for the procurement of severable
16 services and multiyear contracts for the acquisition of
17 property and services to the same extent and under the
18 same conditions as an executive agency under sections
19 3902 and 3903 of title 41, United States Code.

20 FEDERAL PAYMENT TO THE CRIMINAL JUSTICE

21 COORDINATING COUNCIL

22 For a Federal payment to the Criminal Justice Co-
23 ordinating Council, \$2,450,000, to remain available until
24 expended, to support initiatives related to the coordination

1 of Federal and local criminal justice resources in the Dis-
2 trict of Columbia.

3 FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

4 For a Federal payment, to remain available until
5 September 30, 2024, to the Commission on Judicial Dis-
6 abilities and Tenure, \$330,000, and for the Judicial Nomi-
7 nation Commission, \$300,000.

8 FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

9 For a Federal payment for a school improvement pro-
10 gram in the District of Columbia, \$52,500,000, to remain
11 available until expended, for payments authorized under
12 the Scholarships for Opportunity and Results Act (division
13 C of Public Law 112–10): *Provided*, That, to the extent
14 that funds are available for opportunity scholarships and
15 following the priorities included in section 3006 of such
16 Act, the Secretary of Education shall make scholarships
17 available to students eligible under section 3013(3) of such
18 Act (Public Law 112–10; 125 Stat. 211) including stu-
19 dents who were not offered a scholarship during any pre-
20 vious school year: *Provided further*, That within funds pro-
21 vided for opportunity scholarships up to \$1,750,000 shall
22 be for the activities specified in sections 3007(b) through
23 3007(d) of the Act and up to \$500,000 shall be for the
24 activities specified in section 3009 of the Act.

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

9 HIV/AIDS

10 For a Federal payment to the District of Columbia
11 for the testing of individuals for, and the treatment of in-
12 dividuals with, human immunodeficiency virus and ac-
13 quired immunodeficiency syndrome in the District of Co-
14 lumbia, \$4,000,000.

15 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

16 WATER 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,*
21 That the District of Columbia Water and Sewer Authority
22 provides 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 pro-
2 grams and activities set forth in the Fiscal Year 2023
3 Local Budget Act of 2022 (D.C. Act 24–486) and at rates
4 set forth under such Act, as amended as of the date of
5 enactment of this Act: *Provided*, That notwithstanding
6 any other provision of law, except as provided in section
7 450A of the District of Columbia Home Rule Act (section
8 1–204.50a, D.C. Official Code), sections 816 and 817 of
9 the Financial Services and General Government Appro-
10 priations Act, 2009 (secs. 47–369.01 and 47–369.02, D.C.
11 Official Code), and provisions of this Act, the total amount
12 appropriated in this Act for operating expenses for the
13 District of Columbia for fiscal year 2023 under this head-
14 ing shall not exceed the estimates included in the Fiscal
15 Year 2023 Local Budget Act of 2022, as amended as of
16 the date of enactment of this Act or the sum of the total
17 revenues of the District of Columbia for such fiscal year:
18 *Provided further*, That the amount appropriated may be
19 increased by proceeds of one-time transactions, which are
20 expended for emergency or unanticipated operating or
21 capital needs: *Provided further*, That such increases shall
22 be approved by enactment of local District law and shall
23 comply with all reserve requirements contained in the Dis-
24 trict of Columbia Home Rule Act: *Provided further*, That
25 the Chief Financial Officer of the District of Columbia

1 shall take such steps as are necessary to assure that the
2 District of Columbia meets these requirements, including
3 the apportioning by the Chief Financial Officer of the ap-
4 propriations and funds made available to the District dur-
5 ing fiscal year 2023, except that the Chief Financial Offi-
6 cer may not reprogram for operating expenses any funds
7 derived from bonds, notes, or other obligations issued for
8 capital projects.

9 This title may be cited as the “District of Columbia
10 Appropriations Act, 2023”.

547

1 TITLE V
2 INDEPENDENT AGENCIES
3 ADMINISTRATIVE CONFERENCE OF THE UNITED STATES
4 SALARIES AND EXPENSES

5 For necessary expenses of the Administrative Con-
6 ference of the United States, authorized by 5 U.S.C. 591
7 et seq., \$3,465,000, to remain available until September
8 30, 2024, of which not to exceed \$1,000 is for official re-
9 ception 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
14 Excellence in Education Fund, established by section 1408
15 of Public Law 99–661 (20 U.S.C. 4707), for necessary
16 expenses to carry out activities pursuant to the Barry
17 Goldwater Scholarship and Excellence in Education Act
18 of 1986 (20 U.S.C. 4701 et seq.), \$2,000,000, to remain
19 available until expended.

20 COMMODITY FUTURES TRADING COMMISSION
21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses to carry out the provisions
23 of the Commodity Exchange Act (7 U.S.C. 1 et seq.), in-
24 cluding the purchase and hire of passenger motor vehicles,
25 and the rental of space (to include multiple year leases),

1 in the District of Columbia and elsewhere, \$365,000,000,
2 including not to exceed \$3,000 for official reception and
3 representation expenses, and not to exceed \$25,000 for the
4 expenses for consultations and meetings hosted by the
5 Commission with foreign governmental and other regu-
6 latory officials, of which not less than \$20,000,000 shall
7 remain available until September 30, 2024, and of which
8 not less than \$4,218,000 shall be for expenses of the Of-
9 fice of the Inspector General: *Provided*, That notwith-
10 standing the limitations in 31 U.S.C. 1553, amounts pro-
11 vided under this heading are available for the liquidation
12 of obligations equal to current year payments on leases
13 entered into prior to the date of enactment of this Act:
14 *Provided further*, That for the purpose of recording and
15 liquidating any lease obligations that should have been re-
16 corded and liquidated against accounts closed pursuant to
17 31 U.S.C. 1552, and consistent with the preceding pro-
18 viso, such amounts shall be transferred to and recorded
19 in a no-year account in the Treasury, which has been es-
20 tablished for the sole purpose of recording adjustments for
21 and liquidating such unpaid obligations.

22 CONSUMER PRODUCT SAFETY COMMISSION

23 SALARIES AND EXPENSES

24 For necessary expenses of the Consumer Product
25 Safety Commission, including hire of passenger motor ve-

1 hicles, services as authorized by 5 U.S.C. 3109, but at
2 rates for individuals not to exceed the per diem rate equiv-
3 alent to the maximum rate payable under 5 U.S.C. 5376,
4 purchase of nominal awards to recognize non-Federal offi-
5 cials' contributions to Commission activities, and not to
6 exceed \$4,000 for official reception and representation ex-
7 penses, \$152,500,000, of which \$2,000,000 shall remain
8 available until expended, to carry out the program, includ-
9 ing administrative costs, required by section 1405 of the
10 Virginia Graeme Baker Pool and Spa Safety Act (Public
11 Law 110–140; 15 U.S.C. 8004), and of which \$2,000,000
12 shall remain available until expended, to carry out the pro-
13 gram, including administrative costs, required by section
14 204 of the Nicholas and Zachary Burt Memorial Carbon
15 Monoxide Poisoning Prevention Act of 2022 (title II of
16 division Q of Public Law 117–103).

17 ADMINISTRATIVE PROVISION—CONSUMER PRODUCT

18 SAFETY COMMISSION

19 SEC. 501. During fiscal year 2023, none of the
20 amounts made available by this Act may be used to final-
21 ize or implement the Safety Standard for Recreational
22 Off-Highway Vehicles published by the Consumer Product
23 Safety Commission in the Federal Register on November
24 19, 2014 (79 Fed. Reg. 68964) until after—

1 (1) the National Academy of Sciences, in con-
2 sultation with the National Highway Traffic Safety
3 Administration and the Department of Defense,
4 completes a study to determine—

5 (A) the technical validity of the lateral sta-
6 bility and vehicle handling requirements pro-
7 posed by such standard for purposes of reduc-
8 ing the risk of Recreational Off-Highway Vehi-
9 cle (referred to in this section as “ROV”) roll-
10 overs in the off-road environment, including the
11 repeatability and reproducibility of testing for
12 compliance with such requirements;

13 (B) the number of ROV rollovers that
14 would be prevented if the proposed require-
15 ments were adopted;

16 (C) whether there is a technical basis for
17 the proposal to provide information on a point-
18 of-sale hangtag about a ROV’s rollover resist-
19 ance on a progressive scale; and

20 (D) the effect on the utility of ROVs used
21 by the United States military if the proposed
22 requirements were adopted; and

23 (2) a report containing the results of the study
24 completed under paragraph (1) is delivered to—

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;

5 (C) the Committee on Appropriations of
6 the Senate; and

7 (D) the Committee on Appropriations of
8 the House of Representatives.

9 ELECTION ASSISTANCE COMMISSION

10 SALARIES AND EXPENSES

11 For necessary expenses to carry out the Help Amer-
12 ica Vote Act of 2002 (Public Law 107–252), \$28,000,000,
13 of which \$1,500,000 shall be made available to the Na-
14 tional Institute of Standards and Technology for election
15 reform activities authorized under the Help America Vote
16 Act of 2002, and of which \$1,000,000, to remain available
17 until expended, shall be for the Help America Vote College
18 Program as authorized by title V of the Help America
19 Vote Act of 2002.

20 ELECTION SECURITY GRANTS

21 Notwithstanding section 104(c)(2)(B) of the Help
22 America Vote Act of 2002 (52 U.S.C. 20904(c)(2)(B)),
23 \$75,000,000 is provided to the Election Assistance Com-
24 mission for necessary expenses to make payments to
25 States for activities to improve the administration of elec-

1 tions for Federal office, including to enhance election tech-
2 nology and make election security improvements, as au-
3 thorized by sections 101, 103, and 104 of such Act: *Pro-*
4 *vided*, That for purposes of applying such sections, the
5 Commonwealth of the Northern Mariana Islands shall be
6 deemed to be a State and, for purposes of sections
7 101(d)(2) and 103(a) shall be treated in the same manner
8 as the Commonwealth of Puerto Rico, Guam, American
9 Samoa, and the United States Virgin Islands: *Provided*
10 *further*, That each reference to the “Administrator of Gen-
11 eral Services” or the “Administrator” in sections 101 and
12 103 shall be deemed to refer to the “Election Assistance
13 Commission”: *Provided further*, That each reference to
14 “\$5,000,000” in section 103 shall be deemed to refer to
15 “\$1,000,000” and each reference to “\$1,000,000” in sec-
16 tion 103 shall be deemed to refer to “\$200,000”: *Provided*
17 *further*, That not later than two years after receiving a
18 payment under this heading, a State shall make available
19 funds for such activities in an amount equal to 20 percent
20 of the total amount of the payment made to the State
21 under this heading: *Provided further*, That not later than
22 45 days after the date of enactment of this Act, the Elec-
23 tion Assistance Commission shall make the payments to
24 States under this heading: *Provided further*, That States

1 shall submit quarterly financial reports and annual
2 progress reports.

3 FEDERAL COMMUNICATIONS COMMISSION

4 SALARIES AND EXPENSES

5 For necessary expenses of the Federal Communica-
6 tions Commission, as authorized by law, including uni-
7 forms and allowances therefor, as authorized by 5 U.S.C.
8 5901–5902; not to exceed \$4,000 for official reception and
9 representation expenses; purchase and hire of motor vehi-
10 cles; special counsel fees; and services as authorized by
11 5 U.S.C. 3109, \$390,192,000, to remain available until
12 expended: *Provided*, That \$390,192,000 of offsetting col-
13 lections shall be assessed and collected pursuant to section
14 9 of title I of the Communications Act of 1934, shall be
15 retained and used for necessary expenses and shall remain
16 available until expended: *Provided further*, That the sum
17 herein appropriated shall be reduced as such offsetting
18 collections are received during fiscal year 2023 so as to
19 result in a final fiscal year 2023 appropriation estimated
20 at \$0: *Provided further*, That, notwithstanding 47 U.S.C.
21 309(j)(8)(B), proceeds from the use of a competitive bid-
22 ding system that may be retained and made available for
23 obligation shall not exceed \$132,231,000 for fiscal year
24 2023: *Provided further*, That, of the amount appropriated
25 under this heading, not less than \$12,131,000 shall be for

1 the salaries and expenses of the Office of Inspector Gen-
2 eral.

3 ADMINISTRATIVE PROVISIONS—FEDERAL

4 COMMUNICATIONS COMMISSION

5 SEC. 510. Section 302 of the Universal Service
6 Antideficiency Temporary Suspension Act is amended by
7 striking “December 31, 2022” each place it appears and
8 inserting “December 31, 2023”.

9 SEC. 511. None of the funds appropriated by this Act
10 may be used by the Federal Communications Commission
11 to modify, amend, or change its rules or regulations for
12 universal service support payments to implement the Feb-
13 ruary 27, 2004, recommendations of the Federal-State
14 Joint Board on Universal Service regarding single connec-
15 tion or primary line restrictions on universal service sup-
16 port payments.

17 FEDERAL DEPOSIT INSURANCE CORPORATION

18 OFFICE OF THE INSPECTOR GENERAL

19 For necessary expenses of the Office of Inspector
20 General in carrying out the provisions of the Inspector
21 General Act of 1978, \$47,500,000, to be derived from the
22 Deposit Insurance Fund or, only when appropriate, the
23 FSLIC Resolution Fund.

1 FEDERAL ELECTION COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses to carry out the provisions
4 of the Federal Election Campaign Act of 1971,
5 \$81,674,000, of which not to exceed \$5,000 shall be avail-
6 able for reception and representation expenses.

7 FEDERAL LABOR RELATIONS AUTHORITY

8 SALARIES AND EXPENSES

9 For necessary expenses to carry out functions of the
10 Federal Labor Relations Authority, pursuant to Reorga-
11 nization Plan Numbered 2 of 1978, and the Civil Service
12 Reform Act of 1978, including services authorized by 5
13 U.S.C. 3109, and including hire of experts and consult-
14 ants, hire of passenger motor vehicles, and including offi-
15 cial reception and representation expenses (not to exceed
16 \$1,500) and rental of conference rooms in the District of
17 Columbia and elsewhere, \$29,400,000: *Provided*, That
18 public members of the Federal Service Impasses Panel
19 may be paid travel expenses and per diem in lieu of sub-
20 sistence as authorized by law (5 U.S.C. 5703) for persons
21 employed intermittently in the Government service, and
22 compensation as authorized by 5 U.S.C. 3109: *Provided*
23 *further*, That, notwithstanding 31 U.S.C. 3302, funds re-
24 ceived from fees charged to non-Federal participants at
25 labor-management relations conferences shall be credited

1 to and merged with this account, to be available without
2 further appropriation for the costs of carrying out these
3 conferences.

4 FEDERAL TRADE COMMISSION

5 SALARIES AND EXPENSES

6 For necessary expenses of the Federal Trade Com-
7 mission, including uniforms or allowances therefor, as au-
8 thorized by 5 U.S.C. 5901–5902; services as authorized
9 by 5 U.S.C. 3109; hire of passenger motor vehicles; and
10 not to exceed \$2,000 for official reception and representa-
11 tion expenses, \$430,000,000, to remain available until ex-
12 pended: *Provided*, That not to exceed \$300,000 shall be
13 available for use to contract with a person or persons for
14 collection services in accordance with the terms of 31
15 U.S.C. 3718: *Provided further*, That, notwithstanding any
16 other provision of law, fees collected in fiscal year 2023
17 for premerger notification filings under the Hart-Scott-
18 Rodino Antitrust Improvements Act of 1976 (15 U.S.C.
19 18a), (and estimated to be \$190,000,000 in fiscal year
20 2023) shall be retained and used for necessary expenses
21 in this appropriation and shall remain available until ex-
22 pended: *Provided further*, That, notwithstanding any other
23 provision of law, fees collected to implement and enforce
24 the Telemarketing Sales Rule, promulgated under the
25 Telemarketing and Consumer Fraud and Abuse Preven-

1 tion Act (15 U.S.C. 6101 et seq.), regardless of the year
2 of collection (and estimated to be \$20,000,000 in fiscal
3 year 2023), shall be credited to this account, and be re-
4 tained and used for necessary expenses in this appropria-
5 tion, and shall remain available until expended: *Provided*
6 *further*, That the sum herein appropriated from the gen-
7 eral fund shall be reduced (1) as such offsetting collections
8 are received during fiscal year 2023 and (2) to the extent
9 that any remaining general fund appropriations can be de-
10 rived from amounts credited to this account as offsetting
11 collections in previous fiscal years that are not otherwise
12 appropriated, so as to result in a final fiscal year 2023
13 appropriation from the general fund estimated at
14 \$48,000,000: *Provided further*, That, notwithstanding sec-
15 tion 605 of the Departments of Commerce, Justice, and
16 State, the Judiciary, and Related Agencies Appropriations
17 Act, 1990 (15 U.S.C. 18a note), none of the funds cred-
18 ited to this account as offsetting collections in previous
19 fiscal years that were unavailable for obligation as of Sep-
20 tember 30, 2022, shall become available for obligation ex-
21 cept as provided in the preceding proviso: *Provided further*,
22 That none of the funds made available to the Federal
23 Trade Commission may be used to implement subsection
24 (e)(2)(B) of section 43 of the Federal Deposit Insurance
25 Act (12 U.S.C. 1831t).

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 inci-
16 dent to cleaning or servicing buildings, and moving; repair
17 and alteration of federally owned buildings, including
18 grounds, approaches, and appurtenances; care and safe-
19 guarding of sites; maintenance, preservation, demolition,
20 and equipment; acquisition of buildings and sites by pur-
21 chase, condemnation, or as otherwise authorized by law;
22 acquisition of options to purchase buildings and sites; con-
23 version and extension of federally owned buildings; pre-
24 liminary planning and design of projects by contract or
25 otherwise; construction of new buildings (including equip-

1 ment for such buildings); and payment of principal, inter-
2 est, and any other obligations for public buildings acquired
3 by installment purchase and purchase contract; in the ag-
4 gregate amount of \$10,013,150,000, of which—

5 (1) \$807,809,000 shall remain available until
6 expended 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 pur-
10 poses, 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,
22 \$55,000,000;

23 National Capital Region:

24 Federal Bureau of Investigation Headquarters
25 Consolidation, \$375,000,000;

1 Tennessee:

2 Chattanooga, U.S. Courthouse, \$38,400,000:

3 *Provided*, That each of the foregoing limits of costs
4 on construction, acquisition, and remediation
5 projects may be exceeded to the extent that savings
6 are effected in other such projects, but not to exceed
7 20 percent of the amounts included in a transmitted
8 prospectus, if required, unless advance approval is
9 obtained from the Committees on Appropriations of
10 the House of Representatives and the Senate of a
11 greater amount;

12 (2) \$662,280,000 shall remain available until
13 expended for repairs and alterations, including asso-
14 ciated design and construction services, in addition
15 to amounts otherwise provided for such purposes, of
16 which—

17 (A) \$244,783,000 is for Major Repairs and

18 Alterations as follows:

19 Multiple Locations:

20 National Conveying Systems, \$30,000,000;

21 National Capital Region:

22 Fire Alarm Systems, \$40,000,000;

23 California:

24 San Francisco, Federal Building, \$15,687,000;

25 Georgia:

561

1 Atlanta, Sam Nunn Atlanta Federal Center,
2 \$10,229,000;

3 Massachusetts:

4 Boston, John J. Moakley U.S. Courthouse,
5 \$10,345,000;

6 Montana:

7 Butte, Mike Mansfield Federal Building and
8 U.S. Courthouse, \$25,792,000;

9 New York:

10 New York, Alexander Hamilton U.S. Custom
11 House, \$68,497,000;

12 Ohio:

13 Cleveland, Carl B. Stokes U.S. Courthouse,
14 \$10,235,000;

15 Oklahoma:

16 Oklahoma City, William J. Holloway, Jr. U.S.
17 Courthouse and Post Office, \$3,093,000;

18 Pennsylvania:

19 Philadelphia, James A. Byrne U.S. Courthouse,
20 \$12,927,000;

21 Vermont:

22 St. Albans, Federal Building, U.S. Post Office
23 and Custom House, \$17,978,000;

24 (B) \$398,797,000 is for Basic Repairs and
25 Alterations, of which \$3,000,000 is for repairs

1 to the water feature at the Wilkie D. Ferguson
2 Jr. U.S. Courthouse in Miami, FL; and

3 (C) \$18,700,000 is for Special Emphasis
4 Programs as follows:

5 Judiciary Capital Security Program,
6 \$18,700,000;

7 *Provided*, That funds made available in this or any
8 previous Act in the Federal Buildings Fund for Re-
9 pairs and Alterations shall, for prospectus projects,
10 be limited to the amount identified for each project,
11 except each project in this or any previous Act may
12 be increased by an amount not to exceed 20 percent
13 unless advance approval is obtained from the Com-
14 mittees on Appropriations of the House of Rep-
15 resentatives and the Senate of a greater amount:

16 *Provided further*, That additional projects for which
17 prospectuses have been fully approved may be fund-
18 ed under this category only if advance approval is
19 obtained from the Committees on Appropriations of
20 the House of Representatives and the Senate: *Pro-*
21 *vided further*, That the amounts provided in this or
22 any prior Act for “Repairs and Alterations” may be
23 used to fund costs associated with implementing se-
24 curity improvements to buildings necessary to meet
25 the minimum standards for security in accordance

1 with current law and in compliance with the re-
2 programming guidelines of the appropriate Commit-
3 tees of the House and Senate: *Provided further*, That
4 the difference between the funds appropriated and
5 expended on any projects in this or any prior Act,
6 under the heading “Repairs and Alterations”, may
7 be transferred to “Basic Repairs and Alterations” or
8 used to fund authorized increases in prospectus
9 projects: *Provided further*, That the amount provided
10 in this or any prior Act for “Basic Repairs and Al-
11 terations” may be used to pay claims against the
12 Government arising from any projects under the
13 heading “Repairs and Alterations” or used to fund
14 authorized increases in prospectus projects;

15 (3) \$5,561,680,000 for rental of space to re-
16 main available until expended; and

17 (4) \$2,981,381,000 for building operations to
18 remain available until expended: *Provided*, That the
19 total amount of funds made available from this
20 Fund to the General Services Administration shall
21 not be available for expenses of any construction, re-
22 pair, alteration and acquisition project for which a
23 prospectus, if required by 40 U.S.C. 3307(a), has
24 not been approved, except that necessary funds may
25 be expended for each project for required expenses

1 for the development of a proposed prospectus: *Pro-*
2 *vided further*, That funds available in the Federal
3 Buildings Fund may be expended for emergency re-
4 pairs when advance approval is obtained from the
5 Committees on Appropriations of the House of Rep-
6 resentatives and the Senate: *Provided further*, That
7 amounts necessary to provide reimbursable special
8 services to other agencies under 40 U.S.C. 592(b)(2)
9 and amounts to provide such reimbursable fencing,
10 lighting, guard booths, and other facilities on private
11 or other property not in Government ownership or
12 control as may be appropriate to enable the United
13 States Secret Service to perform its protective func-
14 tions pursuant to 18 U.S.C. 3056, shall be available
15 from such revenues and collections: *Provided further*,
16 That revenues and collections and any other sums
17 accruing to this Fund during fiscal year 2023, ex-
18 cluding reimbursements under 40 U.S.C. 592(b)(2),
19 in excess of the aggregate new obligational authority
20 authorized for Real Property Activities of the Fed-
21 eral Buildings Fund in this Act shall remain in the
22 Fund and shall not be available for expenditure ex-
23 cept as authorized in appropriations Acts.

565

1 GENERAL ACTIVITIES

2 GOVERNMENT-WIDE POLICY

3 For expenses authorized by law, not otherwise pro-
4 vided for, for Government-wide policy associated with the
5 management of real and personal property assets and cer-
6 tain administrative services; Government-wide policy sup-
7 port responsibilities relating to acquisition, travel, motor
8 vehicles, information technology management, and related
9 technology activities; and services as authorized by 5
10 U.S.C. 3109; and evaluation activities as authorized by
11 statute; \$71,186,000, of which \$4,000,000 shall remain
12 available until September 30, 2024.

13 OPERATING EXPENSES

14 For expenses authorized by law, not otherwise pro-
15 vided for, for Government-wide activities associated with
16 utilization and donation of surplus personal property; dis-
17 posal of real property; agency-wide policy direction, and
18 management; the hire of zero-emission passenger motor
19 vehicles and supporting charging or fueling infrastructure;
20 and services as authorized by 5 U.S.C. 3109;
21 \$54,478,000, of which not to exceed \$7,500 is for official
22 reception and representation expenses.

23 CIVILIAN BOARD OF CONTRACT APPEALS

24 For expenses authorized by law, not otherwise pro-
25 vided for, for the activities associated with the Civilian

1 Board of Contract Appeals, \$10,352,000, of which
2 \$2,000,000 shall remain available until expended.

3 OFFICE OF INSPECTOR GENERAL

4 For necessary expenses of the Office of Inspector
5 General and service authorized by 5 U.S.C. 3109,
6 \$74,583,000: *Provided*, That not to exceed \$3,000,000
7 shall be available for information technology enhance-
8 ments related to implementing cloud services, improving
9 security measures, and providing modern technology case
10 management solutions: *Provided further*, That not to ex-
11 ceed \$50,000 shall be available for payment for informa-
12 tion and detection of fraud against the Government, in-
13 cluding payment for recovery of stolen Government prop-
14 erty: *Provided further*, That not to exceed \$2,500 shall be
15 available for awards to employees of other Federal agen-
16 cies and private citizens in recognition of efforts and ini-
17 tiatives resulting in enhanced Office of Inspector General
18 effectiveness.

19 ALLOWANCES AND OFFICE STAFF FOR FORMER

20 PRESIDENTS

21 For carrying out the provisions of the Act of August
22 25, 1958 (3 U.S.C. 102 note), and Public Law 95-138,
23 \$5,200,000.

567

1 FEDERAL CITIZEN SERVICES FUND

2 (INCLUDING TRANSFER OF FUNDS)

3 For expenses authorized by 40 U.S.C. 323 and 44
4 U.S.C. 3604; and for expenses authorized by law, not oth-
5 erwise provided for, in support of interagency projects that
6 enable the Federal Government to enhance its ability to
7 conduct activities electronically, through the development
8 and implementation of innovative uses of information
9 technology; \$90,000,000, to be deposited into the Federal
10 Citizen Services Fund: *Provided*, That the previous
11 amount may be transferred to Federal agencies to carry
12 out the purpose of the Federal Citizen Services Fund: *Pro-*
13 *vided further*, That the appropriations, revenues, reim-
14 bursements, and collections deposited into the Fund shall
15 be available until expended for necessary expenses of Fed-
16 eral Citizen Services and other activities that enable the
17 Federal Government to enhance its ability to conduct ac-
18 tivities electronically in the aggregate amount not to ex-
19 ceed \$200,000,000: *Provided further*, That appropriations,
20 revenues, reimbursements, and collections accruing to this
21 Fund during fiscal year 2023 in excess of such amount
22 shall remain in the Fund and shall not be available for
23 expenditure except as authorized in appropriations Acts:
24 *Provided further*, That, of the total amount appropriated,
25 up to \$5,000,000 shall be available for support functions

1 and full-time hires to support activities related to the Ad-
2 ministration's requirements under title II of the Founda-
3 tions for Evidence-Based Policymaking Act of 2018 (Pub-
4 lic Law 115–435): *Provided further*, That the transfer au-
5 thorities provided herein shall be in addition to any other
6 transfer authority provided in this Act.

7 TECHNOLOGY MODERNIZATION FUND

8 For the Technology Modernization Fund,
9 \$50,000,000, to remain available until expended, for tech-
10 nology-related modernization activities.

11 WORKING CAPITAL FUND

12 For the Working Capital Fund of the General Serv-
13 ices Administration, \$5,900,000, to remain available until
14 expended, for necessary costs incurred by the Adminis-
15 trator to modernize rulemaking systems and to provide
16 support services for Federal rulemaking agencies.

17 ADMINISTRATIVE PROVISIONS—GENERAL SERVICES

18 ADMINISTRATION

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 520. Funds available to the General Services
21 Administration shall be available for the hire of passenger
22 motor vehicles.

23 SEC. 521. Funds in the Federal Buildings Fund
24 made available for fiscal year 2023 for Federal Buildings
25 Fund activities may be transferred between such activities

1 only to the extent necessary to meet program require-
2 ments: *Provided*, That any proposed transfers shall be ap-
3 proved in advance by the Committees on Appropriations
4 of the House of Representatives and the Senate.

5 SEC. 522. Except as otherwise provided in this title,
6 funds made available by this Act shall be used to transmit
7 a fiscal year 2024 request for United States Courthouse
8 construction only if the request: (1) meets the design guide
9 standards for construction as established and approved by
10 the General Services Administration, the Judicial Con-
11 ference of the United States, and the Office of Manage-
12 ment and Budget; (2) reflects the priorities of the Judicial
13 Conference of the United States as set out in its approved
14 Courthouse Project Priorities plan; and (3) includes a
15 standardized courtroom utilization study of each facility
16 to be constructed, replaced, or expanded.

17 SEC. 523. None of the funds provided in this Act may
18 be used to increase the amount of occupiable square feet,
19 provide cleaning services, security enhancements, or any
20 other service usually provided through the Federal Build-
21 ings Fund, to any agency that does not pay the rate per
22 square foot assessment for space and services as deter-
23 mined by the General Services Administration in consider-
24 ation of the Public Buildings Amendments Act of 1972
25 (Public Law 92–313).

1 SEC. 524. From funds made available under the
2 heading “Federal Buildings Fund, Limitations on Avail-
3 ability of Revenue”, claims against the Government of less
4 than \$250,000 arising from direct construction projects
5 and acquisition of buildings may be liquidated from sav-
6 ings effected in other construction projects with prior noti-
7 fication to the Committees on Appropriations of the House
8 of Representatives and the Senate.

9 SEC. 525. In any case in which the Committee on
10 Transportation and Infrastructure of the House of Rep-
11 resentatives and the Committee on Environment and Pub-
12 lic Works of the Senate adopt a resolution granting lease
13 authority pursuant to a prospectus transmitted to Con-
14 gress by the Administrator of the General Services Admin-
15 istration under 40 U.S.C. 3307, the Administrator shall
16 ensure that the delineated area of procurement is identical
17 to the delineated area included in the prospectus for all
18 lease agreements, except that, if the Administrator deter-
19 mines that the delineated area of the procurement should
20 not be identical to the delineated area included in the pro-
21 spectus, the Administrator shall provide an explanatory
22 statement to each of such committees and the Committees
23 on Appropriations of the House of Representatives and the
24 Senate prior to exercising any lease authority provided in
25 the resolution.

1 SEC. 526. With respect to projects funded under the
2 heading “Federal Citizen Services Fund”, the Adminis-
3 trator of General Services shall submit a spending plan
4 and explanation for each project to be undertaken to the
5 Committees on Appropriations of the House of Represent-
6 atives and the Senate not later than 60 days after the
7 date of enactment of this Act.

8 SEC. 527. The Administrator of the General Services
9 Administration shall select a site from one of the three
10 listed in the General Services Administration (GSA) Fiscal
11 Year 2017 PNCR–FBI–NCR17 prospectus for a new fully
12 consolidated Federal Bureau of Investigation (FBI) head-
13 quarters.

14 In considering the September 2022 and amended No-
15 vember 2022 GSA Site Selection Plan for the FBI Subur-
16 ban Headquarters, not later than 90 days after enactment
17 of this Act, prior to any action by the GSA site selection
18 panel for the new Federal FBI headquarters, the GSA Ad-
19 ministrator shall conduct separate and detailed consulta-
20 tions with individuals representing the sites from the State
21 of Maryland and Commonwealth of Virginia to further
22 consider perspectives related to mission requirements, sus-
23 tainable siting and equity, and evaluate the viability of the
24 GSA’s Site Selection Criteria for the FBI Headquarters
25 to ensure it is consistent with Congressional intent as ex-

1 pressed in the resolution of the Committee on Environ-
2 ment and Public Works of the Senate (112th Congress),
3 adopted December 8, 2011 and further described in the
4 General Services Administration Fiscal Year 2017
5 PNCR–FBI–NCR17 prospectus. Following those con-
6 sultations, the Administrator shall proceed with the site
7 selection process.

8 HARRY S TRUMAN SCHOLARSHIP FOUNDATION
9 SALARIES AND EXPENSES

10 For payment to the Harry S Truman Scholarship
11 Foundation Trust Fund, established by section 10 of Pub-
12 lic Law 93–642, \$3,000,000, to remain available until ex-
13 pended.

14 MERIT SYSTEMS PROTECTION BOARD
15 SALARIES AND EXPENSES
16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses to carry out functions of the
18 Merit Systems Protection Board pursuant to Reorganiza-
19 tion Plan Numbered 2 of 1978, the Civil Service Reform
20 Act of 1978, and the Whistleblower Protection Act of
21 1989 (5 U.S.C. 5509 note), including services as author-
22 ized by 5 U.S.C. 3109, rental of conference rooms in the
23 District of Columbia and elsewhere, hire of passenger
24 motor vehicles, direct procurement of survey printing, and
25 not to exceed \$2,000 for official reception and representa-

1 tion expenses, \$49,655,000, to remain available until Sep-
2 tember 30, 2024, and in addition not to exceed
3 \$2,345,000, to remain available until September 30, 2024,
4 for administrative expenses to adjudicate retirement ap-
5 peals to be transferred from the Civil Service Retirement
6 and Disability Fund in amounts determined by the Merit
7 Systems Protection Board.

8 MORRIS K. UDALL AND STEWART L. UDALL
9 FOUNDATION

10 MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND
11 (INCLUDING TRANSFER OF FUNDS)

12 For payment to the Morris K. Udall and Stewart L.
13 Udall Foundation, pursuant to the Morris K. Udall and
14 Stewart L. Udall Foundation Act (20 U.S.C. 5601 et
15 seq.), \$1,800,000, to remain available for direct expendi-
16 ture until expended, of which, notwithstanding sections 8
17 and 9 of such Act, up to \$1,000,000 shall be available
18 to carry out the activities authorized by section 6(7) of
19 Public Law 102–259 and section 817(a) of Public Law
20 106–568 (20 U.S.C. 5604(7)): *Provided*, That all current
21 and previous amounts transferred to the Office of Inspec-
22 tor General of the Department of the Interior will remain
23 available until expended for audits and investigations of
24 the Morris K. Udall and Stewart L. Udall Foundation,
25 consistent with the Inspector General Act of 1978 (5

1 U.S.C. App.), as amended, and for annual independent fi-
2 nancial audits of the Morris K. Udall and Stewart L.
3 Udall Foundation pursuant to the Accountability of Tax
4 Dollars Act of 2002 (Public Law 107–289): *Provided fur-*
5 *ther*, That previous amounts transferred to the Office of
6 Inspector General of the Department of the Interior may
7 be transferred to the Morris K. Udall and Stewart L.
8 Udall Foundation for annual independent financial audits
9 pursuant to the Accountability of Tax Dollars Act of 2002
10 (Public Law 107–289).

11 ENVIRONMENTAL DISPUTE RESOLUTION FUND

12 For payment to the Environmental Dispute Resolu-
13 tion Fund to carry out activities authorized in the Envi-
14 ronmental Policy and Conflict Resolution Act of 1998,
15 \$3,943,000, to remain available until expended.

16 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

17 OPERATING EXPENSES

18 For necessary expenses in connection with the admin-
19 istration of the National Archives and Records Adminis-
20 tration and archived Federal records and related activities,
21 as provided by law, and for expenses necessary for the re-
22 view and declassification of documents, the activities of
23 the Public Interest Declassification Board, the operations
24 and maintenance of the electronic records archives, the
25 hire of passenger motor vehicles, and for uniforms or al-

1 lowances therefor, as authorized by law (5 U.S.C. 5901),
2 including maintenance, repairs, and cleaning,
3 \$427,520,000, of which \$30,000,000 shall remain avail-
4 able until expended for expenses necessary to enhance the
5 Federal Government's ability to electronically preserve,
6 manage, and store Government records, and of which up
7 to \$2,000,000 shall remain available until expended to im-
8 plement the Civil Rights Cold Case Records Collection Act
9 of 2018 (Public Law 115-426).

10 OFFICE OF INSPECTOR GENERAL

11 For necessary expenses of the Office of Inspector
12 General in carrying out the provisions of the Inspector
13 General Reform Act of 2008, Public Law 110-409, 122
14 Stat. 4302-16 (2008), and the Inspector General Act of
15 1978 (5 U.S.C. App.), and for the hire of passenger motor
16 vehicles, \$5,980,000.

17 REPAIRS AND RESTORATION

18 For the repair, alteration, and improvement of ar-
19 chives facilities and museum exhibits, related equipment
20 for public spaces, and to provide adequate storage for
21 holdings, \$22,224,000, to remain available until expended,
22 of which no less than \$7,250,000 is for upgrades to the
23 Carter Presidential Library in Atlanta, Georgia and of
24 which \$6,000,000 is for the Ulysses S. Grant Presidential
25 Museum in Starkville, Mississippi.

1 NATIONAL HISTORICAL PUBLICATIONS AND RECORDS
2 COMMISSION
3 GRANTS PROGRAM

4 For necessary expenses for allocations and grants for
5 historical publications and records as authorized by 44
6 U.S.C. 2504, \$12,000,000, to remain available until ex-
7 pended, of which up to \$2,000,000 shall be to preserve
8 and make publicly available the congressional papers of
9 former Members of the House and Senate.

10 ADMINISTRATIVE PROVISION—NATIONAL ARCHIVES AND
11 RECORDS ADMINISTRATION

12 SEC. 530. For an additional amount for “National
13 Historical Publications and Records Commission Grants
14 Program”, \$22,573,000, which shall be for initiatives in
15 the amounts and for the projects specified in the table that
16 appears under the heading “Administrative Provisions—
17 National Archives and Records Administration” in the ex-
18 planatory statement described in section 4 (in the matter
19 preceding division A of this consolidated Act): *Provided*,
20 That none of the funds made available by this section may
21 be transferred for any other purpose.

22 NATIONAL CREDIT UNION ADMINISTRATION
23 COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

24 For the Community Development Revolving Loan
25 Fund program as authorized by 42 U.S.C. 9812, 9822,

1 and 9910, \$3,500,000 shall be available until September
2 30, 2024, for technical assistance to low-income des-
3 igned credit unions: *Provided*, That credit unions des-
4 igned solely as minority depository institutions shall be
5 eligible to apply for and receive such technical assistance.

6 OFFICE OF GOVERNMENT ETHICS

7 SALARIES AND EXPENSES

8 For necessary expenses to carry out functions of the
9 Office of Government Ethics pursuant to the Ethics in
10 Government Act of 1978, the Ethics Reform Act of 1989,
11 and the Representative Louise McIntosh Slaughter Stop
12 Trading on Congressional Knowledge Act of 2012, includ-
13 ing services as authorized by 5 U.S.C. 3109, rental of con-
14 ference rooms in the District of Columbia and elsewhere,
15 hire of passenger motor vehicles, and not to exceed \$1,500
16 for official reception and representation expenses,
17 \$24,500,000.

18 OFFICE OF PERSONNEL MANAGEMENT

19 SALARIES AND EXPENSES

20 (INCLUDING TRANSFERS OF TRUST FUNDS)

21 For necessary expenses to carry out functions of the
22 Office of Personnel Management (OPM) pursuant to Re-
23 organization Plan Numbered 2 of 1978 and the Civil Serv-
24 ice Reform Act of 1978, including services as authorized
25 by 5 U.S.C. 3109; medical examinations performed for

1 veterans by private physicians on a fee basis; rental of con-
2 ference rooms in the District of Columbia and elsewhere;
3 hire of passenger motor vehicles; not to exceed \$2,500 for
4 official reception and representation expenses; and pay-
5 ment of per diem and/or subsistence allowances to employ-
6 ees where Voting Rights Act activities require an employee
7 to remain overnight at his or her post of duty,
8 \$190,784,000: *Provided*, That of the total amount made
9 available under this heading, \$19,373,000 shall remain
10 available until expended, for information technology mod-
11 ernization and Trust Fund Federal Financial System mi-
12 gration or modernization, and shall be in addition to funds
13 otherwise made available for such purposes: *Provided fur-*
14 *ther*, That of the total amount made available under this
15 heading, \$1,381,748 may be made available for strength-
16 ening the capacity and capabilities of the acquisition work-
17 force (as defined by the Office of Federal Procurement
18 Policy Act, as amended (41 U.S.C. 4001 et seq.)), includ-
19 ing the recruitment, hiring, training, and retention of such
20 workforce and information technology in support of acqui-
21 sition workforce effectiveness or for management solutions
22 to improve acquisition management; and in addition
23 \$194,924,000 for administrative expenses, to be trans-
24 ferred from the appropriate trust funds of OPM without
25 regard to other statutes, including direct procurement of

1 printed materials, for the retirement and insurance pro-
2 grams: *Provided further*, That the provisions of this appro-
3 priation shall not affect the authority to use applicable
4 trust funds as provided by sections 8348(a)(1)(B),
5 8958(f)(2)(A), 8988(f)(2)(A), and 9004(f)(2)(A) of title
6 5, United States Code: *Provided further*, That no part of
7 this appropriation shall be available for salaries and ex-
8 penses of the Legal Examining Unit of OPM established
9 pursuant to Executive Order No. 9358 of July 1, 1943,
10 or any successor unit of like purpose: *Provided further*,
11 That the President's Commission on White House Fel-
12 lows, established by Executive Order No. 11183 of Octo-
13 ber 3, 1964, may, during fiscal year 2023, accept dona-
14 tions of money, property, and personal services: *Provided*
15 *further*, That such donations, including those from prior
16 years, may be used for the development of publicity mate-
17 rials to provide information about the White House Fel-
18 lows, except that no such donations shall be accepted for
19 travel or reimbursement of travel expenses, or for the sala-
20 ries of employees of such Commission: *Provided further*,
21 That not to exceed 5 percent of amounts made available
22 under this heading may be transferred to an information
23 technology working capital fund established for purposes
24 authorized by subtitle G of title X of division A of the
25 National Defense Authorization Act for Fiscal Year 2018

1 (Public Law 115–91; 40 U.S.C. 11301 note): *Provided*
2 *further*, That the OPM Director shall notify, and receive
3 approval from, the Committees on Appropriations of the
4 House of Representatives and the Senate at least 15 days
5 in advance of any transfer under the preceding proviso:
6 *Provided further*, That amounts transferred to such a fund
7 under such transfer authority from any organizational cat-
8 egory of OPM shall not exceed 5 percent of each such or-
9 ganizational category’s budget as identified in the report
10 required by section 608 of this Act: *Provided further*, That
11 amounts transferred to such a fund shall remain available
12 for obligation through September 30, 2026.

13 OFFICE OF INSPECTOR GENERAL

14 SALARIES AND EXPENSES

15 (INCLUDING TRANSFER OF TRUST FUNDS)

16 For necessary expenses of the Office of Inspector
17 General in carrying out the provisions of the Inspector
18 General Act of 1978, including services as authorized by
19 5 U.S.C. 3109, hire of passenger motor vehicles,
20 \$6,908,000, and in addition, not to exceed \$29,487,000
21 for administrative expenses to audit, investigate, and pro-
22 vide other oversight of the Office of Personnel Manage-
23 ment’s retirement and insurance programs, to be trans-
24 ferred from the appropriate trust funds of the Office of
25 Personnel Management, as determined by the Inspector

1 General: *Provided*, That the Inspector General is author-
2 ized to rent conference rooms in the District of Columbia
3 and elsewhere.

4 OFFICE OF SPECIAL COUNSEL

5 SALARIES AND EXPENSES

6 For necessary expenses to carry out functions of the
7 Office of Special Counsel, including services as authorized
8 by 5 U.S.C. 3109, payment of fees and expenses for wit-
9 nesses, rental of conference rooms in the District of Co-
10 lumbia and elsewhere, and hire of passenger motor vehi-
11 cles, \$31,904,000.

12 PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

13 SALARIES AND EXPENSES

14 For necessary expenses of the Privacy and Civil Lib-
15 erties Oversight Board, as authorized by section 1061 of
16 the Intelligence Reform and Terrorism Prevention Act of
17 2004 (42 U.S.C. 2000ee), \$10,600,000, to remain avail-
18 able until September 30, 2024.

19 PUBLIC BUILDINGS REFORM BOARD

20 SALARIES AND EXPENSES

21 For salaries and expenses of the Public Buildings Re-
22 form Board in carrying out the Federal Assets Sale and
23 Transfer Act of 2016 (Public Law 114–287), \$4,000,000,
24 to remain available until expended.

1 SECURITIES AND EXCHANGE COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses for the Securities and Ex-
4 change Commission, including services as authorized by
5 5 U.S.C. 3109, the rental of space (to include multiple
6 year leases) in the District of Columbia and elsewhere, and
7 not to exceed \$3,500 for official reception and representa-
8 tion expenses, \$2,149,000,000, to remain available until
9 expended; of which not less than \$18,979,000 shall be for
10 the Office of Inspector General; of which not to exceed
11 \$275,000 shall be available for a permanent secretariat
12 for the International Organization of Securities Commis-
13 sions; and of which not to exceed \$100,000 shall be avail-
14 able for expenses for consultations and meetings hosted
15 by the Commission with foreign governmental and other
16 regulatory officials, members of their delegations and
17 staffs to exchange views concerning securities matters,
18 such expenses to include necessary logistic and adminis-
19 trative expenses and the expenses of Commission staff and
20 foreign invitees in attendance including: (1) incidental ex-
21 penses such as meals; (2) travel and transportation; and
22 (3) related lodging or subsistence.

23 In addition to the foregoing appropriation, for move,
24 replication, and related costs associated with a replace-
25 ment lease for the Commission's District of Columbia

1 headquarters facilities, not to exceed \$57,405,000, to re-
2 main available until expended; and for move, replication,
3 and related costs associated with a replacement lease for
4 the Commission's San Francisco Regional Office facilities,
5 not to exceed \$3,365,000, to remain available until ex-
6 pended.

7 For purposes of calculating the fee rate under section
8 31(j) of the Securities Exchange Act of 1934 (15 U.S.C.
9 78ee(j)) for fiscal year 2023, all amounts appropriated
10 under this heading shall be deemed to be the regular ap-
11 propriation to the Commission for fiscal year 2023: *Pro-*
12 *vided*, That fees and charges authorized by section 31 of
13 the Securities Exchange Act of 1934 (15 U.S.C. 78ee)
14 shall be credited to this account as offsetting collections:
15 *Provided further*, That not to exceed \$2,149,000,000 of
16 such offsetting collections shall be available until expended
17 for necessary expenses of this account; not to exceed
18 \$57,405,000 of such offsetting collections shall be avail-
19 able until expended for move, replication, and related costs
20 under this heading associated with a replacement lease for
21 the Commission's District of Columbia headquarters facili-
22 ties; and not to exceed \$3,365,000 of such offsetting col-
23 lections shall be available until expended for move, replica-
24 tion, and related costs under this heading associated with
25 a replacement lease for the Commission's San Francisco

1 Regional Office facilities: *Provided further*, That the total
2 amount appropriated under this heading from the general
3 fund for fiscal year 2023 shall be reduced as such offset-
4 ting fees are received so as to result in a final total fiscal
5 year 2023 appropriation from the general fund estimated
6 at not more than \$0: *Provided further*, That if any amount
7 of the appropriation for move, replication, and related
8 costs associated with a replacement lease for the Commis-
9 sion's District of Columbia headquarters facilities or if any
10 amount of the appropriation for move, replication, and re-
11 lated costs associated with a replacement lease for the
12 Commission's San Francisco Regional Office facilities is
13 subsequently de-obligated by the Commission, such
14 amount that was derived from the general fund shall be
15 returned to the general fund, and such amounts that were
16 derived from fees or assessments collected for such pur-
17 pose shall be paid to each national securities exchange and
18 national securities association, respectively, in proportion
19 to any fees or assessments paid by such national securities
20 exchange or national securities association under section
21 31 of the Securities Exchange Act of 1934 (15 U.S.C.
22 78ee) in fiscal year 2023.

1 shall be available for examinations, reviews, and other
2 lender oversight activities: *Provided*, That the Adminis-
3 trator is authorized to charge fees to cover the cost of pub-
4 lications developed by the Small Business Administration,
5 and certain loan program activities, including fees author-
6 ized by section 5(b) of the Small Business Act: *Provided*
7 *further*, That, notwithstanding 31 U.S.C. 3302, revenues
8 received from all such activities shall be credited to this
9 account, to remain available until expended, for carrying
10 out these purposes without further appropriations: *Pro-*
11 *vided further*, That the Small Business Administration
12 may accept gifts in an amount not to exceed \$4,000,000
13 and may co-sponsor activities, each in accordance with sec-
14 tion 132(a) of division K of Public Law 108–447, during
15 fiscal year 2023: *Provided further*, That \$6,100,000 shall
16 be available for the Loan Modernization and Accounting
17 System, to be available until September 30, 2024: *Pro-*
18 *vided further*, That \$20,000,000 shall be available for
19 costs associated with the certification of small business
20 concerns owned and controlled by veterans or service-dis-
21 abled veterans under sections 36A and 36 of the Small
22 Business Act (15 U.S.C. 657f–1; 657f), respectively, and
23 section 862 of Public Law 116–283, to be available until
24 September 30, 2024.

1 ENTREPRENEURIAL DEVELOPMENT PROGRAMS

2 For necessary expenses of programs supporting en-
3 trepreneurial and small business development,
4 \$320,000,000, to remain available until September 30,
5 2024: *Provided*, That \$140,000,000 shall be available to
6 fund grants for performance in fiscal year 2023 or fiscal
7 year 2024 as authorized by section 21 of the Small Busi-
8 ness Act: *Provided further*, That \$41,000,000 shall be for
9 marketing, management, and technical assistance under
10 section 7(m) of the Small Business Act (15 U.S.C.
11 636(m)(4)) by intermediaries that make microloans under
12 the microloan program: *Provided further*, That
13 \$20,000,000 shall be available for grants to States to
14 carry out export programs that assist small business con-
15 cerns authorized under section 22(l) of the Small Business
16 Act (15 U.S.C. 649(l)).

17 OFFICE OF INSPECTOR GENERAL

18 For necessary expenses of the Office of Inspector
19 General in carrying out the provisions of the Inspector
20 General Act of 1978, \$32,020,000.

21 OFFICE OF ADVOCACY

22 For necessary expenses of the Office of Advocacy in
23 carrying out the provisions of title II of Public Law 94-
24 305 (15 U.S.C. 634a et seq.) and the Regulatory Flexi-

1 bility Act of 1980 (5 U.S.C. 601 et seq.), \$10,211,000,
2 to remain available until expended.

3 BUSINESS LOANS PROGRAM ACCOUNT
4 (INCLUDING TRANSFER OF FUNDS)

5 For the cost of direct loans, \$6,000,000, to remain
6 available until expended: *Provided*, That such costs, in-
7 cluding the cost of modifying such loans, shall be as de-
8 fined in section 502 of the Congressional Budget Act of
9 1974: *Provided further*, That subject to section 502 of the
10 Congressional Budget Act of 1974, during fiscal year
11 2023 commitments to guarantee loans under section 503
12 of the Small Business Investment Act of 1958 and com-
13 mitments for loans authorized under subparagraph (C) of
14 section 502(7) of the Small Business Investment Act of
15 1958 (15 U.S.C. 696(7)) shall not exceed, in the aggre-
16 gate, \$15,000,000,000: *Provided further*, That during fis-
17 cal year 2023 commitments for general business loans au-
18 thorized under paragraphs (1) through (35) of section
19 7(a) of the Small Business Act shall not exceed
20 \$35,000,000,000 for a combination of amortizing term
21 loans and the aggregated maximum line of credit provided
22 by revolving loans: *Provided further*, That during fiscal
23 year 2023 commitments to guarantee loans for debentures
24 under section 303(b) of the Small Business Investment
25 Act of 1958 shall not exceed \$5,000,000,000: *Provided*

1 *further*, That during fiscal year 2023, guarantees of trust
2 certificates authorized by section 5(g) of the Small Busi-
3 ness Act shall not exceed a principal amount of
4 \$15,000,000,000. In addition, for administrative expenses
5 to carry out the direct and guaranteed loan programs,
6 \$165,300,000, which may be transferred to and merged
7 with the appropriations for Salaries and Expenses.

8 DISASTER LOANS PROGRAM ACCOUNT
9 (INCLUDING TRANSFERS OF FUNDS)

10 For administrative expenses to carry out the direct
11 loan program authorized by section 7(b) of the Small
12 Business Act, \$179,000,000, to be available until ex-
13 pended, of which \$1,600,000 is for the Office of Inspector
14 General of the Small Business Administration for audits
15 and reviews of disaster loans and the disaster loan pro-
16 grams and shall be transferred to and merged with the
17 appropriations for the Office of Inspector General; of
18 which \$169,000,000 is for direct administrative expenses
19 of loan making and servicing to carry out the direct loan
20 program, which may be transferred to and merged with
21 the appropriations for Salaries and Expenses; and of
22 which \$8,400,000 is for indirect administrative expenses
23 for the direct loan program, which may be transferred to
24 and merged with the appropriations for Salaries and Ex-
25 penses: *Provided*, That, of the funds provided under this

1 heading, \$143,000,000 shall be for major disasters de-
2 clared pursuant to the Robert T. Stafford Disaster Relief
3 and Emergency Assistance Act (42 U.S.C. 5122(2)): *Pro-*
4 *vided further*, That the amount for major disasters under
5 this heading is designated by the Congress as being for
6 disaster relief pursuant to a concurrent resolution on the
7 budget in the Senate and section 1(f) of H. Res. 1151
8 (117th Congress), as engrossed in the House of Rep-
9 resentatives on June 8, 2022.

10 ADMINISTRATIVE PROVISIONS—SMALL BUSINESS

11 ADMINISTRATION

12 (INCLUDING TRANSFERS OF FUNDS)

13 SEC. 540. Not to exceed 5 percent of any appropria-
14 tion made available for the current fiscal year for the
15 Small Business Administration in this Act may be trans-
16 ferred between such appropriations, but no such appro-
17 priation shall be increased by more than 10 percent by
18 any such transfers: *Provided*, That any transfer pursuant
19 to this paragraph shall be treated as a reprogramming of
20 funds under section 608 of this Act and shall not be avail-
21 able for obligation or expenditure except in compliance
22 with the procedures set forth in that section.

23 SEC. 541. Not to exceed 3 percent of any appropria-
24 tion made available in this Act for the Small Business Ad-
25 ministration under the headings “Salaries and Expenses”

1 and “Business Loans Program Account” may be trans-
2 ferred to the Administration’s information technology sys-
3 tem modernization and working capital fund (IT WCF),
4 as authorized by section 1077(b)(1) of title X of division
5 A of the National Defense Authorization Act for Fiscal
6 Year 2018, for the purposes specified in section
7 1077(b)(3) of such Act, upon the advance approval of the
8 Committees on Appropriations of the House of Represent-
9 atives and the Senate: *Provided*, That amounts transferred
10 to the IT WCF under this section shall remain available
11 for obligation through September 30, 2026.

12 SEC. 542. For an additional amount for “Small Busi-
13 ness Administration—Salaries and Expenses”,
14 \$179,710,000, which shall be for initiatives related to
15 small business development and entrepreneurship, includ-
16 ing programmatic, construction, and acquisition activities,
17 in the amounts and for the projects specified in the table
18 that appears under the heading “Administrative Provi-
19 sions—Small Business Administration” in the explanatory
20 statement described in section 4 (in the matter preceding
21 division A of this consolidated Act): *Provided*, That, not-
22 withstanding sections 2701.92 and 2701.93 of title 2,
23 Code of Federal Regulations, the Administrator of the
24 Small Business Administration may permit awards to sub-
25 recipients for initiatives funded under this section: *Pro-*

1 *vided further*, That none of the funds made available by
2 this section may be transferred for any other purpose.

3 UNITED STATES POSTAL SERVICE

4 PAYMENT TO THE POSTAL SERVICE FUND

5 For payment to the Postal Service Fund for revenue
6 forgone on free and reduced rate mail, pursuant to sub-
7 sections (c) and (d) of section 2401 of title 39, United
8 States Code, \$50,253,000: *Provided*, That mail for over-
9 seas voting and mail for the blind shall continue to be free:
10 *Provided further*, That none of the funds made available
11 to the Postal Service by this Act shall be used to imple-
12 ment any rule, regulation, or policy of charging any officer
13 or employee of any State or local child support enforce-
14 ment agency, or any individual participating in a State
15 or local program of child support enforcement, a fee for
16 information requested or provided concerning an address
17 of a postal customer: *Provided further*, That none of the
18 funds provided in this Act shall be used to consolidate or
19 close small rural and other small post offices: *Provided*
20 *further*, That the Postal Service may not destroy, and shall
21 continue to offer for sale, any copies of the Multinational
22 Species Conservation Funds Semipostal Stamp, as author-
23 ized under the Multinational Species Conservation Funds
24 Semipostal Stamp Act of 2010 (Public Law 111–241).

1 OFFICE OF INSPECTOR GENERAL

2 SALARIES AND EXPENSES

3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses of the Office of Inspector
5 General in carrying out the provisions of the Inspector
6 General Act of 1978, \$271,000,000, to be derived by
7 transfer from the Postal Service Fund and expended as
8 authorized by section 603(b)(3) of the Postal Account-
9 ability and Enhancement Act (Public Law 109–435).

10 UNITED STATES TAX COURT

11 SALARIES AND EXPENSES

12 For necessary expenses, including contract reporting
13 and other services as authorized by 5 U.S.C. 3109, and
14 not to exceed \$3,000 for official reception and representa-
15 tion expenses, \$57,300,000, of which \$1,000,000 shall re-
16 main available until expended: *Provided*, That the amount
17 made available under 26 U.S.C. 7475 shall be transferred
18 and added to any amounts available under 26 U.S.C.
19 7473, to remain available until expended, for the operation
20 and maintenance of the United States Tax Court: *Pro-*
21 *vided further*, That travel expenses of the judges shall be
22 paid upon the written certificate of the judge.

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
5 for the planning or execution of any program to pay the
6 expenses of, or otherwise compensate, non-Federal parties
7 intervening in regulatory or adjudicatory proceedings
8 funded in this Act.

9 SEC. 602. None of the funds appropriated in this Act
10 shall remain available for obligation beyond the current
11 fiscal year, nor may any be transferred to other appropria-
12 tions, except for transfers made pursuant to the authority
13 in section 3173(d) of title 40, United States Code, unless
14 expressly so provided herein.

15 SEC. 603. The expenditure of any appropriation
16 under this Act for any consulting service through procure-
17 ment contract pursuant to 5 U.S.C. 3109, shall be limited
18 to those contracts where such expenditures are a matter
19 of public record and available for public inspection, except
20 where otherwise provided under existing law, or under ex-
21 isting Executive order issued pursuant to existing law.

22 SEC. 604. 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

1 pursuant to a transfer made by, or transfer authority pro-
2 vided 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
11 Act may be expended by an entity unless the entity agrees
12 that in expending the assistance the entity will comply
13 with 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
16 person or entity that has been convicted of violating chap-
17 ter 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 pre-
20 vious appropriations Acts to the agencies or entities fund-
21 ed in this Act that remain available for obligation or ex-
22 penditure in fiscal year 2023, or provided from any ac-
23 counts in the Treasury derived by the collection of fees
24 and available to the agencies funded by this Act, shall be
25 available for obligation or expenditure through a re-

1 programming of funds that: (1) creates a new program;
2 (2) eliminates a program, project, or activity; (3) increases
3 funds or personnel for any program, project, or activity
4 for which funds have been denied or restricted by the Con-
5 gress; (4) proposes to use funds directed for a specific ac-
6 tivity by the Committee on Appropriations of either the
7 House of Representatives or the Senate for a different
8 purpose; (5) augments existing programs, projects, or ac-
9 tivities in excess of \$5,000,000 or 10 percent, whichever
10 is less; (6) reduces existing programs, projects, or activi-
11 ties by \$5,000,000 or 10 percent, whichever is less; or (7)
12 creates or reorganizes offices, programs, or activities un-
13 less prior approval is received from the Committees on Ap-
14 propriations of the House of Representatives and the Sen-
15 ate: *Provided*, That prior to any significant reorganization,
16 restructuring, relocation, or closing of offices, programs,
17 or activities, each agency or entity funded in this Act shall
18 consult with the Committees on Appropriations of the
19 House of Representatives and the Senate: *Provided fur-*
20 *ther*, That not later than 60 days after the date of enact-
21 ment of this Act, each agency funded by this Act shall
22 submit a report to the Committees on Appropriations of
23 the House of Representatives and the Senate to establish
24 the baseline for application of reprogramming and trans-
25 fer authorities for the current fiscal year: *Provided further*,

1 That at a minimum the report shall include: (1) a table
2 for each appropriation, detailing both full-time employee
3 equivalents and budget authority, with separate columns
4 to display the prior year enacted level, the President's
5 budget request, adjustments made by Congress, adjust-
6 ments due to enacted rescissions, if appropriate, and the
7 fiscal year enacted level; (2) a delineation in the table for
8 each appropriation and its respective prior year enacted
9 level by object class and program, project, and activity as
10 detailed in this Act, in the accompanying report, or in the
11 budget appendix for the respective appropriation, which-
12 ever is more detailed, and which shall apply to all items
13 for which a dollar amount is specified and to all programs
14 for which new budget authority is provided, as well as to
15 discretionary grants and discretionary grant allocations;
16 and (3) an identification of items of special congressional
17 interest: *Provided further*, That the amount appropriated
18 or limited for salaries and expenses for an agency shall
19 be reduced by \$100,000 per day for each day after the
20 required date that the report has not been submitted to
21 the Congress.

22 SEC. 609. Except as otherwise specifically provided
23 by law, not to exceed 50 percent of unobligated balances
24 remaining available at the end of fiscal year 2023 from
25 appropriations made available for salaries and expenses

1 for fiscal year 2023 in this Act, shall remain available
2 through September 30, 2024, for each such account for
3 the purposes authorized: *Provided*, That a request shall
4 be submitted to the Committees on Appropriations of the
5 House of Representatives and the Senate for approval
6 prior to the expenditure of such funds: *Provided further*,
7 That these requests shall be made in compliance with re-
8 programming guidelines.

9 SEC. 610. (a) None of the funds made available in
10 this Act may be used by the Executive Office of the Presi-
11 dent to request—

12 (1) any official background investigation report
13 on any individual from the Federal Bureau of Inves-
14 tigation; or

15 (2) a determination with respect to the treat-
16 ment of an organization as described in section
17 501(c) of the Internal Revenue Code of 1986 and
18 exempt from taxation under section 501(a) of such
19 Code from the Department of the Treasury or the
20 Internal Revenue Service.

21 (b) Subsection (a) shall not apply—

22 (1) in the case of an official background inves-
23 tigation report, if such individual has given express
24 written consent for such request not more than 6

1 months prior to the date of such request and during
2 the same presidential administration; or

3 (2) if such request is required due to extraor-
4 dinary circumstances involving national security.

5 SEC. 611. The cost accounting standards promul-
6 gated under chapter 15 of title 41, United States Code
7 shall not apply with respect to a contract under the Fed-
8 eral Employees Health Benefits Program established
9 under chapter 89 of title 5, United States Code.

10 SEC. 612. For the purpose of resolving litigation and
11 implementing any settlement agreements regarding the
12 nonforeign area cost-of-living allowance program, the Of-
13 fice of Personnel Management may accept and utilize
14 (without regard to any restriction on unanticipated travel
15 expenses imposed in an appropriations Act) funds made
16 available to the Office of Personnel Management pursuant
17 to court approval.

18 SEC. 613. No funds appropriated by this Act shall
19 be available to pay for an abortion, or the administrative
20 expenses in connection with any health plan under the
21 Federal employees health benefits program which provides
22 any benefits or coverage for abortions.

23 SEC. 614. The provision of section 613 shall not
24 apply where the life of the mother would be endangered

1 if the fetus were carried to term, or the pregnancy is the
2 result of an act of rape or incest.

3 SEC. 615. In order to promote Government access to
4 commercial information technology, the restriction on pur-
5 chasing nondomestic articles, materials, and supplies set
6 forth in chapter 83 of title 41, United States Code (popu-
7 larly known as the Buy American Act), shall not apply
8 to the acquisition by the Federal Government of informa-
9 tion technology (as defined in section 11101 of title 40,
10 United States Code), that is a commercial item (as defined
11 in section 103 of title 41, United States Code).

12 SEC. 616. Notwithstanding section 1353 of title 31,
13 United States Code, no officer or employee of any regu-
14 latory agency or commission funded by this Act may ac-
15 cept on behalf of that agency, nor may such agency or
16 commission accept, payment or reimbursement from a
17 non-Federal entity for travel, subsistence, or related ex-
18 penses for the purpose of enabling an officer or employee
19 to attend and participate in any meeting or similar func-
20 tion relating to the official duties of the officer or em-
21 ployee when the entity offering payment or reimbursement
22 is a person or entity subject to regulation by such agency
23 or commission, or represents a person or entity subject
24 to regulation by such agency or commission, unless the
25 person or entity is an organization described in section

1 501(c)(3) of the Internal Revenue Code of 1986 and ex-
2 empt from tax under section 501(a) of such Code.

3 SEC. 617. (a)(1) Notwithstanding any other provision
4 of law, an Executive agency covered by this Act otherwise
5 authorized to enter into contracts for either leases or the
6 construction or alteration of real property for office, meet-
7 ing, storage, or other space must consult with the General
8 Services Administration before issuing a solicitation for of-
9 fers of new leases or construction contracts, and in the
10 case of succeeding leases, before entering into negotiations
11 with the current lessor.

12 (2) Any such agency with authority to enter into an
13 emergency lease may do so during any period declared by
14 the President to require emergency leasing authority with
15 respect to such agency.

16 (b) For purposes of this section, the term “Executive
17 agency covered by this Act” means any Executive agency
18 provided funds by this Act, but does not include the Gen-
19 eral Services Administration or the United States Postal
20 Service.

21 SEC. 618. (a) There are appropriated for the fol-
22 lowing activities the amounts required under current law:

23 (1) Compensation of the President (3 U.S.C.
24 102).

25 (2) Payments to—

1 (A) the Judicial Officers' Retirement Fund
2 (28 U.S.C. 377(o));

3 (B) the Judicial Survivors' Annuities Fund
4 (28 U.S.C. 376(c)); and

5 (C) the United States Court of Federal
6 Claims Judges' Retirement Fund (28 U.S.C.
7 178(l)).

8 (3) Payment of Government contributions—

9 (A) with respect to the health benefits of
10 retired employees, as authorized by chapter 89
11 of title 5, United States Code, and the Retired
12 Federal Employees Health Benefits Act (74
13 Stat. 849); and

14 (B) with respect to the life insurance bene-
15 fits for employees retiring after December 31,
16 1989 (5 U.S.C. ch. 87).

17 (4) Payment to finance the unfunded liability of
18 new and increased annuity benefits under the Civil
19 Service Retirement and Disability Fund (5 U.S.C.
20 8348).

21 (5) Payment of annuities authorized to be paid
22 from the Civil Service Retirement and Disability
23 Fund by statutory provisions other than subchapter
24 III of chapter 83 or chapter 84 of title 5, United
25 States Code.

1 (b) Nothing in this section may be construed to ex-
2 empt any amount appropriated by this section from any
3 otherwise applicable limitation on the use of funds con-
4 tained in this Act.

5 SEC. 619. None of the funds made available in this
6 Act may be used by the Federal Trade Commission to
7 complete the draft report entitled “*Interagency Working*
8 *Group on Food Marketed to Children: Preliminary Pro-*
9 *posed Nutrition Principles to Guide Industry Self-Regu-*
10 *latory Efforts*” unless the Interagency Working Group on
11 Food Marketed to Children complies with Executive Order
12 No. 13563.

13 SEC. 620. (a) The head of each executive branch
14 agency funded by this Act shall ensure that the Chief In-
15 formation Officer of the agency has the authority to par-
16 ticipate in decisions regarding the budget planning process
17 related to information technology.

18 (b) Amounts appropriated for any executive branch
19 agency funded by this Act that are available for informa-
20 tion technology shall be allocated within the agency, con-
21 sistent with the provisions of appropriations Acts and
22 budget guidelines and recommendations from the Director
23 of the Office of Management and Budget, in such manner
24 as specified by, or approved by, the Chief Information Of-

1 ficer of the agency in consultation with the Chief Financial
2 Officer of the agency and budget officials.

3 SEC. 621. None of the funds made available in this
4 Act may be used in contravention of chapter 29, 31, or
5 33 of title 44, United States Code.

6 SEC. 622. None of the funds made available in this
7 Act may be used by a governmental entity to require the
8 disclosure by a provider of electronic communication serv-
9 ice to the public or remote computing service of the con-
10 tents of a wire or electronic communication that is in elec-
11 tronic storage with the provider (as such terms are defined
12 in sections 2510 and 2711 of title 18, United States Code)
13 in a manner that violates the Fourth Amendment to the
14 Constitution of the United States.

15 SEC. 623. No funds provided in this Act shall be used
16 to deny an Inspector General funded under this Act timely
17 access to any records, documents, or other materials avail-
18 able to the department or agency over which that Inspec-
19 tor General has responsibilities under the Inspector Gen-
20 eral Act of 1978, or to prevent or impede that Inspector
21 General's access to such records, documents, or other ma-
22 terials, under any provision of law, except a provision of
23 law that expressly refers to the Inspector General and ex-
24 pressly limits the Inspector General's right of access. A
25 department or agency covered by this section shall provide

1 its Inspector General with access to all such records, docu-
2 ments, and other materials in a timely manner. Each In-
3 spector General shall ensure compliance with statutory
4 limitations on disclosure relevant to the information pro-
5 vided by the establishment over which that Inspector Gen-
6 eral has responsibilities under the Inspector General Act
7 of 1978. Each Inspector General covered by this section
8 shall report to the Committees on Appropriations of the
9 House of Representatives and the Senate within 5 cal-
10 endar days any failures to comply with this requirement.

11 SEC. 624. None of the funds appropriated by this Act
12 may be used by the Federal Communications Commission
13 to modify, amend, or change the rules or regulations of
14 the Commission for universal service high-cost support for
15 competitive eligible telecommunications carriers in a way
16 that is inconsistent with paragraph (e)(5) or (e)(6) of sec-
17 tion 54.307 of title 47, Code of Federal Regulations, as
18 in effect on July 15, 2015: *Provided*, That this section
19 shall not prohibit the Commission from considering, devel-
20 oping, or adopting other support mechanisms as an alter-
21 native to Mobility Fund Phase II: *Provided further*, That
22 any such alternative mechanism shall maintain existing
23 high-cost support to competitive eligible telecommuni-
24 cations carriers until support under such mechanism com-
25 mences.

1 SEC. 625. (a) None of the funds made available in
2 this Act may be used to maintain or establish a computer
3 network unless such network blocks the viewing,
4 downloading, 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
7 law enforcement agency or any other entity carrying out
8 criminal investigations, prosecution, adjudication activi-
9 ties, or other law enforcement- or victim assistance-related
10 activity.

11 SEC. 626. None of the funds appropriated or other-
12 wise made available by this Act may be used to pay award
13 or incentive fees for contractors whose performance has
14 been judged to be below satisfactory, behind schedule, over
15 budget, or has failed to meet the basic requirements of
16 a contract, unless the Agency determines that any such
17 deviations are due to unforeseeable events, government-
18 driven scope changes, or are not significant within the
19 overall scope of the project and/or program and unless
20 such awards or incentive fees are consistent with section
21 16.401(e)(2) of the Federal Acquisition Regulation.

22 SEC. 627. (a) None of the funds made available under
23 this Act may be used to pay for travel and conference ac-
24 tivities that result in a total cost to an Executive branch
25 department, agency, board or commission funded by this

1 Act of more than \$500,000 at any single conference unless
2 the agency or entity determines that such attendance is
3 in the national interest and advance notice is transmitted
4 to the Committees on Appropriations of the House of Rep-
5 resentatives and the Senate that includes the basis of that
6 determination.

7 (b) None of the funds made available under this Act
8 may be used to pay for the travel to or attendance of more
9 than 50 employees, who are stationed in the United
10 States, at any single conference occurring outside the
11 United States unless the agency or entity determines that
12 such attendance is in the national interest and advance
13 notice is transmitted to the Committees on Appropriations
14 of the House of Representatives and the Senate that in-
15 cludes the basis of that determination.

16 SEC. 628. None of the funds made available by this
17 Act may be used for first-class or business-class travel by
18 the employees of executive branch agencies funded by this
19 Act in contravention of sections 301–10.122 through 301–
20 10.125 of title 41, Code of Federal Regulations.

21 SEC. 629. In addition to any amounts appropriated
22 or otherwise made available for expenses related to en-
23 hancements to www.oversight.gov, \$850,000, to remain
24 available until expended, shall be provided for an addi-
25 tional amount for such purpose to the Inspectors General

1 Council Fund established pursuant to section 11(c)(3)(B)
2 of the Inspector General Act of 1978 (5 U.S.C. App.):
3 *Provided*, That these amounts shall be in addition to any
4 amounts or any authority available to the Council of the
5 Inspectors General on Integrity and Efficiency under sec-
6 tion 11 of the Inspector General Act of 1978 (5 U.S.C.
7 App.).

8 SEC. 630. None of the funds made available by this
9 Act may be obligated on contracts in excess of \$5,000 for
10 public relations, as that term is defined in Office and Man-
11 agement and Budget Circular A-87 (revised May 10,
12 2004), unless advance notice of such an obligation is
13 transmitted to the Committees on Appropriations of the
14 House of Representatives and the Senate.

15 SEC. 631. Federal agencies funded under this Act
16 shall clearly state within the text, audio, or video used for
17 advertising or educational purposes, including emails or
18 Internet postings, that the communication is printed, pub-
19 lished, or produced and disseminated at U.S. taxpayer ex-
20 pense. The funds used by a Federal agency to carry out
21 this requirement shall be derived from amounts made
22 available to the agency for advertising or other commu-
23 nications regarding the programs and activities of the
24 agency.

1 SEC. 632. When issuing statements, press releases,
2 requests for proposals, bid solicitations and other docu-
3 ments describing projects or programs funded in whole or
4 in part with Federal money, all grantees receiving Federal
5 funds included in this Act, shall clearly state—

6 (1) the percentage of the total costs of the pro-
7 gram or project which will be financed with Federal
8 money;

9 (2) the dollar amount of Federal funds for the
10 project or program; and

11 (3) percentage and dollar amount of the total
12 costs of the project or program that will be financed
13 by non-governmental sources.

14 SEC. 633. None of the funds made available by this
15 Act shall be used by the Securities and Exchange Commis-
16 sion to finalize, issue, or implement any rule, regulation,
17 or order regarding the disclosure of political contributions,
18 contributions to tax exempt organizations, or dues paid
19 to trade associations.

20 SEC. 634. Not later than 45 days after the last day
21 of each quarter, each agency funded in this Act shall sub-
22 mit to the Committees on Appropriations of the House
23 of Representatives and the Senate a quarterly budget re-
24 port that includes total obligations of the Agency for that

1 quarter for each appropriation, by the source year of the
2 appropriation.

3 SEC. 635. (a) Section 41002(c)(1) of Public Law
4 114–94 (42 U.S.C. 4370m–1(c)(1)) is amended by adding
5 at the end the following new subparagraph:

6 “(E) PERSONNEL.—The Executive Direc-
7 tor of the Council may appoint and fix the com-
8 pensation of such employees as the Executive
9 Director considers necessary to carry out the
10 roles and responsibilities of the Executive Di-
11 rector.”.

12 (b) Section 41009(d)(2) of Public Law 114–94 (42
13 U.S.C. 4370m–8(d)(2)) is amended by striking “staffing
14 of the Office of the Executive Director” and inserting “ap-
15 pointing and fixing the compensation of such employees
16 as the Executive Director considers necessary to carry out
17 the roles and responsibilities of the Executive Director”.

18 SEC. 636. (a) DESIGNATION.—The Federal building
19 located at 90 7th Street in San Francisco, California, shall
20 be known and designated as the “Speaker Nancy Pelosi
21 Federal Building”.

22 (b) REFERENCES.—Any reference in a law, map, reg-
23 ulation, document, paper, or other record of the United
24 States to the Federal building referred to in subsection

1 (a) shall be deemed to be a reference to the “Speaker
2 Nancy Pelosi Federal Building”.

3 SEC. 637. Of the unobligated balances available in
4 the Department of the Treasury, Treasury Forfeiture
5 Fund, established by section 9703 of title 31, United
6 States Code, \$150,000,000 shall be permanently rescinded
7 not later than 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
8 or expend any such funds, unless such department, agen-
9 cy, or instrumentality has in place, and will continue to
10 administer in good faith, a written policy designed to en-
11 sure that all of its workplaces are free from the illegal
12 use, possession, or distribution of controlled substances
13 (as defined in the Controlled Substances Act (21 U.S.C.
14 802)) by the officers and employees of such department,
15 agency, or instrumentality.

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
19 States Code, for the purchase of any passenger motor ve-
20 hicle (exclusive of buses, ambulances, law enforcement ve-
21 hicles, protective vehicles, and undercover surveillance ve-
22 hicles), is hereby fixed at \$26,733 except station wagons
23 for which the maximum shall be \$27,873: *Provided*, That
24 these limits may be exceeded by not to exceed \$7,775 for
25 police-type vehicles: *Provided further*, That the limits set

1 forth in this section may not be exceeded by more than
2 5 percent for electric or hybrid vehicles purchased for
3 demonstration under the provisions of the Electric and
4 Hybrid Vehicle Research, Development, and Demonstra-
5 tion Act of 1976: *Provided further*, That the limits set
6 forth in this section may be exceeded by the incremental
7 cost of clean alternative fuels vehicles acquired pursuant
8 to Public Law 101–549 over the cost of comparable con-
9 ventionally fueled vehicles: *Provided further*, That the lim-
10 its set forth in this section shall not apply to any vehicle
11 that is a commercial item and which operates on alter-
12 native fuel, including but not limited to electric, plug-in
13 hybrid electric, and hydrogen fuel cell vehicles.

14 SEC. 703. Appropriations of the executive depart-
15 ments and independent establishments for the current fis-
16 cal year available for expenses of travel, or for the ex-
17 penses of the activity concerned, are hereby made available
18 for quarters allowances and cost-of-living allowances, in
19 accordance with 5 U.S.C. 5922–5924.

20 SEC. 704. Unless otherwise specified in law during
21 the current fiscal year, no part of any appropriation con-
22 tained in this or any other Act shall be used to pay the
23 compensation of any officer or employee of the Govern-
24 ment of the United States (including any agency the ma-
25 jority of the stock of which is owned by the Government

1 of the United States) whose post of duty is in the conti-
2 nental United States unless such person: (1) is a citizen
3 of the United States; (2) is a person who is lawfully admit-
4 ted for permanent residence and is seeking citizenship as
5 outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who
6 is admitted as a refugee under 8 U.S.C. 1157 or is grant-
7 ed asylum under 8 U.S.C. 1158 and has filed a declaration
8 of intention to become a lawful permanent resident and
9 then a citizen when eligible; or (4) is a person who owes
10 allegiance to the United States: *Provided*, That for pur-
11 poses of this section, affidavits signed by any such person
12 shall be considered prima facie evidence that the require-
13 ments of this section with respect to his or her status are
14 being complied with: *Provided further*, That for purposes
15 of paragraphs (2) and (3) such affidavits shall be sub-
16 mitted prior to employment and updated thereafter as nec-
17 essary: *Provided further*, That any person making a false
18 affidavit shall be guilty of a felony, and upon conviction,
19 shall be fined no more than \$4,000 or imprisoned for not
20 more than 1 year, or both: *Provided further*, That the
21 above penal clause shall be in addition to, and not in sub-
22 stitution for, any other provisions of existing law: *Provided*
23 *further*, That any payment made to any officer or em-
24 ployee contrary to the provisions of this section shall be
25 recoverable in action by the Federal Government: *Provided*

1 *further*, That this section shall not apply to any person
2 who is an officer or employee of the Government of the
3 United States on the date of enactment of this Act, or
4 to international broadcasters employed by the Broad-
5 casting Board of Governors, or to temporary employment
6 of translators, or to temporary employment in the field
7 service (not to exceed 60 days) as a result of emergencies:
8 *Provided further*, That this section does not apply to the
9 employment as Wildland firefighters for not more than
10 120 days of nonresident aliens employed by the Depart-
11 ment of the Interior or the USDA Forest Service pursuant
12 to an agreement with another country.

13 SEC. 705. Appropriations available to any depart-
14 ment or agency during the current fiscal year for nec-
15 essary expenses, including maintenance or operating ex-
16 penses, shall also be available for payment to the General
17 Services Administration for charges for space and services
18 and those expenses of renovation and alteration of build-
19 ings and facilities which constitute public improvements
20 performed in accordance with the Public Buildings Act of
21 1959 (73 Stat. 479), the Public Buildings Amendments
22 of 1972 (86 Stat. 216), or other applicable law.

23 SEC. 706. In addition to funds provided in this or
24 any other Act, all Federal agencies are authorized to re-
25 ceive and use funds resulting from the sale of materials,

1 including Federal records disposed of pursuant to a
2 records schedule recovered through recycling or waste pre-
3 vention programs. Such funds shall be available until ex-
4 pended for the following purposes:

5 (1) Acquisition, waste reduction and prevention,
6 and recycling programs as described in Executive
7 Order No. 14057 (December 8, 2021), including any
8 such programs adopted prior to the effective date of
9 the Executive order.

10 (2) Other Federal agency environmental man-
11 agement programs, including, but not limited to, the
12 development and implementation of hazardous waste
13 management and pollution prevention programs.

14 (3) Other employee programs as authorized by
15 law or as deemed appropriate by the head of the
16 Federal agency.

17 SEC. 707. Funds made available by this or any other
18 Act for administrative expenses in the current fiscal year
19 of the corporations and agencies subject to chapter 91 of
20 title 31, United States Code, shall be available, in addition
21 to objects for which such funds are otherwise available,
22 for rent in the District of Columbia; services in accordance
23 with 5 U.S.C. 3109; and the objects specified under this
24 head, all the provisions of which shall be applicable to the
25 expenditure of such funds unless otherwise specified in the

1 Act by which they are made available: *Provided*, That in
2 the event any functions budgeted as administrative ex-
3 penses are subsequently transferred to or paid from other
4 funds, the limitations on administrative expenses shall be
5 correspondingly reduced.

6 SEC. 708. No part of any appropriation contained in
7 this or any other Act shall be available for interagency
8 financing of boards (except Federal Executive Boards),
9 commissions, councils, committees, or similar groups
10 (whether or not they are interagency entities) which do
11 not have a prior and specific statutory approval to receive
12 financial support from more than one agency or instru-
13 mentality.

14 SEC. 709. None of the funds made available pursuant
15 to the provisions of this or any other Act shall be used
16 to implement, administer, or enforce any regulation which
17 has been disapproved pursuant to a joint resolution duly
18 adopted in accordance with the applicable law of the
19 United States.

20 SEC. 710. During the period in which the head of
21 any department or agency, or any other officer or civilian
22 employee of the Federal Government appointed by the
23 President of the United States, holds office, no funds may
24 be obligated or expended in excess of \$5,000 to furnish
25 or redecorate the office of such department head, agency

1 head, officer, or employee, or to purchase furniture or
2 make improvements for any such office, unless advance
3 notice of such furnishing or redecoration is transmitted
4 to the Committees on Appropriations of the House of Rep-
5 resentatives and the Senate. For the purposes of this sec-
6 tion, the term “office” shall include the entire suite of of-
7 fices assigned to the individual, as well as any other space
8 used primarily by the individual or the use of which is
9 directly controlled by the individual.

10 SEC. 711. Notwithstanding 31 U.S.C. 1346, or sec-
11 tion 708 of this Act, funds made available for the current
12 fiscal year by this or any other Act shall be available for
13 the interagency funding of national security and emer-
14 gency preparedness telecommunications initiatives which
15 benefit multiple Federal departments, agencies, or enti-
16 ties, as provided by Executive Order No. 13618 (July 6,
17 2012).

18 SEC. 712. (a) None of the funds made available by
19 this or any other Act may be obligated or expended by
20 any department, agency, or other instrumentality of the
21 Federal Government to pay the salaries or expenses of any
22 individual appointed to a position of a confidential or pol-
23 icy-determining character that is excepted from the com-
24 petitive service under section 3302 of title 5, United
25 States Code, (pursuant to schedule C of subpart C of part

1 213 of title 5 of the Code of Federal Regulations) unless
2 the head of the applicable department, agency, or other
3 instrumentality employing such schedule C individual cer-
4 tifies to the Director of the Office of Personnel Manage-
5 ment that the schedule C position occupied by the indi-
6 vidual was not created solely or primarily in order to detail
7 the individual to the White House.

8 (b) The provisions of this section shall not apply to
9 Federal employees or members of the armed forces de-
10 tailed to or from an element of the intelligence community
11 (as that term is defined under section 3(4) of the National
12 Security Act of 1947 (50 U.S.C. 3003(4))).

13 SEC. 713. No part of any appropriation contained in
14 this or any other Act shall be available for the payment
15 of the salary of any officer or employee of the Federal
16 Government, who—

17 (1) prohibits or prevents, or attempts or threat-
18 ens to prohibit or prevent, any other officer or em-
19 ployee of the Federal Government from having any
20 direct oral or written communication or contact with
21 any Member, committee, or subcommittee of the
22 Congress in connection with any matter pertaining
23 to the employment of such other officer or employee
24 or pertaining to the department or agency of such
25 other officer or employee in any way, irrespective of

1 whether such communication or contact is at the ini-
2 tiative of such other officer or employee or in re-
3 sponse to the request or inquiry of such Member,
4 committee, or subcommittee; or

5 (2) removes, suspends from duty without pay,
6 demotes, reduces in rank, seniority, status, pay, or
7 performance or efficiency rating, denies promotion
8 to, relocates, reassigns, transfers, disciplines, or dis-
9 criminate in regard to any employment right, enti-
10 tlement, or benefit, or any term or condition of em-
11 ployment of, any other officer or employee of the
12 Federal Government, or attempts or threatens to
13 commit any of the foregoing actions with respect to
14 such other officer or employee, by reason of any
15 communication or contact of such other officer or
16 employee with any Member, committee, or sub-
17 committee of the Congress as described in paragraph
18 (1).

19 SEC. 714. (a) None of the funds made available in
20 this or any other Act may be obligated or expended for
21 any employee training that—

22 (1) does not meet identified needs for knowl-
23 edge, skills, and abilities bearing directly upon the
24 performance of official duties;

1 (2) contains elements likely to induce high lev-
2 els of emotional response or psychological stress in
3 some participants;

4 (3) does not require prior employee notification
5 of the content and methods to be used in the train-
6 ing 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 Em-
10 ployment Opportunity Commission Notice N-
11 915.022, dated September 2, 1988; or

12 (5) is offensive to, or designed to change, par-
13 ticipants’ personal values or lifestyle outside the
14 workplace.

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. 715. No part of any funds appropriated in this
19 or any other Act shall be used by an agency of the execu-
20 tive branch, other than for normal and recognized execu-
21 tive-legislative relationships, for publicity or propaganda
22 purposes, and for the preparation, distribution or use of
23 any kit, pamphlet, booklet, publication, radio, television,
24 or film presentation designed to support or defeat legisla-

1 tion pending before the Congress, except in presentation
2 to the Congress itself.

3 SEC. 716. None of the funds appropriated by this or
4 any other Act may be used by an agency to provide a Fed-
5 eral employee's home address to any labor organization
6 except when the employee has authorized such disclosure
7 or when such disclosure has been ordered by a court of
8 competent jurisdiction.

9 SEC. 717. None of the funds made available in this
10 or any other Act may be used to provide any non-public
11 information such as mailing, telephone, or electronic mail-
12 ing lists to any person or any organization outside of the
13 Federal Government without the approval of the Commit-
14 tees on Appropriations of the House of Representatives
15 and the Senate.

16 SEC. 718. No part of any appropriation contained in
17 this or any other Act shall be used directly or indirectly,
18 including by private contractor, for publicity or propa-
19 ganda purposes within the United States not heretofore
20 authorized by Congress.

21 SEC. 719. (a) In this section, the term "agency"—
22 (1) means an Executive agency, as defined
23 under 5 U.S.C. 105; and

1 (2) includes a military department, as defined
2 under section 102 of such title and the United
3 States Postal Service.

4 (b) Unless authorized in accordance with law or regu-
5 lations to use such time for other purposes, an employee
6 of an agency shall use official time in an honest effort
7 to perform official duties. An employee not under a leave
8 system, including a Presidential appointee exempted under
9 5 U.S.C. 6301(2), has an obligation to expend an honest
10 effort and a reasonable proportion of such employee's time
11 in the performance of official duties.

12 SEC. 720. Notwithstanding 31 U.S.C. 1346 and sec-
13 tion 708 of this Act, funds made available for the current
14 fiscal year by this or any other Act to any department
15 or agency, which is a member of the Federal Accounting
16 Standards Advisory Board (FASAB), shall be available to
17 finance an appropriate share of FASAB administrative
18 costs.

19 SEC. 721. Notwithstanding 31 U.S.C. 1346 and sec-
20 tion 708 of this Act, the head of each Executive depart-
21 ment and agency is hereby authorized to transfer to or
22 reimburse "General Services Administration, Government-
23 wide Policy" with the approval of the Director of the Of-
24 fice of Management and Budget, funds made available for
25 the current fiscal year by this or any other Act, including

1 rebates from charge card and other contracts: *Provided,*
2 That these funds shall be administered by the Adminis-
3 trator of General Services to support Government-wide
4 and other multi-agency financial, information technology,
5 procurement, and other management innovations, initia-
6 tives, and activities, including improving coordination and
7 reducing duplication, as approved by the Director of the
8 Office of Management and Budget, in consultation with
9 the appropriate interagency and multi-agency groups des-
10 ignated by the Director (including the President’s Man-
11 agement Council for overall management improvement ini-
12 tiatives, the Chief Financial Officers Council for financial
13 management initiatives, the Chief Information Officers
14 Council for information technology initiatives, the Chief
15 Human Capital Officers Council for human capital initia-
16 tives, the Chief Acquisition Officers Council for procure-
17 ment initiatives, and the Performance Improvement Coun-
18 cil for performance improvement initiatives): *Provided fur-*
19 *ther,* That the total funds transferred or reimbursed shall
20 not exceed \$15,000,000 to improve coordination, reduce
21 duplication, and for other activities related to Federal
22 Government Priority Goals established by 31 U.S.C. 1120,
23 and not to exceed \$17,000,000 for Government-wide inno-
24 vations, initiatives, and activities: *Provided further,* That
25 the funds transferred to or for reimbursement of “General

1 Services Administration, Government-Wide Policy” during
2 fiscal year 2023 shall remain available for obligation
3 through September 30, 2024: *Provided further*, That not
4 later than 90 days after enactment of this Act, the Direc-
5 tor of the Office of Management and Budget, in consulta-
6 tion with the Administrator of General Services, shall sub-
7 mit to the Committees on Appropriations of the House
8 of Representatives and the Senate, the Committee on
9 Homeland Security and Governmental Affairs of the Sen-
10 ate, and the Committee on Oversight and Reform of the
11 House of Representatives a detailed spend plan for the
12 funds to be transferred or reimbursed: *Provided further*,
13 That the spend plan shall, at a minimum, include: (i) the
14 amounts currently in the funds authorized under this sec-
15 tion and the estimate of amounts to be transferred or re-
16 imbursement in fiscal year 2023; (ii) a detailed breakdown
17 of the purposes for all funds estimated to be transferred
18 or reimbursed pursuant to this section (including total
19 number of personnel and costs for all staff whose salaries
20 are provided for by this section); (iii) where applicable,
21 a description of the funds intended for use by or for the
22 benefit of each executive council; and (iv) where applica-
23 ble, a description of the funds intended for use by or for
24 the implementation of specific laws passed by Congress:
25 *Provided further*, That no transfers or reimbursements

1 may be made pursuant to this section until 15 days fol-
2 lowing notification of the Committees on Appropriations
3 of the House of Representatives and the Senate by the
4 Director of the Office of Management and Budget.

5 SEC. 722. Notwithstanding any other provision of
6 law, a woman may breastfeed her child at any location
7 in a Federal building or on Federal property, if the woman
8 and her child are otherwise authorized to be present at
9 the location.

10 SEC. 723. Notwithstanding 31 U.S.C. 1346, or sec-
11 tion 708 of this Act, funds made available for the current
12 fiscal year by this or any other Act shall be available for
13 the interagency funding of specific projects, workshops,
14 studies, and similar efforts to carry out the purposes of
15 the National Science and Technology Council (authorized
16 by Executive Order No. 12881), which benefit multiple
17 Federal departments, agencies, or entities: *Provided*, That
18 the Office of Management and Budget shall provide a re-
19 port describing the budget of and resources connected with
20 the National Science and Technology Council to the Com-
21 mittees on Appropriations, the House Committee on
22 Science, Space, and Technology, and the Senate Com-
23 mittee on Commerce, Science, and Transportation 90 days
24 after enactment of this Act.

1 SEC. 724. Any request for proposals, solicitation,
2 grant application, form, notification, press release, or
3 other publications involving the distribution of Federal
4 funds shall comply with any relevant requirements in part
5 200 of title 2, Code of Federal Regulations: *Provided*,
6 That this section shall apply to direct payments, formula
7 funds, and grants received by a State receiving Federal
8 funds.

9 SEC. 725. (a) PROHIBITION OF FEDERAL AGENCY
10 MONITORING OF INDIVIDUALS' INTERNET USE.—None of
11 the funds made available in this or any other Act may
12 be used by any Federal agency—

13 (1) to collect, review, or create any aggregation
14 of data, derived from any means, that includes any
15 personally identifiable information relating to an in-
16 dividual's access to or use of any Federal Govern-
17 ment Internet site of the agency; or

18 (2) to enter into any agreement with a third
19 party (including another government agency) to col-
20 lect, review, or obtain any aggregation of data, de-
21 rived from any means, that includes any personally
22 identifiable information relating to an individual's
23 access to or use of any nongovernmental Internet
24 site.

1 (b) EXCEPTIONS.—The limitations established in
2 subsection (a) shall not apply to—

3 (1) any record of aggregate data that does not
4 identify particular persons;

5 (2) any voluntary submission of personally iden-
6 tifiable information;

7 (3) any action taken for law enforcement, regu-
8 latory, or supervisory purposes, in accordance with
9 applicable law; or

10 (4) any action described in subsection (a)(1)
11 that is a system security action taken by the oper-
12 ator of an Internet site and is necessarily incident
13 to providing the Internet site services or to pro-
14 tecting the rights or property of the provider of the
15 Internet site.

16 (c) DEFINITIONS.—For the purposes of this section:

17 (1) The term “regulatory” means agency ac-
18 tions to implement, interpret or enforce authorities
19 provided in law.

20 (2) The term “supervisory” means examina-
21 tions of the agency’s supervised institutions, includ-
22 ing assessing safety and soundness, overall financial
23 condition, management practices and policies and
24 compliance with applicable standards as provided in
25 law.

1 SEC. 726. (a) None of the funds appropriated by this
2 Act may be used to enter into or renew a contract which
3 includes a provision providing prescription drug coverage,
4 except where the contract also includes a provision for con-
5 traceptive coverage.

6 (b) Nothing in this section shall apply to a contract
7 with—

8 (1) any of the following religious plans:

9 (A) Personal Care's HMO; and

10 (B) OSF HealthPlans, Inc.; and

11 (2) any existing or future plan, if the carrier
12 for the plan objects to such coverage on the basis of
13 religious beliefs.

14 (c) In implementing this section, any plan that enters
15 into or renews a contract under this section may not sub-
16 ject any individual to discrimination on the basis that the
17 individual refuses to prescribe or otherwise provide for
18 contraceptives because such activities would be contrary
19 to the individual's religious beliefs or moral convictions.

20 (d) Nothing in this section shall be construed to re-
21 quire coverage of abortion or abortion-related services.

22 SEC. 727. The United States is committed to ensur-
23 ing the health of its Olympic, Pan American, and
24 Paralympic athletes, and supports the strict adherence to
25 anti-doping in sport through testing, adjudication, edu-

1 cation, and research as performed by nationally recognized
2 oversight authorities.

3 SEC. 728. Notwithstanding any other provision of
4 law, funds appropriated for official travel to Federal de-
5 partments and agencies may be used by such departments
6 and agencies, if consistent with Office of Management and
7 Budget Circular A-126 regarding official travel for Gov-
8 ernment personnel, to participate in the fractional aircraft
9 ownership pilot program.

10 SEC. 729. Notwithstanding any other provision of
11 law, none of the funds appropriated or made available
12 under this or any other appropriations Act may be used
13 to implement or enforce restrictions or limitations on the
14 Coast Guard Congressional Fellowship Program, or to im-
15 plement the proposed regulations of the Office of Per-
16 sonnel Management to add sections 300.311 through
17 300.316 to part 300 of title 5 of the Code of Federal Reg-
18 ulations, published in the Federal Register, volume 68,
19 number 174, on September 9, 2003 (relating to the detail
20 of executive branch employees to the legislative branch).

21 SEC. 730. Notwithstanding any other provision of
22 law, no executive branch agency shall purchase, construct,
23 or lease any additional facilities, except within or contig-
24 uous to existing locations, to be used for the purpose of
25 conducting Federal law enforcement training without the

1 advance approval of the Committees on Appropriations of
2 the House of Representatives and the Senate, except that
3 the Federal Law Enforcement Training Centers is author-
4 ized to obtain the temporary use of additional facilities
5 by lease, contract, or other agreement for training which
6 cannot be accommodated in existing Centers facilities.

7 SEC. 731. Unless otherwise authorized by existing
8 law, none of the funds provided in this or any other Act
9 may be used by an executive branch agency to produce
10 any prepackaged news story intended for broadcast or dis-
11 tribution in the United States, unless the story includes
12 a clear notification within the text or audio of the pre-
13 packaged news story that the prepackaged news story was
14 prepared or funded by that executive branch agency.

15 SEC. 732. None of the funds made available in this
16 Act may be used in contravention of section 552a of title
17 5, United States Code (popularly known as the Privacy
18 Act), and regulations implementing that section.

19 SEC. 733. (a) IN GENERAL.—None of the funds ap-
20 propriated or otherwise made available by this or any
21 other Act may be used for any Federal Government con-
22 tract with any foreign incorporated entity which is treated
23 as an inverted domestic corporation under section 835(b)
24 of the Homeland Security Act of 2002 (6 U.S.C. 395(b))
25 or any subsidiary of such an entity.

1 (b) WAIVERS.—

2 (1) IN GENERAL.—Any Secretary shall waive
3 subsection (a) with respect to any Federal Govern-
4 ment contract under the authority of such Secretary
5 if the Secretary determines that the waiver is re-
6 quired in the interest of national security.

7 (2) REPORT TO CONGRESS.—Any Secretary
8 issuing a waiver under paragraph (1) shall report
9 such issuance to Congress.

10 (c) EXCEPTION.—This section shall not apply to any
11 Federal Government contract entered into before the date
12 of the enactment of this Act, or to any task order issued
13 pursuant to such contract.

14 SEC. 734. During fiscal year 2023, for each employee
15 who—

16 (1) retires under section 8336(d)(2) or
17 8414(b)(1)(B) of title 5, United States Code; or

18 (2) retires under any other provision of sub-
19 chapter III of chapter 83 or chapter 84 of such title
20 5 and receives a payment as an incentive to sepa-
21 rate, the separating agency shall remit to the Civil
22 Service Retirement and Disability Fund an amount
23 equal to the Office of Personnel Management's aver-
24 age unit cost of processing a retirement claim for
25 the preceding fiscal year. Such amounts shall be

1 available until expended to the Office of Personnel
2 Management and shall be deemed to be an adminis-
3 trative expense under section 8348(a)(1)(B) of title
4 5, United States Code.

5 SEC. 735. (a) None of the funds made available in
6 this or any other Act may be used to recommend or re-
7 quire any entity submitting an offer for a Federal contract
8 to disclose any of the following information as a condition
9 of submitting the offer:

10 (1) Any payment consisting of a contribution,
11 expenditure, independent expenditure, or disburse-
12 ment for an electioneering communication that is
13 made by the entity, its officers or directors, or any
14 of its affiliates or subsidiaries to a candidate for
15 election for Federal office or to a political com-
16 mittee, or that is otherwise made with respect to any
17 election for Federal office.

18 (2) Any disbursement of funds (other than a
19 payment described in paragraph (1)) made by the
20 entity, its officers or directors, or any of its affiliates
21 or subsidiaries to any person with the intent or the
22 reasonable expectation that the person will use the
23 funds to make a payment described in paragraph
24 (1).

1 (b) In this section, each of the terms “contribution”,
2 “expenditure”, “independent expenditure”, “election-
3 eering communication”, “candidate”, “election”, and
4 “Federal office” has the meaning given such term in the
5 Federal Election Campaign Act of 1971 (52 U.S.C. 30101
6 et seq.).

7 SEC. 736. None of the funds made available in this
8 or any other Act may be used to pay for the painting of
9 a portrait of an officer or employee of the Federal Govern-
10 ment, including the President, the Vice President, a Mem-
11 ber of Congress (including a Delegate or a Resident Com-
12 missioner to Congress), the head of an executive branch
13 agency (as defined in section 133 of title 41, United States
14 Code), or the head of an office of the legislative branch.

15 SEC. 737. (a)(1) Notwithstanding any other provision
16 of law, and except as otherwise provided in this section,
17 no part of any of the funds appropriated for fiscal year
18 2023, by this or any other Act, may be used to pay any
19 prevailing rate employee described in section
20 5342(a)(2)(A) of title 5, United States Code—

21 (A) during the period from the date of expira-
22 tion of the limitation imposed by the comparable sec-
23 tion for the previous fiscal years until the normal ef-
24 fective date of the applicable wage survey adjust-
25 ment that is to take effect in fiscal year 2023, in an

1 amount that exceeds the rate payable for the appli-
2 cable grade and step of the applicable wage schedule
3 in accordance with such section; and

4 (B) during the period consisting of the remain-
5 der of fiscal year 2023, in an amount that exceeds,
6 as a result of a wage survey adjustment, the rate
7 payable under subparagraph (A) by more than the
8 sum of—

9 (i) the percentage adjustment taking effect
10 in fiscal year 2023 under section 5303 of title
11 5, United States Code, in the rates of pay
12 under the General Schedule; and

13 (ii) the difference between the overall aver-
14 age percentage of the locality-based com-
15 parability payments taking effect in fiscal year
16 2023 under section 5304 of such title (whether
17 by adjustment or otherwise), and the overall av-
18 erage percentage of such payments which was
19 effective in the previous fiscal year under such
20 section.

21 (2) Notwithstanding any other provision of law, no
22 prevailing rate employee described in subparagraph (B) or
23 (C) of section 5342(a)(2) of title 5, United States Code,
24 and no employee covered by section 5348 of such title,
25 may be paid during the periods for which paragraph (1)

1 is in effect at a rate that exceeds the rates that would
2 be payable under paragraph (1) were paragraph (1) appli-
3 cable to such employee.

4 (3) For the purposes of this subsection, the rates pay-
5 able to an employee who is covered by this subsection and
6 who is paid from a schedule not in existence on September
7 30, 2022, shall be determined under regulations pre-
8 scribed by the Office of Personnel Management.

9 (4) Notwithstanding any other provision of law, rates
10 of premium pay for employees subject to this subsection
11 may not be changed from the rates in effect on September
12 30, 2022, except to the extent determined by the Office
13 of Personnel Management to be consistent with the pur-
14 pose of this subsection.

15 (5) This subsection shall apply with respect to pay
16 for service performed after September 30, 2022.

17 (6) For the purpose of administering any provision
18 of law (including any rule or regulation that provides pre-
19 mium pay, retirement, life insurance, or any other em-
20 ployee benefit) that requires any deduction or contribu-
21 tion, or that imposes any requirement or limitation on the
22 basis of a rate of salary or basic pay, the rate of salary
23 or basic pay payable after the application of this sub-
24 section shall be treated as the rate of salary or basic pay.

1 (7) Nothing in this subsection shall be considered to
2 permit or require the payment to any employee covered
3 by this subsection at a rate in excess of the rate that would
4 be payable were this subsection not in effect.

5 (8) The Office of Personnel Management may provide
6 for exceptions to the limitations imposed by this sub-
7 section if the Office determines that such exceptions are
8 necessary to ensure the recruitment or retention of quali-
9 fied employees.

10 (b) Notwithstanding subsection (a), the adjustment
11 in rates of basic pay for the statutory pay systems that
12 take place in fiscal year 2023 under sections 5344 and
13 5348 of title 5, United States Code, shall be—

14 (1) not less than the percentage received by em-
15 ployees in the same location whose rates of basic pay
16 are adjusted pursuant to the statutory pay systems
17 under sections 5303 and 5304 of title 5, United
18 States Code: *Provided*, That prevailing rate employ-
19 ees at locations where there are no employees whose
20 pay is increased pursuant to sections 5303 and 5304
21 of title 5, United States Code, and prevailing rate
22 employees described in section 5343(a)(5) of title 5,
23 United States Code, shall be considered to be located
24 in the pay locality designated as “Rest of United

1 States” pursuant to section 5304 of title 5, United
2 States Code, for purposes of this subsection; and

3 (2) effective as of the first day of the first ap-
4 plicable pay period beginning after September 30,
5 2022.

6 SEC. 738. (a) The head of any Executive branch de-
7 partment, agency, board, commission, or office funded by
8 this or any other appropriations Act shall submit annual
9 reports to the Inspector General or senior ethics official
10 for any entity without an Inspector General, regarding the
11 costs and contracting procedures related to each con-
12 ference held by any such department, agency, board, com-
13 mission, or office during fiscal year 2023 for which the
14 cost to the United States Government was more than
15 \$100,000.

16 (b) Each report submitted shall include, for each con-
17 ference described in subsection (a) held during the applica-
18 ble period—

19 (1) a description of its purpose;

20 (2) the number of participants attending;

21 (3) a detailed statement of the costs to the
22 United States Government, including—

23 (A) the cost of any food or beverages;

24 (B) the cost of any audio-visual services;

1 (C) the cost of employee or contractor
2 travel to and from the conference; and

3 (D) a discussion of the methodology used
4 to determine which costs relate to the con-
5 ference; and

6 (4) a description of the contracting procedures
7 used including—

8 (A) whether contracts were awarded on a
9 competitive basis; and

10 (B) a discussion of any cost comparison
11 conducted by the departmental component or
12 office in evaluating potential contractors for the
13 conference.

14 (c) Within 15 days after the end of a quarter, the
15 head of any such department, agency, board, commission,
16 or office shall notify the Inspector General or senior ethics
17 official for any entity without an Inspector General, of the
18 date, location, and number of employees attending a con-
19 ference held by any Executive branch department, agency,
20 board, commission, or office funded by this or any other
21 appropriations Act during fiscal year 2023 for which the
22 cost to the United States Government was more than
23 \$20,000.

24 (d) A grant or contract funded by amounts appro-
25 priated by this or any other appropriations Act may not

1 be used for the purpose of defraying the costs of a con-
2 ference described in subsection (c) that is not directly and
3 programmatically related to the purpose for which the
4 grant or contract was awarded, such as a conference held
5 in connection with planning, training, assessment, review,
6 or other routine purposes related to a project funded by
7 the grant or contract.

8 (e) None of the funds made available in this or any
9 other appropriations Act may be used for travel and con-
10 ference activities that are not in compliance with Office
11 of Management and Budget Memorandum M-12-12
12 dated May 11, 2012 or any subsequent revisions to that
13 memorandum.

14 SEC. 739. None of the funds made available in this
15 or any other appropriations Act may be used to increase,
16 eliminate, or reduce funding for a program, project, or ac-
17 tivity as proposed in the President's budget request for
18 a fiscal year until such proposed change is subsequently
19 enacted in an appropriation Act, or unless such change
20 is made pursuant to the reprogramming or transfer provi-
21 sions of this or any other appropriations Act.

22 SEC. 740. None of the funds made available by this
23 or any other Act may be used to implement, administer,
24 enforce, or apply the rule entitled "Competitive Area"
25 published by the Office of Personnel Management in the

1 Federal Register on April 15, 2008 (73 Fed. Reg. 20180
2 et seq.).

3 SEC. 741. None of the funds appropriated or other-
4 wise made available by this or any other Act may be used
5 to begin or announce a study or public-private competition
6 regarding the conversion to contractor performance of any
7 function performed by Federal employees pursuant to Of-
8 fice of Management and Budget Circular A-76 or any
9 other administrative regulation, directive, or policy.

10 SEC. 742. (a) None of the funds appropriated or oth-
11 erwise made available by this or any other Act may be
12 available for a contract, grant, or cooperative agreement
13 with an entity that requires employees or contractors of
14 such entity seeking to report fraud, waste, or abuse to sign
15 internal confidentiality agreements or statements prohib-
16 iting or otherwise restricting such employees or contrac-
17 tors from lawfully reporting such waste, fraud, or abuse
18 to a designated investigative or law enforcement represent-
19 ative of a Federal department or agency authorized to re-
20 ceive such information.

21 (b) The limitation in subsection (a) shall not con-
22 travene requirements applicable to Standard Form 312,
23 Form 4414, or any other form issued by a Federal depart-
24 ment or agency governing the nondisclosure of classified
25 information.

1 SEC. 743. (a) No funds appropriated in this or any
2 other Act may be used to implement or enforce the agree-
3 ments in Standard Forms 312 and 4414 of the Govern-
4 ment or any other nondisclosure policy, form, or agree-
5 ment if such policy, form, or agreement does not contain
6 the following provisions: “These provisions are consistent
7 with and do not supersede, conflict with, or otherwise alter
8 the employee obligations, rights, or liabilities created by
9 existing statute or Executive order relating to (1) classi-
10 fied information, (2) communications to Congress, (3) the
11 reporting to an Inspector General or the Office of Special
12 Counsel of a violation of any law, rule, or regulation, or
13 mismanagement, a gross waste of funds, an abuse of au-
14 thority, or a substantial and specific danger to public
15 health or safety, or (4) any other whistleblower protection.
16 The definitions, requirements, obligations, rights, sanc-
17 tions, and liabilities created by controlling Executive or-
18 ders and statutory provisions are incorporated into this
19 agreement and are controlling.”: *Provided*, That notwith-
20 standing the preceding provision of this section, a non-
21 disclosure policy form or agreement that is to be executed
22 by a person connected with the conduct of an intelligence
23 or intelligence-related activity, other than an employee or
24 officer of the United States Government, may contain pro-
25 visions appropriate to the particular activity for which

1 such document is to be used. Such form or agreement
2 shall, at a minimum, require that the person will not dis-
3 close any classified information received in the course of
4 such activity unless specifically authorized to do so by the
5 United States Government. Such nondisclosure forms
6 shall also make it clear that they do not bar disclosures
7 to Congress, or to an authorized official of an executive
8 agency or the Department of Justice, that are essential
9 to reporting a substantial violation of law.

10 (b) A nondisclosure agreement may continue to be
11 implemented and enforced notwithstanding subsection (a)
12 if it complies with the requirements for such agreement
13 that were in effect when the agreement was entered into.

14 (c) No funds appropriated in this or any other Act
15 may be used to implement or enforce any agreement en-
16 tered into during fiscal year 2014 which does not contain
17 substantially similar language to that required in sub-
18 section (a).

19 SEC. 744. None of the funds made available by this
20 or any other Act may be used to enter into a contract,
21 memorandum of understanding, or cooperative agreement
22 with, make a grant to, or provide a loan or loan guarantee
23 to, any corporation that has any unpaid Federal tax liabil-
24 ity that has been assessed, for which all judicial and ad-
25 ministrative remedies have been exhausted or have lapsed,

1 and that is not being paid in a timely manner pursuant
2 to an agreement with the authority responsible for col-
3 lecting the tax liability, where the awarding agency is
4 aware of the unpaid tax liability, unless a Federal agency
5 has considered suspension or debarment of the corporation
6 and has made a determination that this further action is
7 not necessary to protect the interests of the Government.

8 SEC. 745. None of the funds made available by this
9 or any other Act may be used to enter into a contract,
10 memorandum of understanding, or cooperative agreement
11 with, make a grant to, or provide a loan or loan guarantee
12 to, any corporation that was convicted of a felony criminal
13 violation under any Federal law within the preceding 24
14 months, where the awarding agency is aware of the convic-
15 tion, unless a Federal agency has considered suspension
16 or debarment of the corporation and has made a deter-
17 mination that this further action is not necessary to pro-
18 tect the interests of the Government.

19 SEC. 746. (a) During fiscal year 2023, on the date
20 on which a request is made for a transfer of funds in ac-
21 cordance with section 1017 of Public Law 111–203, the
22 Bureau of Consumer Financial Protection shall notify the
23 Committees on Appropriations of the House of Represent-
24 atives and the Senate, the Committee on Financial Serv-
25 ices of the House of Representatives, and the Committee

1 on Banking, Housing, and Urban Affairs of the Senate
2 of such request.

3 (b) Any notification required by this section shall be
4 made available on the Bureau's public website.

5 SEC. 747. (a) Notwithstanding any official rate ad-
6 justed under section 104 of title 3, United States Code,
7 the rate payable to the Vice President during calendar
8 year 2023 shall be the rate payable to the Vice President
9 on December 31, 2022, by operation of section 747 of divi-
10 sion E of Public Law 117–103.

11 (b) Notwithstanding any official rate adjusted under
12 section 5318 of title 5, United States Code, or any other
13 provision of law, the payable rate during calendar year
14 2023 for an employee serving in an Executive Schedule
15 position, or in a position for which the rate of pay is fixed
16 by statute at an Executive Schedule rate, shall be the rate
17 payable for the applicable Executive Schedule level on De-
18 cember 31, 2022, by operation of section 747 of division
19 E of Public Law 117–103. Such an employee may not re-
20 ceive a rate increase during calendar year 2023, except
21 as provided in subsection (i).

22 (c) Notwithstanding section 401 of the Foreign Serv-
23 ice Act of 1980 (Public Law 96–465) or any other provi-
24 sion of law, a chief of mission or ambassador at large is

1 subject to subsection (b) in the same manner as other em-
2 ployees who are paid at an Executive Schedule rate.

3 (d)(1) This subsection applies to—

4 (A) a noncareer appointee in the Senior Execu-
5 tive Service paid a rate of basic pay at or above the
6 official rate for level IV of the Executive Schedule;
7 or

8 (B) a limited term appointee or limited emer-
9 gency appointee in the Senior Executive Service
10 serving under a political appointment and paid a
11 rate of basic pay at or above the official rate for
12 level IV of the Executive Schedule.

13 (2) Notwithstanding sections 5382 and 5383 of title
14 5, United States Code, an employee described in para-
15 graph (1) may not receive a pay rate increase during cal-
16 endar year 2023, except as provided in subsection (i).

17 (e) Notwithstanding any other provision of law, any
18 employee paid a rate of basic pay (including any locality
19 based payments under section 5304 of title 5, United
20 States Code, or similar authority) at or above the official
21 rate for level IV of the Executive Schedule who serves
22 under a political appointment may not receive a pay rate
23 increase during calendar year 2023, except as provided in
24 subsection (i). This subsection does not apply to employees
25 in the General Schedule pay system or the Foreign Service

1 pay system, to employees appointed under section 3161
2 of title 5, United States Code, or to employees in another
3 pay system whose position would be classified at GS-15
4 or below if chapter 51 of title 5, United States Code, ap-
5 plied to them.

6 (f) Nothing in subsections (b) through (e) shall pre-
7 vent employees who do not serve under a political appoint-
8 ment from receiving pay increases as otherwise provided
9 under applicable law.

10 (g) This section does not apply to an individual who
11 makes an election to retain Senior Executive Service basic
12 pay under section 3392(c) of title 5, United States Code,
13 for such time as that election is in effect.

14 (h) This section does not apply to an individual who
15 makes an election to retain Senior Foreign Service pay
16 entitlements under section 302(b) of the Foreign Service
17 Act of 1980 (Public Law 96-465) for such time as that
18 election is in effect.

19 (i) Notwithstanding subsections (b) through (e), an
20 employee in a covered position may receive a pay rate in-
21 crease upon an authorized movement to a different cov-
22 ered position only if that new position has higher-level du-
23 ties and a pre-established level or range of pay higher than
24 the level or range for the position held immediately before
25 the movement. Any such increase must be based on the

1 rates of pay and applicable limitations on payable rates
2 of pay in effect on December 31, 2022, by operation of
3 section 747 of division E of Public Law 117–103.

4 (j) Notwithstanding any other provision of law, for
5 an individual who is newly appointed to a covered position
6 during the period of time subject to this section, the initial
7 pay rate shall be based on the rates of pay and applicable
8 limitations on payable rates of pay in effect on December
9 31, 2022, by operation of section 747 of division E of Pub-
10 lic Law 117–103.

11 (k) If an employee affected by this section is subject
12 to a biweekly pay period that begins in calendar year 2023
13 but ends in calendar year 2024, the bar on the employee’s
14 receipt of pay rate increases shall apply through the end
15 of that pay period.

16 (l) For the purpose of this section, the term “covered
17 position” means a position occupied by an employee whose
18 pay is restricted under this section.

19 (m) This section takes effect on the first day of the
20 first applicable pay period beginning on or after January
21 1, 2023.

22 SEC. 748. In the event of a violation of the Impound-
23 ment Control Act of 1974, the President or the head of
24 the relevant department or agency, as the case may be,
25 shall report immediately to the Congress all relevant facts

1 and a statement of actions taken: *Provided*, That a copy
2 of each report shall also be transmitted to the Committees
3 on Appropriations of the House of Representatives and the
4 Senate and the Comptroller General on the same date the
5 report is transmitted to the Congress.

6 SEC. 749. (a) Each department or agency of the execu-
7 tive branch of the United States Government shall notify
8 the Committees on Appropriations and the Budget of the
9 House of Representatives and the Senate and any other
10 appropriate congressional committees if—

11 (1) an apportionment is not made in the re-
12 quired time period provided in section 1513(b) of
13 title 31, United States Code;

14 (2) an approved apportionment received by the
15 department or agency conditions the availability of
16 an appropriation on further action; or

17 (3) an approved apportionment received by the
18 department or agency may hinder the prudent obli-
19 gation of such appropriation or the execution of a
20 program, project, or activity by such department or
21 agency.

22 (b) Any notification submitted to a congressional
23 committee pursuant to this section shall contain informa-
24 tion identifying the bureau, account name, appropriation

1 name, and Treasury Appropriation Fund Symbol or fund
2 account.

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
7 Rules of the House of Representatives or Rule XLIV of
8 the Standing Rules of the Senate that is included in the
9 report or explanatory statement accompanying any such
10 Act shall be deemed to be a recipient of a Federal award
11 with respect to such funds for purposes of the require-
12 ments of 2 CFR 200.334, regarding records retention, and
13 2 CFR 200.337, regarding access by the Comptroller Gen-
14 eral of the United 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 de-
18 scribed in paragraph (1) or any existing authority of the
19 Comptroller General.

20 SEC. 751. Notwithstanding section 1346 of title 31,
21 United States Code, or section 708 of this Act, funds
22 made available by this or any other Act to any Federal
23 agency may be used by that Federal agency for inter-
24 agency funding for coordination with, participation in, or
25 recommendations involving, activities of the U.S. Army

1 Medical Research and Development Command, the Con-
2 gressionally Directed Medical Research Programs and the
3 National Institutes of Health research programs.

4 SEC. 752. (a)(1) Not later than 100 days after the
5 date of enactment of this Act, the Director of the Office
6 of Management and Budget (in this section referred to
7 as the “Director”), in coordination with the Architectural
8 and Transportation Barriers Compliance Board and the
9 Administrator of General Services (in this section referred
10 to as the “Administrator”), shall disseminate amended or
11 updated criteria and instructions to any Federal depart-
12 ment or agency (in this section referred to as an “agen-
13 cy”) covered by section 508 of the Rehabilitation Act of
14 1973 (29 U.S.C. 794d) for the evaluation required pursu-
15 ant to paragraph (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 accessi-
12 bility standards for electronic and information tech-
13 nology procured and in use within an agency, as re-
14 quired by such section 508.

15 (3) Not later than 225 days after the date of enact-
16 ment 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
20 described in subsection (a)(1) of such section 508
21 compared to the access to and use of the technology
22 and services by individuals described in such section
23 who are not individuals with disabilities;

24 (B) evaluate the electronic and information
25 technology of the agency in accordance with the cri-

1 teria and instructions provided in paragraph (1);
2 and

3 (C) submit a report containing the evaluations
4 jointly to the Director and the Administrator.

5 (b)(1) Not later than 1 year after the date of enact-
6 ment of this Act, and annually thereafter, the Adminis-
7 trator, in consultation with the Director, shall prepare and
8 submit to the Committees on Appropriations and Home-
9 land Security and Governmental Affairs of the Senate and
10 the Committees on Appropriations and Oversight and Re-
11 form of the House of Representatives a report that shall
12 include—

13 (A) a comprehensive assessment (including in-
14 formation 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
20 over the year preceding submission to support such
21 compliance at agencies and any planned efforts in
22 the coming year to improve compliance at agencies;
23 and

24 (C) a list of recommendations that agencies or
25 Congress may take to help support that compliance.

1 (2) The Administrator shall ensure that the reports
2 required under this subsection are made available on a
3 public website and are maintained as an open Government
4 data asset (as that term is defined in section 3502 of title
5 44, United States Code).

6 SEC. 753. Notwithstanding 31 U.S.C. 1346 and sec-
7 tion 708 of this Act, the head of each Executive depart-
8 ment and agency is hereby authorized to transfer to or
9 reimburse “General Services Administration, Federal Cit-
10 izen Services Fund” with the approval of the Director of
11 the Office of Management and Budget, funds made avail-
12 able for the current fiscal year by this or any other Act,
13 including rebates from charge card and other contracts:
14 *Provided*, That these funds, in addition to amounts other-
15 wise available, shall be administered by the Administrator
16 of General Services to carry out the purposes of the Fed-
17 eral Citizen Services Fund and to support Government-
18 wide and other multi-agency financial, information tech-
19 nology, procurement, and other activities, including serv-
20 ices authorized by 44 U.S.C. 3604 and enabling Federal
21 agencies to take advantage of information technology in
22 sharing information: *Provided further*, That the total
23 funds transferred or reimbursed shall not exceed
24 \$15,000,000 for such purposes: *Provided further*, That the
25 funds transferred to or for reimbursement of “General

1 Services Administration, Federal Citizen Services Fund”
2 during fiscal year 2023 shall remain available for obliga-
3 tion through September 30, 2024: *Provided further*, That
4 not later than 90 days after enactment of this Act, the
5 Administrator of General Services, in consultation with
6 the Director of the Office of Management and Budget,
7 shall submit to the Committees on Appropriations of the
8 House of Representatives and the Senate a detailed spend
9 plan for the funds to be transferred or reimbursed: *Pro-*
10 *vided further*, That the spend plan shall, at a minimum,
11 include: (i) the amounts currently in the funds authorized
12 under this section and the estimate of amounts to be
13 transferred or reimbursed in fiscal year 2023; (ii) a de-
14 tailed breakdown of the purposes for all funds estimated
15 to be transferred or reimbursed pursuant to this section
16 (including total number of personnel and costs for all staff
17 whose salaries are provided for by this section); and (iii)
18 where applicable, a description of the funds intended for
19 use by or for the implementation of specific laws passed
20 by Congress: *Provided further*, That no transfers or reim-
21 bursements may be made pursuant to this section until
22 15 days following notification of the Committees on Ap-
23 propriations of the House of Representatives and the Sen-
24 ate by the Director of the Office of Management and
25 Budget.

1 SEC. 754. Except as expressly provided otherwise,
2 any reference to “this Act” contained in any title other
3 than title IV or VIII shall not apply to such title IV or
4 VIII.

1 TITLE VIII
2 GENERAL PROVISIONS—DISTRICT OF
3 COLUMBIA

4 (INCLUDING TRANSFERS OF FUNDS)

5 SEC. 801. There are appropriated from the applicable
6 funds of the District of Columbia such sums as may be
7 necessary for making refunds and for the payment of legal
8 settlements or judgments that have been entered against
9 the District of Columbia government.

10 SEC. 802. None of the Federal funds provided in this
11 Act shall be used for publicity or propaganda purposes or
12 implementation of any policy including boycott designed
13 to support or defeat legislation pending before Congress
14 or any State legislature.

15 SEC. 803. (a) None of the Federal funds provided
16 under this Act to the agencies funded by this Act, both
17 Federal and District government agencies, that remain
18 available for obligation or expenditure in fiscal year 2023,
19 or provided from any accounts in the Treasury of the
20 United States derived by the collection of fees available
21 to the agencies funded by this Act, shall be available for
22 obligation or expenditures for an agency through a re-
23 programming of funds which—

24 (1) creates new programs;

1 (2) eliminates a program, project, or responsi-
2 bility center;

3 (3) establishes or changes allocations specifi-
4 cally denied, limited or increased under this Act;

5 (4) increases funds or personnel by any means
6 for any program, project, or responsibility center for
7 which funds have been denied or restricted;

8 (5) re-establishes any program or project pre-
9 viously deferred through reprogramming;

10 (6) augments any existing program, project, or
11 responsibility center through a reprogramming of
12 funds in excess of \$3,000,000 or 10 percent, which-
13 ever is less; or

14 (7) increases by 20 percent or more personnel
15 assigned to a specific program, project or responsi-
16 bility center, unless prior approval is received from
17 the Committees on Appropriations of the House of
18 Representatives and the Senate.

19 (b) The District of Columbia government is author-
20 ized to approve and execute reprogramming and transfer
21 requests of local funds under this title through November
22 7, 2023.

23 SEC. 804. None of the Federal funds provided in this
24 Act may be used by the District of Columbia to provide
25 for salaries, expenses, or other costs associated with the

1 offices of United States Senator or United States Rep-
2 resentative under section 4(d) of the District of Columbia
3 Statehood Constitutional Convention Initiatives of 1979
4 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

5 SEC. 805. Except as otherwise provided in this sec-
6 tion, none of the funds made available by this Act or by
7 any other Act may be used to provide any officer or em-
8 ployee of the District of Columbia with an official vehicle
9 unless the officer or employee uses the vehicle only in the
10 performance of the officer’s or employee’s official duties.
11 For purposes of this section, the term “official duties”
12 does not include travel between the officer’s or employee’s
13 residence and workplace, except in the case of—

14 (1) an officer or employee of the Metropolitan
15 Police Department who resides in the District of Co-
16 lumbia or is otherwise designated by the Chief of the
17 Department;

18 (2) at the discretion of the Fire Chief, an offi-
19 cer or employee of the District of Columbia Fire and
20 Emergency Medical Services Department who re-
21 sides in the District of Columbia and is on call 24
22 hours a day;

23 (3) at the discretion of the Director of the De-
24 partment of Corrections, an officer or employee of
25 the District of Columbia Department of Corrections

1 who resides in the District of Columbia and is on
2 call 24 hours a day;

3 (4) at the discretion of the Chief Medical Ex-
4 aminer, an officer or employee of the Office of the
5 Chief Medical Examiner who resides in the District
6 of Columbia and is on call 24 hours a day;

7 (5) at the discretion of the Director of the
8 Homeland Security and Emergency Management
9 Agency, an officer or employee of the Homeland Se-
10 curity and Emergency Management Agency who re-
11 sides in the District of Columbia and is on call 24
12 hours a day;

13 (6) the Mayor of the District of Columbia; and

14 (7) the Chairman of the Council of the District
15 of Columbia.

16 SEC. 806. (a) None of the Federal funds contained
17 in this Act may be used by the District of Columbia Attor-
18 ney General or any other officer or entity of the District
19 government to provide assistance for any petition drive or
20 civil action which seeks to require Congress to provide for
21 voting representation in Congress for the District of Co-
22 lumbia.

23 (b) Nothing in this section bars the District of Co-
24 lumbia Attorney General from reviewing or commenting

1 on briefs in private lawsuits, or from consulting with offi-
2 cials of the District government regarding such lawsuits.

3 SEC. 807. None of the Federal funds contained in
4 this Act may be used to distribute any needle or syringe
5 for the purpose of preventing the spread of blood borne
6 pathogens in any location that has been determined by the
7 local public health or local law enforcement authorities to
8 be inappropriate for such distribution.

9 SEC. 808. Nothing in this Act may be construed to
10 prevent the Council or Mayor of the District of Columbia
11 from addressing the issue of the provision of contraceptive
12 coverage by health insurance plans, but it is the intent
13 of Congress that any legislation enacted on such issue
14 should include a “conscience clause” which provides excep-
15 tions for religious beliefs and moral convictions.

16 SEC. 809. (a) None of the Federal funds contained
17 in this Act may be used to enact or carry out any law,
18 rule, or regulation to legalize or otherwise reduce penalties
19 associated with the possession, use, or distribution of any
20 schedule I substance under the Controlled Substances Act
21 (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols de-
22 rivative.

23 (b) No funds available for obligation or expenditure
24 by the District of Columbia government under any author-
25 ity may be used to enact any law, rule, or regulation to

1 legalize or otherwise reduce penalties associated with the
2 possession, use, or distribution of any schedule I substance
3 under the Controlled Substances Act (21 U.S.C. 801 et
4 seq.) or any tetrahydrocannabinols derivative for rec-
5 reational purposes.

6 SEC. 810. No funds available for obligation or ex-
7 penditure by the District of Columbia government under
8 any authority shall be expended for any abortion except
9 where the life of the mother would be endangered if the
10 fetus were carried to term or where the pregnancy is the
11 result of an act of rape or incest.

12 SEC. 811. (a) No later than 30 calendar days after
13 the date of the enactment of this Act, the Chief Financial
14 Officer for the District of Columbia shall submit to the
15 appropriate committees of Congress, the Mayor, and the
16 Council of the District of Columbia, a revised appropriated
17 funds operating budget in the format of the budget that
18 the District of Columbia government submitted pursuant
19 to section 442 of the District of Columbia Home Rule Act
20 (D.C. Official Code, sec. 1-204.42), for all agencies of the
21 District of Columbia government for fiscal year 2023 that
22 is in the total amount of the approved appropriation and
23 that realigns all budgeted data for personal services and
24 other-than-personal services, respectively, with anticipated
25 actual expenditures.

1 (b) This section shall apply only to an agency for
2 which the Chief Financial Officer for the District of Co-
3 lumbia certifies that a reallocation is required to address
4 unanticipated changes in program requirements.

5 SEC. 812. No later than 30 calendar days after the
6 date of the enactment of this Act, the Chief Financial Offi-
7 cer for the District of Columbia shall submit to the appro-
8 priate committees of Congress, the Mayor, and the Council
9 for the District of Columbia, a revised appropriated funds
10 operating budget for the District of Columbia Public
11 Schools that aligns schools budgets to actual enrollment.
12 The revised appropriated funds budget shall be in the for-
13 mat of the budget that the District of Columbia govern-
14 ment submitted pursuant to section 442 of the District
15 of Columbia Home Rule Act (D.C. Official Code, sec. 1-
16 204.42).

17 SEC. 813. (a) Amounts appropriated in this Act as
18 operating funds may be transferred to the District of Co-
19 lumbia's enterprise and capital funds and such amounts,
20 once transferred, shall retain appropriation authority con-
21 sistent with the provisions of this Act.

22 (b) The District of Columbia government is author-
23 ized to reprogram or transfer for operating expenses any
24 local funds transferred or reprogrammed in this or the
25 four prior fiscal years from operating funds to capital

1 funds, and such amounts, once transferred or repro-
2 grammed, shall retain appropriation authority consistent
3 with the provisions of this Act.

4 (c) The District of Columbia government may not
5 transfer or reprogram for operating expenses any funds
6 derived from bonds, notes, or other obligations issued for
7 capital projects.

8 SEC. 814. None of the Federal funds appropriated
9 in this Act shall remain available for obligation beyond
10 the current fiscal year, nor may any be transferred to
11 other appropriations, unless expressly so provided herein.

12 SEC. 815. Except as otherwise specifically provided
13 by law or under this Act, not to exceed 50 percent of unob-
14 ligated balances remaining available at the end of fiscal
15 year 2023 from appropriations of Federal funds made
16 available for salaries and expenses for fiscal year 2023 in
17 this Act, shall remain available through September 30,
18 2024, for each such account for the purposes authorized:
19 *Provided*, That a request shall be submitted to the Com-
20 mittees on Appropriations of the House of Representatives
21 and the Senate for approval prior to the expenditure of
22 such funds: *Provided further*, That these requests shall be
23 made in compliance with reprogramming guidelines out-
24 lined in section 803 of this Act.

1 SEC. 816. (a)(1) During fiscal year 2024, during a
2 period in which neither a District of Columbia continuing
3 resolution or a regular District of Columbia appropriation
4 bill is in effect, local funds are appropriated in the amount
5 provided for any project or activity for which local funds
6 are provided in the Act referred to in paragraph (2) (sub-
7 ject to any modifications enacted by the District of Colum-
8 bia as of the beginning of the period during which this
9 subsection is in effect) at the rate set forth by such Act.

10 (2) The Act referred to in this paragraph is the Act
11 of the Council of the District of Columbia pursuant to
12 which a proposed budget is approved for fiscal year 2024
13 which (subject to the requirements of the District of Co-
14 lumbia Home Rule Act) will constitute the local portion
15 of the annual budget for the District of Columbia govern-
16 ment for fiscal year 2024 for purposes of section 446 of
17 the District of Columbia Home Rule Act (sec. 1–204.46,
18 D.C. Official Code).

19 (b) Appropriations made by subsection (a) shall cease
20 to be available—

21 (1) during any period in which a District of Co-
22 lumbia continuing resolution for fiscal year 2024 is
23 in effect; or

1 (2) upon the enactment into law of the regular
2 District of Columbia appropriation bill for fiscal year
3 2024.

4 (c) An appropriation made by subsection (a) is pro-
5 vided under the authority and conditions as provided
6 under this Act and shall be available to the extent and
7 in the manner that would be provided by this Act.

8 (d) An appropriation made by subsection (a) shall
9 cover all obligations or expenditures incurred for such
10 project or activity during the portion of fiscal year 2024
11 for which this section applies to such project or activity.

12 (e) This section shall not apply to a project or activity
13 during any period of fiscal year 2024 if any other provi-
14 sion of law (other than an authorization of appropria-
15 tions)—

16 (1) makes an appropriation, makes funds avail-
17 able, or grants authority for such project or activity
18 to continue for such period; or

19 (2) specifically provides that no appropriation
20 shall be made, no funds shall be made available, or
21 no authority shall be granted for such project or ac-
22 tivity to continue for such period.

23 (f) Nothing in this section shall be construed to affect
24 obligations of the government of the District of Columbia
25 mandated by other law.

1 SEC. 817. (a) Section 244 of the Revised Statutes
2 of the United States relating to the District of Columbia
3 (sec. 9–1201.03, D.C. Official Code) does not apply with
4 respect to any railroads installed pursuant to the Long
5 Bridge Project.

6 (b) In this section, the term “Long Bridge Project”
7 means the project carried out by the District of Columbia
8 and the Commonwealth of Virginia to construct a new
9 Long Bridge adjacent to the existing Long Bridge over
10 the Potomac River, including related infrastructure and
11 other related projects, to expand commuter and regional
12 passenger rail service and to provide bike and pedestrian
13 access crossings over the Potomac River.

14 SEC. 818. Not later than 45 days after the last day
15 of each quarter, each Federal and District government
16 agency appropriated Federal funds in this Act shall sub-
17 mit to the Committees on Appropriations of the House
18 of Representatives and the Senate a quarterly budget re-
19 port that includes total obligations of the Agency for that
20 quarter for each Federal funds appropriation provided in
21 this Act, by the source year of the appropriation.

22 SEC. 819. (a)(1) Section 11–2604(a), District of Co-
23 lumbia Official Code, is amended by striking “at a fixed
24 rate of \$90 per hour” and inserting “an hourly rate not

1 to exceed the rate payable under section 3006A(d)(1) of
2 title 18, United States Code”.

3 (2) The amendments made by this section shall apply
4 with respect to cases and proceedings initiated on or after
5 the date of the enactment of this Act.

6 (b)(1) Section 11–2605, District of Columbia Official
7 Code, is amended in subsections (b) and (c) by striking
8 “(or, in the case of investigative services, a fixed rate of
9 \$25 per hour)” each place it appears.

10 (2) The amendments made by this section shall apply
11 with respect to investigative services provided in connec-
12 tion with cases and proceedings initiated on or after the
13 date of the enactment of this Act.

14 SEC. 820. Except as expressly provided otherwise,
15 any reference to “this Act” contained in this title or in
16 title IV shall be treated as referring only to the provisions
17 of this title or of title IV.

18 This division may be cited as the “Financial Services
19 and General Government Appropriations Act, 2023”.

1 **DIVISION F—DEPARTMENT OF HOME-**
2 **LAND SECURITY APPROPRIATIONS**
3 **ACT, 2023**

4 TITLE I

5 DEPARTMENTAL MANAGEMENT, INTEL-
6 LIGENCE, SITUATIONAL AWARENESS, AND
7 OVERSIGHT

8 OFFICE OF THE SECRETARY AND EXECUTIVE

9 MANAGEMENT

10 OPERATIONS AND SUPPORT

11 For necessary expenses of the Office of the Secretary
12 and for executive management for operations and support,
13 \$336,746,000; of which \$18,862,000 shall remain avail-
14 able until September 30, 2024: *Provided*, That not to ex-
15 ceed \$30,000 shall be for official reception and representa-
16 tion expenses: *Provided further*, That \$5,000,000 shall be
17 withheld from obligation until the Secretary submits, to
18 the Committees on Appropriations of the Senate and the
19 House of Representatives, responses to all questions for
20 the record for each hearing on the fiscal year 2024 budget
21 submission for the Department of Homeland Security held
22 by such Committees prior to July 1.

23 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

24 For necessary expenses of the Office of the Secretary
25 and for executive management for procurement, construc-

670

1 tion, and improvements, \$8,048,000, to remain available
2 until September 30, 2025.

3 FEDERAL ASSISTANCE

4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses of the Office of the Secretary
6 and for executive management for Federal assistance
7 through grants, contracts, cooperative agreements, and
8 other activities, \$40,000,000, which shall be transferred
9 to “Federal Emergency Management Agency—Federal
10 Assistance”, of which \$20,000,000 shall be for targeted
11 violence and terrorism prevention grants and of which
12 \$20,000,000, to remain available until September 30,
13 2024, shall be for the Alternatives to Detention Case Man-
14 agement pilot program.

15 MANAGEMENT DIRECTORATE

16 OPERATIONS AND SUPPORT

17 For necessary expenses of the Management Direc-
18 torate for operations and support, including vehicle fleet
19 modernization, \$1,743,160,000: *Provided*, That not to ex-
20 ceed \$2,000 shall be for official reception and representa-
21 tion expenses.

22 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

23 For necessary expenses of the Management Direc-
24 torate for procurement, construction, and improvements,
25 \$325,245,000, of which \$137,245,000 shall remain avail-

671

1 able until September 30, 2025, and of which
2 \$188,000,000 shall remain available until September 30,
3 2027.

4 FEDERAL PROTECTIVE SERVICE

5 The revenues and collections of security fees credited
6 to this account shall be available until expended for nec-
7 essary expenses related to the protection of federally
8 owned and leased buildings and for the operations of the
9 Federal Protective Service.

10 INTELLIGENCE, ANALYSIS, AND SITUATIONAL

11 AWARENESS

12 OPERATIONS AND SUPPORT

13 For necessary expenses of the Office of Intelligence
14 and Analysis and the Office of Homeland Security Situa-
15 tional Awareness for operations and support,
16 \$316,640,000, of which \$95,273,000 shall remain avail-
17 able until September 30, 2024: *Provided*, That not to ex-
18 ceed \$3,825 shall be for official reception and representa-
19 tion expenses and not to exceed \$2,000,000 is available
20 for facility needs associated with secure space at fusion
21 centers, including improvements to buildings.

22 OFFICE OF THE INSPECTOR GENERAL

23 OPERATIONS AND SUPPORT

24 For necessary expenses of the Office of the Inspector
25 General for operations and support, \$214,879,000: *Pro-*

1 *vided*, That not to exceed \$300,000 may be used for cer-
2 tain confidential operational expenses, including the pay-
3 ment of informants, to be expended at the direction of the
4 Inspector General.

5 ADMINISTRATIVE PROVISIONS

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 101. (a) The Secretary of Homeland Security
8 shall submit a report not later than October 15, 2023,
9 to the Inspector General of the Department of Homeland
10 Security listing all grants and contracts awarded by any
11 means other than full and open competition during fiscal
12 years 2022 or 2023.

13 (b) The Inspector General shall review the report re-
14 quired by subsection (a) to assess departmental compli-
15 ance with applicable laws and regulations and report the
16 results of that review to the Committees on Appropriations
17 of the Senate and the House of Representatives not later
18 than February 15, 2024.

19 SEC. 102. Not later than 30 days after the last day
20 of each month, the Chief Financial Officer of the Depart-
21 ment of Homeland Security shall submit to the Commit-
22 tees on Appropriations of the Senate and the House of
23 Representatives a monthly budget and staffing report that
24 includes total obligations of the Department for that
25 month and for the fiscal year at the appropriation and

1 program, project, and activity levels, by the source year
2 of the appropriation.

3 SEC. 103. The Secretary of Homeland Security shall
4 require that all contracts of the Department of Homeland
5 Security that provide award fees link such fees to success-
6 ful acquisition outcomes, which shall be specified in terms
7 of cost, schedule, and performance.

8 SEC. 104. (a) The Secretary of Homeland Security,
9 in consultation with the Secretary of the Treasury, shall
10 notify the Committees on Appropriations of the Senate
11 and the House of Representatives of any proposed trans-
12 fers of funds available under section 9705(g)(4)(B) of title
13 31, United States Code, from the Department of the
14 Treasury Forfeiture Fund to any agency within the De-
15 partment of Homeland Security.

16 (b) None of the funds identified for such a transfer
17 may be obligated until the Committees on Appropriations
18 of the Senate and the House of Representatives are noti-
19 fied of the proposed transfer.

20 SEC. 105. All official costs associated with the use
21 of Government aircraft by Department of Homeland Secu-
22 rity personnel to support official travel of the Secretary
23 and the Deputy Secretary shall be paid from amounts
24 made available for the Office of the Secretary.

1 SEC. 106. (a) The Under Secretary for Management
2 shall brief the Committees on Appropriations of the Sen-
3 ate and the House of Representatives not later than 45
4 days after the end of each fiscal quarter on all Level 1
5 and Level 2 acquisition programs on the Master Acquisi-
6 tion Oversight list between Acquisition Decision Event and
7 Full Operational Capability, including programs that have
8 been removed from such list during the preceding quarter.

9 (b) For each such program, the briefing described in
10 subsection (a) shall include—

11 (1) a description of the purpose of the program,
12 including the capabilities being acquired and the
13 component(s) sponsoring the acquisition;

14 (2) the total number of units, as appropriate, to
15 be acquired annually until procurement is complete
16 under the current acquisition program baseline;

17 (3) the Acquisition Review Board status, in-
18 cluding—

19 (A) the current acquisition phase by incre-
20 ment, as applicable;

21 (B) the date of the most recent review; and

22 (C) whether the program has been paused
23 or is in breach status;

24 (4) a comparison between the initial Depart-
25 ment-approved acquisition program baseline cost,

1 schedule, and performance thresholds and objectives
2 and the program's current such thresholds and ob-
3 jectives, if applicable;

4 (5) the lifecycle cost estimate, adjusted for com-
5 parison to the Future Years Homeland Security
6 Program, including—

7 (A) the confidence level for the estimate;

8 (B) the fiscal years included in the esti-
9 mate;

10 (C) a breakout of the estimate for the
11 prior five years, the current year, and the budg-
12 et year;

13 (D) a breakout of the estimate by appro-
14 priation account or other funding source; and

15 (E) a description of and rationale for any
16 changes to the estimate as compared to the pre-
17 viously approved baseline, as applicable, and
18 during the prior fiscal year;

19 (6) a summary of the findings of any inde-
20 pendent verification and validation of the items to be
21 acquired or an explanation for why no such
22 verification and validation has been performed;

23 (7) a table displaying the obligation of all pro-
24 gram funds by prior fiscal year, the estimated obli-
25 gation of funds for the current fiscal year, and an

1 estimate for the planned carryover of funds into the
2 subsequent fiscal year;

3 (8) a listing of prime contractors and major
4 subcontractors; and

5 (9) narrative descriptions of risks to cost,
6 schedule, or performance that could result in a pro-
7 gram breach if not successfully mitigated.

8 (c) The Under Secretary for Management shall sub-
9 mit each approved Acquisition Decision Memorandum for
10 programs described in this section to the Committees on
11 Appropriations of the Senate and the House of Represent-
12 atives not later than five business days after the date of
13 approval of such memorandum by the Under Secretary for
14 Management or the designee of the Under Secretary.

15 SEC. 107. (a) None of the funds made available to
16 the Department of Homeland Security in this Act or prior
17 appropriations Acts may be obligated for any new pilot
18 or demonstration unless the component or office carrying
19 out such pilot or demonstration has documented the infor-
20 mation described in subsection (c).

21 (b) Prior to the obligation of any such funds made
22 available for “Operations and Support” for a new pilot
23 or demonstration, the Under Secretary for Management
24 shall provide a report to the Committees on Appropria-

1 tions of the Senate and the House of Representatives on
2 the information described in subsection (c).

3 (c) The information required under subsections (a)
4 and (b) for a pilot or demonstration shall include the fol-
5 lowing—

6 (1) documented objectives that are well-defined
7 and measurable;

8 (2) an assessment methodology that details—

9 (A) the type and source of assessment
10 data;

11 (B) the methods for, and frequency of, col-
12 lecting such data; and

13 (C) how such data will be analyzed; and

14 (3) an implementation plan, including mile-
15 stones, cost estimates, and implementation sched-
16 ules, including a projected end date.

17 (d) Not later than 90 days after the date of comple-
18 tion of a pilot or demonstration described in subsection

19 (e) the Under Secretary for Management shall provide a
20 report to the Committees on Appropriations of the Senate

21 and the House of Representatives detailing lessons
22 learned, actual costs, any planned expansion or continu-

23 ation of the pilot or demonstration, and any planned tran-
24 sition of such pilot or demonstration into an enduring pro-

25 gram or operation.

1 (e) For the purposes of this section, a pilot or dem-
2 onstration program is a study, demonstration, experi-
3 mental program, or trial that—

4 (1) is a small-scale, short-term experiment con-
5 ducted in order to evaluate feasibility, duration,
6 costs, or adverse events, and improve upon the de-
7 sign of an effort prior to implementation of a larger
8 scale effort; and

9 (2) uses more than 10 full-time equivalents or
10 obligates, or proposes to obligate, \$5,000,000 or
11 more, but does not include congressionally directed
12 programs or enhancements and does not include pro-
13 grams that were in operation as of March 15, 2022.

14 (f) For the purposes of this section, a pilot or dem-
15 onstration does not include any testing, evaluation, or ini-
16 tial deployment phase executed under a procurement con-
17 tract for the acquisition of information technology services
18 or systems, or any pilot or demonstration carried out by
19 a non-federal recipient under any financial assistance
20 agreement funded by the Department.

21 SEC. 108. Of the amount made available by section
22 4005 of the American Rescue Plan Act of 2021 (Public
23 Law 117–2), \$14,000,000 shall be transferred to “Office
24 of Inspector General—Operations and Support” for over-

679

- 1 sight of the use of funds made available under such section
- 2 4005.

680

1 TITLE II
2 SECURITY, ENFORCEMENT, AND
3 INVESTIGATIONS
4 U.S. CUSTOMS AND BORDER PROTECTION
5 OPERATIONS AND SUPPORT
6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses of U.S. Customs and Border
8 Protection for operations and support, including the trans-
9 portation of unaccompanied alien minors; the provision of
10 air and marine support to Federal, State, local, and inter-
11 national agencies in the enforcement or administration of
12 laws enforced by the Department of Homeland Security;
13 at the discretion of the Secretary of Homeland Security,
14 the provision of such support to Federal, State, and local
15 agencies in other law enforcement and emergency humani-
16 tarian efforts; the purchase and lease of up to 7,500
17 (6,500 for replacement only) police-type vehicles; the pur-
18 chase, maintenance, or operation of marine vessels, air-
19 craft, and unmanned aerial systems; and contracting with
20 individuals for personal services abroad; \$15,590,694,000;
21 of which \$3,274,000 shall be derived from the Harbor
22 Maintenance Trust Fund for administrative expenses re-
23 lated to the collection of the Harbor Maintenance Fee pur-
24 suant to section 9505(c)(3) of the Internal Revenue Code
25 of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding sec-

1 tion 1511(e)(1) of the Homeland Security Act of 2002 (6
2 U.S.C. 551(e)(1)); of which \$500,000,000 shall be avail-
3 able until September 30, 2024; and of which such sums
4 as become available in the Customs User Fee Account, ex-
5 cept sums subject to section 13031(f)(3) of the Consoli-
6 dated Omnibus Budget Reconciliation Act of 1985 (19
7 U.S.C. 58c(f)(3)), shall be derived from that account: *Pro-*
8 *vided*, That not to exceed \$34,425 shall be for official re-
9 ception and representation expenses: *Provided further*,
10 That not to exceed \$150,000 shall be available for pay-
11 ment for rental space in connection with preclearance op-
12 erations: *Provided further*, That not to exceed \$2,000,000
13 shall be for awards of compensation to informants, to be
14 accounted for solely under the certificate of the Secretary
15 of Homeland Security: *Provided further*, That
16 \$800,000,000 shall be transferred to “Federal Emergency
17 Management Agency—Federal Assistance” to support
18 sheltering and related activities provided by non-Federal
19 entities, including facility improvements and construction,
20 in support of relieving overcrowding in short-term holding
21 facilities of U.S. Customs and Border Protection, of which
22 not to exceed \$11,200,000 shall be for the administrative
23 costs of the Federal Emergency Management Agency: *Pro-*
24 *vided further*, That not to exceed \$5,000,000 may be
25 transferred to the Bureau of Indian Affairs for the main-

1 tenance and repair of roads on Native American reserva-
2 tions used by the U.S. Border Patrol: *Provided further*,
3 That of the amounts made available under this heading
4 for the Executive Leadership and Oversight program,
5 project, and activity, as outlined in the explanatory state-
6 ment described in section 4 (in the matter preceding divi-
7 sion A of this consolidated Act), \$5,000,000 shall not be
8 available for obligation until the reports concerning human
9 capital strategic plans and the Office of Field Operations
10 workload staffing model that are directed in such explana-
11 tory statement are submitted to the Committees on Appro-
12 priations of the Senate and the House of Representatives.

13 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

14 For necessary expenses of U.S. Customs and Border
15 Protection for procurement, construction, and improve-
16 ments, including procurement of marine vessels, aircraft,
17 and unmanned aerial systems, \$581,558,000, of which
18 \$481,658,000 shall remain available until September 30,
19 2025; and of which \$99,900,000 shall remain available
20 until September 30, 2027.

21 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

22 OPERATIONS AND SUPPORT

23 For necessary expenses of U.S. Immigration and
24 Customs Enforcement for operations and support, includ-
25 ing the purchase and lease of up to 3,790 (2,350 for re-

1 placement only) police-type vehicles; overseas vetted units;
2 and maintenance, minor construction, and minor leasehold
3 improvements at owned and leased facilities;
4 \$8,396,305,000; of which not less than \$6,000,000 shall
5 remain available until expended for efforts to enforce laws
6 against forced child labor; of which \$46,696,000 shall re-
7 main available until September 30, 2024; of which not less
8 than \$2,000,000 is for paid apprenticeships for partici-
9 pants in the Human Exploitation Rescue Operative Child-
10 Rescue Corps; of which not less than \$15,000,000 shall
11 be available for investigation of intellectual property rights
12 violations, including operation of the National Intellectual
13 Property Rights Coordination Center; and of which not
14 less than \$4,181,786,000 shall be for enforcement, deten-
15 tion, and removal operations, including transportation of
16 unaccompanied alien minors: *Provided*, That not to exceed
17 \$11,475 shall be for official reception and representation
18 expenses: *Provided further*, That not to exceed
19 \$10,000,000 shall be available until expended for con-
20 ducting special operations under section 3131 of the Cus-
21 toms Enforcement Act of 1986 (19 U.S.C. 2081): *Pro-*
22 *vided further*, That not to exceed \$2,000,000 shall be for
23 awards of compensation to informants, to be accounted
24 for solely under the certificate of the Secretary of Home-
25 land Security: *Provided further*, That not to exceed

1 \$11,216,000 shall be available to fund or reimburse other
2 Federal agencies for the costs associated with the care,
3 maintenance, and repatriation of smuggled aliens unlaw-
4 fully present in the United States: *Provided further*, That
5 of the amounts made available under this heading for the
6 Executive Leadership and Oversight program, project, and
7 activity, as outlined in the explanatory statement de-
8 scribed in section 4 (in the matter preceding division A
9 of this consolidated Act), \$5,000,000 shall not be available
10 for obligation until the reports directed under this heading
11 in the explanatory statements accompanying Public Laws
12 116–6, 116–93, and 117–103 have been submitted to the
13 Committees on Appropriations of the Senate and the
14 House of Representatives.

15 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

16 For necessary expenses of U.S. Immigration and
17 Customs Enforcement for procurement, construction, and
18 improvements, \$22,997,000, to remain available until Sep-
19 tember 30, 2025.

20 TRANSPORTATION SECURITY ADMINISTRATION

21 OPERATIONS AND SUPPORT

22 For necessary expenses of the Transportation Secu-
23 rity Administration for operations and support,
24 \$8,798,363,000, to remain available until September 30,
25 2024: *Provided*, That not to exceed \$7,650 shall be for

1 official reception and representation expenses: *Provided*
2 *further*, That security service fees authorized under section
3 44940 of title 49, United States Code, shall be credited
4 to this appropriation as offsetting collections and shall be
5 available only for aviation security: *Provided further*, That
6 the sum appropriated under this heading from the general
7 fund shall be reduced on a dollar-for-dollar basis as such
8 offsetting collections are received during fiscal year 2023
9 so as to result in a final fiscal year appropriation from
10 the general fund estimated at not more than
11 \$6,308,363,000.

12 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

13 For necessary expenses of the Transportation Secu-
14 rity Administration for procurement, construction, and
15 improvements, \$141,645,000, to remain available until
16 September 30, 2025.

17 RESEARCH AND DEVELOPMENT

18 For necessary expenses of the Transportation Secu-
19 rity Administration for research and development,
20 \$33,532,000, to remain available until September 30,
21 2024.

22 COAST GUARD

23 OPERATIONS AND SUPPORT

24 For necessary expenses of the Coast Guard for oper-
25 ations and support including the Coast Guard Reserve;

1 purchase or lease of not to exceed 25 passenger motor ve-
2 hicles, which shall be for replacement only; purchase or
3 lease of small boats for contingent and emergent require-
4 ments (at a unit cost of not more than \$700,000) and
5 repairs and service-life replacements, not to exceed a total
6 of \$31,000,000; purchase, lease, or improvements of boats
7 necessary for overseas deployments and activities; pay-
8 ments pursuant to section 156 of Public Law 97–377 (42
9 U.S.C. 402 note; 96 Stat. 1920); and recreation and wel-
10 fare; \$9,700,478,000, of which \$530,000,000 shall be for
11 defense-related activities; of which \$24,500,000 shall be
12 derived from the Oil Spill Liability Trust Fund to carry
13 out the purposes of section 1012(a)(5) of the Oil Pollution
14 Act of 1990 (33 U.S.C. 2712(a)(5)); of which
15 \$20,000,000 shall remain available until September 30,
16 2025; of which \$24,359,000 shall remain available until
17 September 30, 2027, for environmental compliance and
18 restoration; and of which \$70,000,000 shall remain avail-
19 able until September 30, 2024, which shall only be avail-
20 able for vessel depot level maintenance: *Provided*, That not
21 to exceed \$23,000 shall be for official reception and rep-
22 resentation expenses.

23 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

24 For necessary expenses of the Coast Guard for pro-
25 curement, construction, and improvements, including aids

1 to navigation, shore facilities (including facilities at De-
2 partment of Defense installations used by the Coast
3 Guard), and vessels and aircraft, including equipment re-
4 lated thereto, \$1,669,650,000, to remain available until
5 September 30, 2027; of which \$20,000,000 shall be de-
6 rived from the Oil Spill Liability Trust Fund to carry out
7 the purposes of section 1012(a)(5) of the Oil Pollution Act
8 of 1990 (33 U.S.C. 2712(a)(5)).

9 RESEARCH AND DEVELOPMENT

10 For necessary expenses of the Coast Guard for re-
11 search and development; and for maintenance, rehabilita-
12 tion, lease, and operation of facilities and equipment;
13 \$7,476,000, to remain available until September 30, 2025,
14 of which \$500,000 shall be derived from the Oil Spill Li-
15 ability Trust Fund to carry out the purposes of section
16 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
17 2712(a)(5)): *Provided*, That there may be credited to and
18 used for the purposes of this appropriation funds received
19 from State and local governments, other public authori-
20 ties, private sources, and foreign countries for expenses
21 incurred for research, development, testing, and evalua-
22 tion.

23 RETIRED PAY

24 For retired pay, including the payment of obligations
25 otherwise chargeable to lapsed appropriations for this pur-

1 pose, payments under the Retired Serviceman's Family
2 Protection and Survivor Benefits Plans, payment for ca-
3 reer status bonuses, payment of continuation pay under
4 section 356 of title 37, United States Code, concurrent
5 receipts, combat-related special compensation, and pay-
6 ments for medical care of retired personnel and their de-
7 pendants under chapter 55 of title 10, United States Code,
8 \$2,044,414,000, to remain available until expended.

9 UNITED STATES SECRET SERVICE

10 OPERATIONS AND SUPPORT

11 For necessary expenses of the United States Secret
12 Service for operations and support, including purchase of
13 not to exceed 652 vehicles for police-type use; hire of pas-
14 senger motor vehicles; purchase of motorcycles made in
15 the United States; hire of aircraft; rental of buildings in
16 the District of Columbia; fencing, lighting, guard booths,
17 and other facilities on private or other property not in
18 Government ownership or control, as may be necessary to
19 perform protective functions; conduct of and participation
20 in firearms matches; presentation of awards; conduct of
21 behavioral research in support of protective intelligence
22 and operations; payment in advance for commercial ac-
23 commodations as may be necessary to perform protective
24 functions; and payment, without regard to section 5702
25 of title 5, United States Code, of subsistence expenses of

1 employees who are on protective missions, whether at or
2 away from their duty stations; \$2,734,267,000; of which
3 \$52,296,000 shall remain available until September 30,
4 2024, and of which \$6,000,000 shall be for a grant for
5 activities related to investigations of missing and exploited
6 children; and of which up to \$20,500,000 may be for cal-
7 endar year 2022 premium pay in excess of the annual
8 equivalent of the limitation on the rate of pay contained
9 in section 5547(a) of title 5, United States Code, pursuant
10 to section 2 of the Overtime Pay for Protective Services
11 Act of 2016 (5 U.S.C. 5547 note), as last amended by
12 Public Law 116–269: *Provided*, That not to exceed
13 \$19,125 shall be for official reception and representation
14 expenses: *Provided further*, That not to exceed \$100,000
15 shall be to provide technical assistance and equipment to
16 foreign law enforcement organizations in criminal inves-
17 tigation within the jurisdiction of the United States Se-
18 cret Service.

19 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

20 For necessary expenses of the United States Secret
21 Service for procurement, construction, and improvements,
22 \$83,888,000, to remain available until September 30,
23 2025.

1 RESEARCH AND DEVELOPMENT

2 For necessary expenses of the United States Secret
3 Service for research and development, \$4,025,000, to re-
4 main available until September 30, 2024.

5 ADMINISTRATIVE PROVISIONS

6 SEC. 201. Section 201 of the Department of Home-
7 land Security Appropriations Act, 2018 (division F of
8 Public Law 115–141), related to overtime compensation
9 limitations, shall apply with respect to funds made avail-
10 able in this Act in the same manner as such section ap-
11 plied to funds made available in that Act, except that “fis-
12 cal year 2023” shall be substituted for “fiscal year 2018”.

13 SEC. 202. Funding made available under the head-
14 ings “U.S. Customs and Border Protection—Operations
15 and Support” and “U.S. Customs and Border Protec-
16 tion—Procurement, Construction, and Improvements”
17 shall be available for customs expenses when necessary to
18 maintain operations and prevent adverse personnel actions
19 in Puerto Rico and the U.S. Virgin Islands, in addition
20 to funding provided by sections 740 and 1406i of title 48,
21 United States Code.

22 SEC. 203. As authorized by section 601(b) of the
23 United States-Colombia Trade Promotion Agreement Im-
24 plementation Act (Public Law 112–42), fees collected
25 from passengers arriving from Canada, Mexico, or an ad-

1 jacent island pursuant to section 13031(a)(5) of the Con-
2 solidated Omnibus Budget Reconciliation Act of 1985 (19
3 U.S.C. 58c(a)(5)) shall be available until expended.

4 SEC. 204. (a) For an additional amount for “U.S.
5 Customs and Border Protection—Operations and Sup-
6 port”, \$31,000,000, to remain available until expended,
7 to be reduced by amounts collected and credited to this
8 appropriation in fiscal year 2023 from amounts authorized
9 to be collected by section 286(i) of the Immigration and
10 Nationality Act (8 U.S.C. 1356(i)), section 10412 of the
11 Farm Security and Rural Investment Act of 2002 (7
12 U.S.C. 8311), and section 817 of the Trade Facilitation
13 and Trade Enforcement Act of 2015 (Public Law 114–
14 125), or other such authorizing language.

15 (b) To the extent that amounts realized from such
16 collections exceed \$31,000,000, those amounts in excess
17 of \$31,000,000 shall be credited to this appropriation, to
18 remain available until expended.

19 SEC. 205. None of the funds made available in this
20 Act for U.S. Customs and Border Protection may be used
21 to prevent an individual not in the business of importing
22 a prescription drug (within the meaning of section 801(g)
23 of the Federal Food, Drug, and Cosmetic Act) from im-
24 porting a prescription drug from Canada that complies
25 with the Federal Food, Drug, and Cosmetic Act: *Provided,*

1 That this section shall apply only to individuals trans-
2 porting on their person a personal-use quantity of the pre-
3 scription drug, not to exceed a 90-day supply: *Provided*
4 *further*, That the prescription drug may not be—

5 (1) a controlled substance, as defined in section
6 102 of the Controlled Substances Act (21 U.S.C.
7 802); or

8 (2) a biological product, as defined in section
9 351 of the Public Health Service Act (42 U.S.C.
10 262).

11 SEC. 206. (a) Notwithstanding any other provision
12 of law, none of the funds provided in this or any other
13 Act shall be used to approve a waiver of the navigation
14 and vessel-inspection laws pursuant to section 501(b) of
15 title 46, United States Code, for the transportation of
16 crude oil distributed from and to the Strategic Petroleum
17 Reserve until the Secretary of Homeland Security, after
18 consultation with the Secretaries of the Departments of
19 Energy and Transportation and representatives from the
20 United States flag maritime industry, takes adequate
21 measures to ensure the use of United States flag vessels.

22 (b) The Secretary shall notify the Committees on Ap-
23 propriations of the Senate and the House of Representa-
24 tives, the Committee on Commerce, Science, and Trans-
25 portation of the Senate, and the Committee on Transpor-

1 tation and Infrastructure of the House of Representatives
2 within 2 business days of any request for waivers of navi-
3 gation and vessel-inspection laws pursuant to section
4 501(b) of title 46, United States Code, with respect to
5 such transportation, and the disposition of such requests.

6 SEC. 207. (a) Beginning on the date of enactment
7 of this Act, the Secretary of Homeland Security shall
8 not—

9 (1) establish, collect, or otherwise impose any
10 new border crossing fee on individuals crossing the
11 Southern border or the Northern border at a land
12 port of entry; or

13 (2) conduct any study relating to the imposition
14 of a border crossing fee.

15 (b) In this section, the term “border crossing fee”
16 means a fee that every pedestrian, cyclist, and driver and
17 passenger of a private motor vehicle is required to pay
18 for the privilege of crossing the Southern border or the
19 Northern border at a land port of entry.

20 SEC. 208. (a) Not later than 90 days after the date
21 of enactment of this Act, the Commissioner of U.S. Cus-
22 toms and Border Protection shall submit an expenditure
23 plan for any amounts made available for “U.S. Customs
24 and Border Protection—Procurement, Construction, and
25 Improvements” in this Act and prior Acts to the Commit-

1 tees on Appropriations of the Senate and the House of
2 Representatives.

3 (b) No such amounts provided in this Act may be
4 obligated prior to the submission of such plan.

5 SEC. 209. Section 211 of the Department of Home-
6 land Security Appropriations Act, 2021 (division F of
7 Public Law 116–260), prohibiting the use of funds for the
8 construction of fencing in certain areas, shall apply with
9 respect to funds made available in this Act in the same
10 manner as such section applied to funds made available
11 in that Act.

12 SEC. 210. (a) Funds made available in this Act may
13 be used to alter operations within the National Targeting
14 Center of U.S. Customs and Border Protection.

15 (b) None of the funds provided by this Act, provided
16 by previous appropriations Acts that remain available for
17 obligation or expenditure in fiscal year 2023, or provided
18 from any accounts in the Treasury of the United States
19 derived by the collection of fees available to the compo-
20 nents funded by this Act, may be used to reduce antici-
21 pated or planned vetting operations at existing locations
22 unless specifically authorized by a statute enacted after
23 the date of enactment of this Act.

24 SEC. 211. (a) Of the amounts transferred from “U.S.
25 Customs and Border Protection—Operations and Sup-

1 port” to “Federal Emergency Management Agency—Fed-
2 eral Assistance” in this Act, up to \$785,000,000 may be
3 made available for the emergency food and shelter pro-
4 gram under title II of the McKinney Vento Homeless As-
5 sistance Act (42 U.S.C. 11331) for the purposes of pro-
6 viding shelter and other services to families and individ-
7 uals encountered by the Department of Homeland Secu-
8 rity.

9 (b) Notwithstanding sections 313(a) and 316 of such
10 Act, up to \$50,000,000 of any amounts made available
11 to the emergency food and shelter program under sub-
12 section (a) may be used for the construction and expansion
13 of shelter facilities.

14 (c) Notwithstanding section 311 of such Act, funds
15 made available for the purposes described in subsection
16 (b) may be awarded to the Emergency Food and Shelter
17 Program National Board up to 6 months after the date
18 of enactment of this Act.

19 (d) Notwithstanding sections 315 and 316(b) of such
20 Act, funds made available under subsection (b) may be
21 disbursed by the Emergency Food and Shelter Program
22 National Board up to 24 months after the date on which
23 such funds become available.

1 (e) Amounts made available under subsection (a) may
2 be available for the reimbursement of costs incurred after
3 June 30, 2022.

4 (f) The real property disposition requirements at 2
5 CFR 200.311(e) shall not apply to grants funded by the
6 amounts transferred from “U.S. Customs and Border
7 Protection—Operations and Support” to “Federal Emer-
8 gency Management Agency—Federal Assistance” in this
9 Act.

10 SEC. 212. Of the total amount made available under
11 “U.S. Customs and Border Protection—Procurement,
12 Construction, and Improvements”, \$581,558,000 shall be
13 available only as follows:

14 (1) \$230,277,000 for the acquisition and de-
15 ployment of border security technologies;

16 (2) \$126,047,000 for trade and travel assets
17 and infrastructure;

18 (3) \$99,900,000 for facility construction and
19 improvements;

20 (4) \$92,661,000 for integrated operations as-
21 sets and infrastructure; and

22 (5) \$32,673,000 for mission support and infra-
23 structure.

24 SEC. 213. None of the funds provided under the
25 heading “U.S. Immigration and Customs Enforcement—

1 Operations and Support” may be used to continue a dele-
2 gation of law enforcement authority authorized under sec-
3 tion 287(g) of the Immigration and Nationality Act (8
4 U.S.C. 1357(g)) if the Department of Homeland Security
5 Inspector General determines that the terms of the agree-
6 ment governing the delegation of authority have been ma-
7 terially violated.

8 SEC. 214. (a) None of the funds provided under the
9 heading “U.S. Immigration and Customs Enforcement—
10 Operations and Support” may be used to continue any
11 contract for the provision of detention services if the two
12 most recent overall performance evaluations received by
13 the contracted facility are less than “adequate” or the
14 equivalent median score in any subsequent performance
15 evaluation system.

16 (b) The performance evaluations referenced in sub-
17 section (a) shall be conducted by the U.S. Immigration
18 and Customs Enforcement Office of Professional Respon-
19 sibility.

20 SEC. 215. Without regard to the limitation as to time
21 and condition of section 503(d) of this Act, the Secretary
22 may reprogram within and transfer funds to “U.S. Immi-
23 gration and Customs Enforcement—Operations and Sup-
24 port” as necessary to ensure the detention of aliens
25 prioritized for removal.

1 SEC. 216. The reports required to be submitted under
2 section 216 of the Department of Homeland Security Ap-
3 propriations Act, 2021 (division F of Public Law 116–
4 260) shall continue to be submitted semimonthly and each
5 matter required to be included in such reports by such
6 section 216 shall apply in the same manner and to the
7 same extent during the period described in such section
8 216.

9 SEC. 217. The terms and conditions of sections 216
10 and 217 of the Department of Homeland Security Appro-
11 priations Act, 2020 (division D of Public Law 116–93)
12 shall apply to this Act.

13 SEC. 218. Members of the United States House of
14 Representatives and the United States Senate, including
15 the leadership; the heads of Federal agencies and commis-
16 sions, including the Secretary, Deputy Secretary, Under
17 Secretaries, and Assistant Secretaries of the Department
18 of Homeland Security; the United States Attorney Gen-
19 eral, Deputy Attorney General, Assistant Attorneys Gen-
20 eral, and the United States Attorneys; and senior mem-
21 bers of the Executive Office of the President, including
22 the Director of the Office of Management and Budget,
23 shall not be exempt from Federal passenger and baggage
24 screening.

1 SEC. 219. Any award by the Transportation Security
2 Administration to deploy explosives detection systems
3 shall be based on risk, the airport's current reliance on
4 other screening solutions, lobby congestion resulting in in-
5 creased security concerns, high injury rates, airport readi-
6 ness, and increased cost effectiveness.

7 SEC. 220. Notwithstanding section 44923 of title 49,
8 United States Code, for fiscal year 2023, any funds in
9 the Aviation Security Capital Fund established by section
10 44923(h) of title 49, United States Code, may be used
11 for the procurement and installation of explosives detec-
12 tion systems or for the issuance of other transaction agree-
13 ments for the purpose of funding projects described in sec-
14 tion 44923(a) of such title.

15 SEC. 221. Not later than 45 days after the submis-
16 sion of the President's budget proposal, the Administrator
17 of the Transportation Security Administration shall sub-
18 mit to the Committees on Appropriations and Commerce,
19 Science, and Transportation of the Senate and the Com-
20 mittees on Appropriations and Homeland Security in the
21 House of Representatives a single report that fulfills the
22 following requirements:

23 (1) a Capital Investment Plan, both constrained
24 and unconstrained, that includes a plan for contin-
25 uous and sustained capital investment in new, and

1 the replacement of aged, transportation security
2 equipment;

3 (2) the 5-year technology investment plan as re-
4 quired by section 1611 of title XVI of the Homeland
5 Security Act of 2002, as amended by section 3 of
6 the Transportation Security Acquisition Reform Act
7 (Public Law 113–245); and

8 (3) the Advanced Integrated Passenger Screen-
9 ing Technologies report as required by the Senate
10 Report accompanying the Department of Homeland
11 Security Appropriations Act, 2019 (Senate Report
12 115–283).

13 SEC. 222. Section 225 of division A of Public Law
14 116–6 (49 U.S.C. 44901 note), relating to a pilot program
15 for screening outside of an existing primary passenger ter-
16 minal screening area, is amended in subsection (e) by
17 striking “2023” and inserting “2025”.

18 SEC. 223. (a) None of the funds made available by
19 this Act under the heading “Coast Guard—Operations
20 and Support” shall be for expenses incurred for rec-
21 reational vessels under section 12114 of title 46, United
22 States Code, except to the extent fees are collected from
23 owners of yachts and credited to the appropriation made
24 available by this Act under the heading “Coast Guard—
25 Operations and Support”.

1 (b) To the extent such fees are insufficient to pay
2 expenses of recreational vessel documentation under such
3 section 12114, and there is a backlog of recreational vessel
4 applications, personnel performing non-recreational vessel
5 documentation functions under subchapter II of chapter
6 121 of title 46, United States Code, may perform docu-
7 mentation under section 12114.

8 SEC. 224. Without regard to the limitation as to time
9 and condition of section 503(d) of this Act, after June
10 30, in accordance with the notification requirement de-
11 scribed in subsection (b) of such section, up to the fol-
12 lowing amounts may be reprogrammed within “Coast
13 Guard—Operations and Support”—

14 (1) \$10,000,000 to or from the “Military Per-
15 sonnel” funding category; and

16 (2) \$10,000,000 between the “Field Oper-
17 ations” funding subcategories.

18 SEC. 225. Notwithstanding any other provision of
19 law, the Commandant of the Coast Guard shall submit
20 to the Committees on Appropriations of the Senate and
21 the House of Representatives a future-years capital invest-
22 ment plan as described in the second proviso under the
23 heading “Coast Guard—Acquisition, Construction, and
24 Improvements” in the Department of Homeland Security
25 Appropriations Act, 2015 (Public Law 114–4), which shall

1 be subject to the requirements in the third and fourth pro-
2 visos under such heading.

3 SEC. 226. Of the funds made available for defense-
4 related activities under the heading “Coast Guard—Oper-
5 ations and Support”, up to \$190,000,000 that are used
6 for enduring overseas missions in support of the global
7 fight against terrorism may be reallocated by program,
8 project, and activity, notwithstanding section 503 of this
9 Act.

10 SEC. 227. None of the funds in this Act shall be used
11 to reduce the Coast Guard’s legacy Operations Systems
12 Center mission or its government-employed or contract
13 staff levels.

14 SEC. 228. None of the funds appropriated by this Act
15 may be used to conduct, or to implement the results of,
16 a competition under Office of Management and Budget
17 Circular A–76 for activities performed with respect to the
18 Coast Guard National Vessel Documentation Center.

19 SEC. 229. Funds made available in this Act may be
20 used to alter operations within the Civil Engineering Pro-
21 gram of the Coast Guard nationwide, including civil engi-
22 neering units, facilities design and construction centers,
23 maintenance and logistics commands, and the Coast
24 Guard Academy, except that none of the funds provided
25 in this Act may be used to reduce operations within any

1 civil engineering unit unless specifically authorized by a
2 statute enacted after the date of enactment of this Act.

3 SEC. 230. Amounts deposited into the Coast Guard
4 Housing Fund in fiscal year 2023 shall be available until
5 expended to carry out the purposes of section 2946 of title
6 14, United States Code, and shall be in addition to funds
7 otherwise available for such purposes.

8 SEC. 231. (a) Notwithstanding section 2110 of title
9 46, United States Code, none of the funds made available
10 in this Act shall be used to charge a fee for an inspection
11 of a towing vessel, as defined in 46 CFR 136.110, that
12 utilizes the Towing Safety Management System option for
13 a Certificate of Inspection issued under subchapter M of
14 title 46, Code of Federal Regulations.

15 (b) Subsection (a) shall not apply after the date the
16 Commandant of the Coast Guard makes a determination
17 under section 815(a) of the Frank LoBiondo Coast Guard
18 Authorization Act of 2018 (Public Law 115–282) and, as
19 necessary based on such determination, carries out the re-
20 quirements of section 815(b) of such Act.

21 SEC. 232. The United States Secret Service is au-
22 thorized to obligate funds in anticipation of reimburse-
23 ments from executive agencies, as defined in section 105
24 of title 5, United States Code, for personnel receiving
25 training sponsored by the James J. Rowley Training Cen-

1 ter, except that total obligations at the end of the fiscal
2 year shall not exceed total budgetary resources available
3 under the heading “United States Secret Service—Oper-
4 ations and Support” at the end of the fiscal year.

5 SEC. 233. (a) None of the funds made available to
6 the United States Secret Service by this Act or by previous
7 appropriations Acts may be made available for the protec-
8 tion of the head of a Federal agency other than the Sec-
9 retary of Homeland Security.

10 (b) The Director of the United States Secret Service
11 may enter into agreements to provide such protection on
12 a fully reimbursable basis.

13 SEC. 234. For purposes of section 503(a)(3) of this
14 Act, up to \$15,000,000 may be reprogrammed within
15 “United States Secret Service—Operations and Support”.

16 SEC. 235. Funding made available in this Act for
17 “United States Secret Service—Operations and Support”
18 is available for travel of United States Secret Service em-
19 ployees on protective missions without regard to the limi-
20 tations on such expenditures in this or any other Act if
21 the Director of the United States Secret Service or a des-
22 ignee notifies the Committees on Appropriations of the
23 Senate and the House of Representatives 10 or more days
24 in advance, or as early as practicable, prior to such ex-
25 penditures.

1 SEC. 236. Of the amounts made available by this Act
2 under the heading “United States Secret Service—Oper-
3 ations and Support”, \$23,000,000, to remain available
4 until expended, shall be distributed as a grant or coopera-
5 tive agreement for existing National Computer Forensics
6 Institute facilities currently used by the United States Se-
7 cret Service to carry out activities under section 383 of
8 title 6, United States Code, of which not to exceed 5 per-
9 cent, or the applicable negotiated rate, shall be for the ad-
10 ministrative costs of the Department of Homeland Secu-
11 rity in carrying out this section.

706

1 TITLE III
2 PROTECTION, PREPAREDNESS, RESPONSE, AND
3 RECOVERY

4 CYBERSECURITY AND INFRASTRUCTURE SECURITY
5 AGENCY
6 OPERATIONS AND SUPPORT

7 For necessary expenses of the Cybersecurity and In-
8 frastructure Security Agency for operations and support,
9 \$2,350,559,000, of which \$36,293,000 shall remain avail-
10 able until September 30, 2024: *Provided*, That not to ex-
11 ceed \$5,500 shall be for official reception and representa-
12 tion expenses.

13 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

14 For necessary expenses of the Cybersecurity and In-
15 frastructure Security Agency for procurement, construc-
16 tion, and improvements, \$549,148,000, of which
17 \$522,048,000 shall remain available until September 30,
18 2025, and of which \$27,100,000 shall remain available
19 until September 30, 2027.

20 RESEARCH AND DEVELOPMENT

21 For necessary expenses of the Cybersecurity and In-
22 frastructure Security Agency for research and develop-
23 ment, \$7,431,000, to remain available until September 30,
24 2024.

1 FEDERAL EMERGENCY MANAGEMENT AGENCY
2 OPERATIONS AND SUPPORT

3 For necessary expenses of the Federal Emergency
4 Management 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
9 Management Agency for procurement, construction, and
10 improvements, \$207,730,000, of which \$130,425,000
11 shall remain available until September 30, 2025, and of
12 which \$77,305,000 shall remain available until September
13 30, 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,
18 cooperative agreements, and other activities,
19 \$3,882,014,000, which shall be allocated as follows:

20 (1) \$520,000,000 for the State Homeland Secu-
21 rity Grant Program under section 2004 of the
22 Homeland Security Act of 2002 (6 U.S.C. 605), of
23 which \$90,000,000 shall be for Operation
24 Stonegarden and \$15,000,000 shall be for Tribal
25 Homeland Security Grants under section 2005 of

1 the Homeland Security Act of 2002 (6 U.S.C. 606):
2 *Provided*, That notwithstanding subsection (c)(4) of
3 such section 2004, for fiscal year 2023, the Com-
4 monwealth of Puerto Rico shall make available to
5 local and tribal governments amounts provided to
6 the Commonwealth of Puerto Rico under this para-
7 graph in accordance with subsection (c)(1) of such
8 section 2004.

9 (2) \$615,000,000 for the Urban Area Security
10 Initiative under section 2003 of the Homeland Secu-
11 rity Act of 2002 (6 U.S.C. 604).

12 (3) \$305,000,000 for the Nonprofit Security
13 Grant Program under sections 2003 and 2004 of the
14 Homeland Security Act of 2002 (6 U.S.C. 604 and
15 605), of which \$152,500,000 is for eligible recipients
16 located in high-risk urban areas that receive funding
17 under section 2003 of such Act and \$152,500,000 is
18 for eligible recipients that are located outside such
19 areas: *Provided*, That eligible recipients are those
20 described in section 2009(b) of such Act (6 U.S.C.
21 609a(b)) or are an otherwise eligible recipient at risk
22 of a terrorist or other extremist attack.

23 (4) \$105,000,000 for Public Transportation Se-
24 curity Assistance, Railroad Security Assistance, and
25 Over-the-Road Bus Security Assistance under sec-

1 tions 1406, 1513, and 1532 of the Implementing
2 Recommendations of the 9/11 Commission Act of
3 2007 (6 U.S.C. 1135, 1163, and 1182), of which
4 \$10,000,000 shall be for Amtrak security and
5 \$2,000,000 shall be for Over-the-Road Bus Security:
6 *Provided*, That such public transportation security
7 assistance shall be provided directly to public trans-
8 portation agencies.

9 (5) \$100,000,000 for Port Security Grants in
10 accordance with section 70107 of title 46, United
11 States Code.

12 (6) \$720,000,000, to remain available until
13 September 30, 2024, of which \$360,000,000 shall be
14 for Assistance to Firefighter Grants and
15 \$360,000,000 shall be for Staffing for Adequate
16 Fire and Emergency Response Grants under sec-
17 tions 33 and 34 respectively of the Federal Fire Pre-
18 vention and Control Act of 1974 (15 U.S.C. 2229
19 and 2229a).

20 (7) \$355,000,000 for emergency management
21 performance grants under the National Flood Insur-
22 ance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
23 ert T. Stafford Disaster Relief and Emergency As-
24 sistance Act (42 U.S.C. 5121), the Earthquake Haz-
25 ards Reduction Act of 1977 (42 U.S.C. 7701), sec-

1 tion 762 of title 6, United States Code, and Reorga-
2 nization Plan No. 3 of 1978 (5 U.S.C. App.).

3 (8) \$312,750,000 for necessary expenses for
4 Flood Hazard Mapping and Risk Analysis, in addi-
5 tion to and to supplement any other sums appro-
6 priated under the National Flood Insurance Fund,
7 and such additional sums as may be provided by
8 States or other political subdivisions for cost-shared
9 mapping activities under section 1360(f)(2) of the
10 National Flood Insurance Act of 1968 (42 U.S.C.
11 4101(f)(2)), to remain available until expended.

12 (9) \$12,000,000 for Regional Catastrophic Pre-
13 paredness Grants.

14 (10) \$130,000,000 for the emergency food and
15 shelter program under title III of the McKinney-
16 Vento Homeless Assistance Act (42 U.S.C. 11331),
17 to remain available until September 30, 2024: *Pro-*
18 *vided*, That not to exceed 3.5 percent shall be for
19 total administrative costs.

20 (11) \$56,000,000 for the Next Generation
21 Warning System.

22 (12) \$335,145,000 for Community Project
23 Funding and Congressionally Directed Spending
24 grants, which shall be for the purposes, and the
25 amounts, specified in the table entitled “Community

1 Project Funding/Congressionally Directed Spending”
2 under this heading in the explanatory statement de-
3 scribed in section 4 (in the matter preceding division
4 A of this consolidated Act), of which—

5 (A) \$86,140,285, in addition to amounts
6 otherwise made available for such purpose, is
7 for emergency operations center grants under
8 section 614 of the Robert T. Stafford Disaster
9 Relief and Emergency Assistance Act (42
10 U.S.C. 5196e);

11 (B) \$233,043,782, in addition to amounts
12 otherwise made available for such purpose, is
13 for pre-disaster mitigation grants under section
14 203 of the Robert T. Stafford Disaster Relief
15 and Emergency Assistance Act (42 U.S.C.
16 5133(e), notwithstanding subsections (f), (g),
17 and (l) of that section (42 U.S.C. 5133(f), (g),
18 (l)); and

19 (C) \$15,960,933 is for management and
20 administration costs of recipients.

21 (13) \$316,119,000 to sustain current oper-
22 ations for training, exercises, technical assistance,
23 and other programs.

1 DISASTER RELIEF FUND

2 For necessary expenses in carrying out the Robert
3 T. Stafford Disaster Relief and Emergency Assistance Act
4 (42 U.S.C. 5121 et seq.), \$19,945,000,000, to remain
5 available until expended, shall be for major disasters de-
6 clared pursuant to the Robert T. Stafford Disaster Relief
7 and Emergency Assistance Act (42 U.S.C. 5121 et seq.)
8 and is designated by the Congress as being for disaster
9 relief pursuant to a concurrent resolution on the budget
10 in the Senate and section 1(f) of H. Res. 1151 (117th
11 Congress), as engrossed in the House of Representatives
12 on June 8, 2022.

13 NATIONAL FLOOD INSURANCE FUND

14 For activities under the National Flood Insurance
15 Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster
16 Protection Act of 1973 (42 U.S.C. 4001 et seq.), the
17 Biggert-Waters Flood Insurance Reform Act of 2012
18 (Public Law 112–141, 126 Stat. 916), and the Home-
19 owner Flood Insurance Affordability Act of 2014 (Public
20 Law 113–89; 128 Stat. 1020), \$225,000,000, to remain
21 available until September 30, 2024, which shall be derived
22 from offsetting amounts collected under section 1308(d)
23 of the National Flood Insurance Act of 1968 (42 U.S.C.
24 4015(d)); of which \$18,500,000 shall be available for mis-
25 sion support associated with flood management; and of

1 which \$206,500,000 shall be available for flood plain man-
2 agement and flood mapping: *Provided*, That any addi-
3 tional fees collected pursuant to section 1308(d) of the
4 National Flood Insurance Act of 1968 (42 U.S.C.
5 4015(d)) shall be credited as offsetting collections to this
6 account, to be available for flood plain management and
7 flood mapping: *Provided further*, That in fiscal year 2023,
8 no funds shall be available from the National Flood Insur-
9 ance Fund under section 1310 of the National Flood In-
10 surance Act of 1968 (42 U.S.C. 4017) in excess of—

11 (1) \$223,770,000 for operating expenses and
12 salaries and expenses associated with flood insurance
13 operations;

14 (2) \$960,647,000 for commissions and taxes of
15 agents;

16 (3) such sums as are necessary for interest on
17 Treasury borrowings; and

18 (4) \$175,000,000, which shall remain available
19 until expended, for flood mitigation actions and for
20 flood mitigation assistance under section 1366 of the
21 National Flood Insurance Act of 1968 (42 U.S.C.
22 4104c), notwithstanding sections 1366(e) and
23 1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017):

24 *Provided further*, That the amounts collected under section
25 102 of the Flood Disaster Protection Act of 1973 (42

1 U.S.C. 4012a) and section 1366(e) of the National Flood
2 Insurance Act of 1968 (42 U.S.C. 4104c(e)), shall be de-
3 posited in the National Flood Insurance Fund to supple-
4 ment other amounts specified as available for section 1366
5 of the National Flood Insurance Act of 1968, notwith-
6 standing section 102(f)(8), section 1366(e) of the National
7 Flood Insurance Act of 1968, and paragraphs (1) through
8 (3) of section 1367(b) of such Act (42 U.S.C. 4012a(f)(8),
9 4104c(e), 4104d(b)(1)–(3)): *Provided further*, That total
10 administrative costs shall not exceed 4 percent of the total
11 appropriation: *Provided further*, That up to \$5,000,000 is
12 available to carry out section 24 of the Homeowner Flood
13 Insurance Affordability Act of 2014 (42 U.S.C. 4033).

14 ADMINISTRATIVE PROVISIONS

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 301. Funds made available under the heading
17 “Cybersecurity and Infrastructure Security Agency—Op-
18 erations and Support” may be made available for the nec-
19 essary expenses of procuring or providing access to cyber-
20 security threat feeds for branches, agencies, independent
21 agencies, corporations, establishments, and instrumental-
22 ities of the Federal Government of the United States,
23 state, local, tribal, and territorial entities, fusion centers
24 as described in section 210A of the Homeland Security

1 Act (6 U.S.C. 124h), and Information and Analysis Orga-
2 nizations.

3 SEC. 302. (a) The Director of the Cybersecurity and
4 Infrastructure Security Agency (or the Director's des-
5 ignee) shall provide the briefings to the Committees on
6 Appropriations of the Senate and the House of Represent-
7 atives described under the heading "Quarterly Budget and
8 Staffing Briefings" in the explanatory statement for divi-
9 sion F of Public Law 117–103 described in section 4 in
10 the matter preceding division A of such Public Law—

11 (1) with respect to the first quarter of fiscal
12 year 2023, not later than the later of 30 days after
13 the date of enactment of this Act or January 30,
14 2023; and

15 (2) with respect to each subsequent fiscal quar-
16 ter in fiscal year 2023, not later than 21 days after
17 the end of each such quarter.

18 (b) In the event that any such briefing required dur-
19 ing this fiscal year under subsection (a) is not provided,
20 the amount made available in title III to the Cybersecurity
21 and Infrastructure Security Agency under the heading
22 "Operations and Support" shall be reduced by \$50,000
23 for each day of noncompliance with subsection (a), and
24 the amount made available under such heading and speci-
25 fied in the detailed funding table in the explanatory state-

1 ment for this division described in section 4 (in the matter
2 preceding division A of this consolidated Act) for Manage-
3 ment and Business Activities shall be correspondingly re-
4 duced by an equivalent amount.

5 SEC. 303. (a) Notwithstanding section 2008(a)(12)
6 of the Homeland Security Act of 2002 (6 U.S.C.
7 609(a)(12)) or any other provision of law, not more than
8 5 percent of the amount of a grant made available in para-
9 graphs (1) through (5) under “Federal Emergency Man-
10 agement Agency—Federal Assistance”, may be used by
11 the recipient for expenses directly related to administra-
12 tion of the grant.

13 (b) The authority provided in subsection (a) shall also
14 apply to a state recipient for the administration of a grant
15 under such paragraph (3).

16 SEC. 304. Notwithstanding section 2004(e)(1) of the
17 Homeland Security Act of 2002 (6 U.S.C. 605(e)(1)), the
18 meaning of “total funds appropriated for grants under
19 this section and section 2003” in each place that it ap-
20 pears shall not include any funds provided for the Non-
21 profit Security Grant Program in paragraph (3) under the
22 heading “Federal Emergency Management Agency—Fed-
23 eral Assistance” in this Act.

24 SEC. 305. Applications for grants under the heading
25 “Federal Emergency Management Agency—Federal As-

1 sistance”, for paragraphs (1) through (5), shall be made
2 available to eligible applicants not later than 60 days after
3 the date of enactment of this Act, eligible applicants shall
4 submit applications not later than 80 days after the grant
5 announcement, and the Administrator of the Federal
6 Emergency Management Agency shall act within 65 days
7 after the receipt of an application.

8 SEC. 306. (a) Under the heading “Federal Emer-
9 gency Management Agency—Federal Assistance”, for
10 grants under paragraphs (1) through (5) and (9), the Ad-
11 ministrator of the Federal Emergency Management Agen-
12 cy shall brief the Committees on Appropriations of the
13 Senate and the House of Representatives 5 full business
14 days in advance of announcing publicly the intention of
15 making an award.

16 (b) If any such public announcement is made before
17 5 full business days have elapsed following such briefing,
18 \$1,000,000 of amounts appropriated by this Act for “Fed-
19 eral Emergency Management Agency—Operations and
20 Support” shall be rescinded.

21 SEC. 307. Under the heading “Federal Emergency
22 Management Agency—Federal Assistance”, for grants
23 under paragraphs (1) and (2), the installation of commu-
24 nications towers is not considered construction of a build-
25 ing or other physical facility.

1 SEC. 308. The reporting requirements in paragraphs
2 (1) and (2) under the heading “Federal Emergency Man-
3 agement Agency—Disaster Relief Fund” in the Depart-
4 ment of Homeland Security Appropriations Act, 2015
5 (Public Law 114–4), related to reporting on the Disaster
6 Relief Fund, shall be applied in fiscal year 2023 with re-
7 spect to budget year 2024 and current fiscal year 2023,
8 respectively—

9 (1) in paragraph (1) by substituting “fiscal
10 year 2024” for “fiscal year 2016”; and

11 (2) in paragraph (2) by inserting “business”
12 after “fifth”.

13 SEC. 309. In making grants under the heading “Fed-
14 eral Emergency Management Agency—Federal Assist-
15 ance”, for Staffing for Adequate Fire and Emergency Re-
16 sponse grants, the Administrator of the Federal Emer-
17 gency Management Agency may grant waivers from the
18 requirements in subsections (a)(1)(A), (a)(1)(B),
19 (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section 34 of the
20 Federal Fire Prevention and Control Act of 1974 (15
21 U.S.C. 2229a).

22 SEC. 310. (a) The aggregate charges assessed during
23 fiscal year 2023, as authorized in title III of the Depart-
24 ments of Veterans Affairs and Housing and Urban Devel-
25 opment, and Independent Agencies Appropriations Act,

1 1999 (42 U.S.C. 5196e), shall not be less than 100 per-
2 cent of the amounts anticipated by the Department of
3 Homeland Security to be necessary for its Radiological
4 Emergency Preparedness Program for the next fiscal year.

5 (b) The methodology for assessment and collection of
6 fees shall be fair and equitable and shall reflect costs of
7 providing such services, including administrative costs of
8 collecting such fees.

9 (c) Such fees shall be deposited in a Radiological
10 Emergency Preparedness Program account as offsetting
11 collections and will become available for authorized pur-
12 poses on October 1, 2023, and remain available until ex-
13 pended.

14 SEC. 311. In making grants under the heading “Fed-
15 eral Emergency Management Agency—Federal Assist-
16 ance”, for Assistance to Firefighter Grants, the Adminis-
17 trator of the Federal Emergency Management Agency
18 may waive subsection (k) of section 33 of the Federal Fire
19 Prevention and Control Act of 1974 (15 U.S.C. 2229).

720

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 Im-
7 migration Services for operations and support, including
8 for 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
16 expenses.

17 FEDERAL ASSISTANCE

18 For necessary expenses of U.S. Citizenship and Im-
19 migration Services for Federal assistance for the Citizen-
20 ship and Integration Grant Program, \$25,000,000, to re-
21 main 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-

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
4 Code, \$354,552,000, of which \$66,665,000 shall remain
5 available until September 30, 2024: *Provided*, That not
6 to exceed \$7,180 shall be for official reception and rep-
7 resentation expenses.

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
13 real property and facilities, construction and ongoing
14 maintenance, facility improvements and related expenses
15 of the Federal Law Enforcement Training Centers.

16 SCIENCE AND TECHNOLOGY DIRECTORATE

17 OPERATIONS AND SUPPORT

18 For necessary expenses of the Science and Tech-
19 nology Directorate for operations and support, including
20 the purchase or lease of not to exceed 5 vehicles,
21 \$384,107,000, of which \$219,897,000 shall remain avail-
22 able until September 30, 2024: *Provided*, That not to ex-
23 ceed \$10,000 shall be for official reception and representa-
24 tion expenses.

1 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

2 For necessary expenses of the Science and Tech-
3 nology Directorate for procurement, construction, and im-
4 provements, \$55,216,000, to remain available until Sep-
5 tember 30, 2027.

6 RESEARCH AND DEVELOPMENT

7 For necessary expenses of the Science and Tech-
8 nology Directorate for research and development,
9 \$461,218,000, to remain available until September 30,
10 2025.

11 COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

12 OPERATIONS AND SUPPORT

13 For necessary expenses of the Countering Weapons
14 of Mass Destruction Office for operations and support,
15 \$151,970,000, of which \$50,446,000 shall remain avail-
16 able until September 30, 2024: *Provided*, That not to ex-
17 ceed \$2,250 shall be for official reception and representa-
18 tion expenses.

19 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

20 For necessary expenses of the Countering Weapons
21 of Mass Destruction Office for procurement, construction,
22 and improvements, \$75,204,000, to remain available until
23 September 30, 2025.

1 RESEARCH AND DEVELOPMENT

2 For necessary expenses of the Countering Weapons
3 of Mass Destruction Office for research and development,
4 \$64,615,000, to remain available until September 30,
5 2025.

6 FEDERAL ASSISTANCE

7 For necessary expenses of the Countering Weapons
8 of Mass Destruction Office for Federal assistance through
9 grants, contracts, cooperative agreements, and other ac-
10 tivities, \$139,183,000, to remain available until Sep-
11 tember 30, 2025.

12 ADMINISTRATIVE PROVISIONS

13 SEC. 401. (a) Notwithstanding any other provision
14 of law, funds otherwise made available to U.S. Citizenship
15 and Immigration Services may be used to acquire, operate,
16 equip, and dispose of up to 5 vehicles, for replacement
17 only, for areas where the Administrator of General Serv-
18 ices does not provide vehicles for lease.

19 (b) The Director of U.S. Citizenship and Immigration
20 Services may authorize employees who are assigned to
21 those areas to use such vehicles to travel between the em-
22 ployees' residences and places of employment.

23 SEC. 402. None of the funds appropriated by this Act
24 may be used to process or approve a competition under
25 Office of Management and Budget Circular A-76 for serv-

1 ices provided by employees (including employees serving
2 on a temporary or term basis) of U.S. Citizenship and Im-
3 migration Services of the Department of Homeland Secu-
4 rity who are known as Immigration Information Officers,
5 Immigration Service Analysts, Contact Representatives,
6 Investigative Assistants, or Immigration Services Officers.

7 SEC. 403. Notwithstanding any other provision of
8 law, any Federal funds made available to U.S. Citizenship
9 and Immigration Services may be used for the collection
10 and use of biometrics taken at a U.S. Citizenship and Im-
11 migration Services Application Support Center that is
12 overseen virtually by U.S. Citizenship and Immigration
13 Services personnel using appropriate technology.

14 SEC. 404. The Director of the Federal Law Enforce-
15 ment Training Centers is authorized to distribute funds
16 to Federal law enforcement agencies for expenses incurred
17 participating in training accreditation.

18 SEC. 405. The Federal Law Enforcement Training
19 Accreditation Board, including representatives from the
20 Federal law enforcement community and non-Federal ac-
21 creditation experts involved in law enforcement training,
22 shall lead the Federal law enforcement training accredita-
23 tion process to continue the implementation of measuring
24 and assessing the quality and effectiveness of Federal law
25 enforcement training programs, facilities, and instructors.

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
6 (31 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
13 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
14 note).

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 appropria-

9

tions provided for activities in this Act may be transferred

10

to appropriation accounts for such activities established

11

pursuant to this Act, may be merged with funds in the

12

applicable established accounts, and thereafter may be ac-

13

counted for as one fund for the same time period as origi-

14

nally enacted.

15

SEC. 503. (a) None of the funds provided by this Act,

16

provided by previous appropriations Acts to the compo-

17

nents in or transferred to the Department of Homeland

18

Security that remain available for obligation or expendi-

19

ture in fiscal year 2023, or provided from any accounts

20

in the Treasury of the United States derived by the collec-

21

tion of fees available to the components funded by this

22

Act, shall be available for obligation or expenditure

23

through a reprogramming of funds that—

24

(1) creates or eliminates a program, project, or

25

activity, or increases funds for any program, project,

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
6 Federal employees in the President's budget pro-
7 posal for fiscal year 2023 for the Department of
8 Homeland Security;

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,
13 or activity, or numbers of personnel, by 10 percent
14 or more; or

15 (5) results from any general savings from a re-
16 duction in personnel that would result in a change
17 in funding levels for programs, projects, or activities
18 as 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
22 such reprogramming.

23 (c) Up to 5 percent of any appropriation made avail-
24 able for the current fiscal year for the Department of
25 Homeland Security by this Act or provided by previous

1 appropriations Acts may be transferred between such ap-
2 propriations if the Committees on Appropriations of the
3 Senate and the House of Representatives are notified at
4 least 30 days in advance of such transfer, but no such
5 appropriation, except as otherwise specifically provided,
6 shall be increased by more than 10 percent by such trans-
7 fer.

8 (d) Notwithstanding subsections (a), (b), and (c), no
9 funds shall be reprogrammed within or transferred be-
10 tween appropriations based upon an initial notification
11 provided after June 30, except in extraordinary cir-
12 cumstances that imminently threaten the safety of human
13 life or the protection of property.

14 (e) The notification thresholds and procedures set
15 forth in subsections (a), (b), (c), and (d) shall apply to
16 any use of deobligated balances of funds provided in pre-
17 vious Department of Homeland Security Appropriations
18 Acts that remain available for obligation in the current
19 year.

20 (f) Notwithstanding subsection (c), the Secretary of
21 Homeland Security may transfer to the fund established
22 by 8 U.S.C. 1101 note, up to \$20,000,000 from appro-
23 priations available to the Department of Homeland Secu-
24 rity: Provided, That the Secretary shall notify the Com-
25 mittees on Appropriations of the Senate and the House

1 of Representatives at least 5 days in advance of such
2 transfer.

3 SEC. 504. (a) Section 504 of the Department of
4 Homeland Security Appropriations Act, 2017 (division F
5 of Public Law 115–31), related to the operations of a
6 working capital fund, shall apply with respect to funds
7 made available in this Act in the same manner as such
8 section applied to funds made available in that Act.

9 (b) Funds from such working capital fund may be
10 obligated and expended in anticipation of reimbursements
11 from components of the Department of Homeland Secu-
12 rity.

13 SEC. 505. (a) Except as otherwise specifically pro-
14 vided by law, not to exceed 50 percent of unobligated bal-
15 ances remaining available at the end of fiscal year 2023,
16 as recorded in the financial records at the time of a re-
17 programming notification, but not later than June 30,
18 2024, from appropriations for “Operations and Support”
19 for fiscal year 2023 in this Act shall remain available
20 through September 30, 2024, in the account and for the
21 purposes for which the appropriations were provided.

22 (b) Prior to the obligation of such funds, a notifica-
23 tion shall be submitted to the Committees on Appropria-
24 tions of the Senate and the House of Representatives in
25 accordance with section 503 of this Act.

1 SEC. 506. (a) Funds made available by this Act for
2 intelligence activities are deemed to be specifically author-
3 ized by the Congress for purposes of section 504 of the
4 National Security Act of 1947 (50 U.S.C. 414) during fis-
5 cal year 2023 until the enactment of an Act authorizing
6 intelligence activities for fiscal year 2023.

7 (b) Amounts described in subsection (a) made avail-
8 able for “Intelligence, Analysis, and Situational Aware-
9 ness—Operations and Support” that exceed the amounts
10 in such authorization for such account shall be transferred
11 to and merged with amounts made available under the
12 heading “Management Directorate—Operations and Sup-
13 port”.

14 (c) Prior to the obligation of any funds transferred
15 under subsection (b), the Management Directorate shall
16 brief the Committees on Appropriations of the Senate and
17 the House of Representatives on a plan for the use of such
18 funds.

19 SEC. 507. (a) The Secretary of Homeland Security,
20 or the designee of the Secretary, shall notify the Commit-
21 tees on Appropriations of the Senate and the House of
22 Representatives at least 3 full business days in advance
23 of—

24 (1) making or awarding a grant allocation or
25 grant in excess of \$1,000,000;

1 (2) making or awarding a contract, other trans-
2 action agreement, or task or delivery order on a De-
3 partment of Homeland Security multiple award con-
4 tract, or to issue a letter of intent totaling in excess
5 of \$4,000,000;

6 (3) awarding a task or delivery order requiring
7 an obligation of funds in an amount greater than
8 \$10,000,000 from multi-year Department of Home-
9 land Security funds;

10 (4) making a sole-source grant award; or

11 (5) announcing publicly the intention to make
12 or award items under paragraph (1), (2), (3), or (4),
13 including a contract covered by the Federal Acquisi-
14 tion Regulation.

15 (b) If the Secretary of Homeland Security determines
16 that compliance with this section would pose a substantial
17 risk to human life, health, or safety, an award may be
18 made without notification, and the Secretary shall notify
19 the Committees on Appropriations of the Senate and the
20 House of Representatives not later than 5 full business
21 days after such an award is made or letter issued.

22 (c) A notification under this section—

23 (1) may not involve funds that are not available
24 for obligation; and

1 (2) shall include the amount of the award; the
2 fiscal year for which the funds for the award were
3 appropriated; the type of contract; and the account
4 from which the funds are being drawn.

5 SEC. 508. Notwithstanding any other provision of
6 law, no agency shall purchase, construct, or lease any ad-
7 ditional facilities, except within or contiguous to existing
8 locations, to be used for the purpose of conducting Federal
9 law enforcement training without advance notification to
10 the Committees on Appropriations of the Senate and the
11 House of Representatives, except that the Federal Law
12 Enforcement Training Centers is authorized to obtain the
13 temporary use of additional facilities by lease, contract,
14 or other agreement for training that cannot be accommo-
15 dated in existing Centers' facilities.

16 SEC. 509. None of the funds appropriated or other-
17 wise made available by this Act may be used for expenses
18 for any construction, repair, alteration, or acquisition
19 project for which a prospectus otherwise required under
20 chapter 33 of title 40, United States Code, has not been
21 approved, except that necessary funds may be expended
22 for each project for required expenses for the development
23 of a proposed prospectus.

24 SEC. 510. No Federal funds may be available to pay
25 the salary of any employee serving as a contracting offi-

1 cer’s representative, or anyone acting in a similar capacity,
2 who has not received contracting officer’s representative
3 training.

4 SEC. 511. Sections 522 and 530 of the Department
5 of Homeland Security Appropriations Act, 2008 (division
6 E of Public Law 110–161; 121 Stat. 2073 and 2074) shall
7 apply with respect to funds made available in this Act in
8 the same manner as such sections applied to funds made
9 available in that Act.

10 SEC. 512. (a) None of the funds made available in
11 this Act may be used in contravention of the applicable
12 provisions of the Buy American Act.

13 (b) For purposes of subsection (a), the term “Buy
14 American Act” means chapter 83 of title 41, United
15 States Code.

16 SEC. 513. None of the funds made available in this
17 Act may be used to amend the oath of allegiance required
18 by section 337 of the Immigration and Nationality Act
19 (8 U.S.C. 1448).

20 SEC. 514. None of the funds provided or otherwise
21 made available in this Act shall be available to carry out
22 section 872 of the Homeland Security Act of 2002 (6
23 U.S.C. 452) unless explicitly authorized by the Congress.

1 SEC. 515. None of the funds made available in this
2 Act may be used for planning, testing, piloting, or devel-
3 oping a national identification card.

4 SEC. 516. Any official that is required by this Act
5 to report or to certify to the Committees on Appropria-
6 tions of the Senate and the House of Representatives may
7 not delegate such authority to perform that act unless spe-
8 cifically authorized herein.

9 SEC. 517. None of the funds made available in this
10 Act may be used for first-class travel by the employees
11 of agencies funded by this Act in contravention of sections
12 301–10.122 through 301–10.124 of title 41, Code of Fed-
13 eral Regulations.

14 SEC. 518. None of the funds made available in this
15 Act may be used to employ workers described in section
16 274A(h)(3) of the Immigration and Nationality Act (8
17 U.S.C. 1324a(h)(3)).

18 SEC. 519. Notwithstanding any other provision of
19 this Act, none of the funds appropriated or otherwise
20 made available by this Act may be used to pay award or
21 incentive fees for contractor performance that has been
22 judged to be below satisfactory performance or perform-
23 ance that does not meet the basic requirements of a con-
24 tract.

1 SEC. 520. (a) None of the funds made available in
2 this Act may be used to maintain or establish a computer
3 network unless such network blocks the viewing,
4 downloading, and exchanging of pornography.

5 (b) Nothing in subsection (a) shall limit the use of
6 funds necessary for any Federal, State, tribal, territorial,
7 or local law enforcement agency or any other entity car-
8 rying out criminal investigations, prosecution, or adjudica-
9 tion activities.

10 SEC. 521. None of the funds appropriated or other-
11 wise made available by this Act may be used by the De-
12 partment of Homeland Security to enter into any Federal
13 contract unless such contract is entered into in accordance
14 with the requirements of subtitle I of title 41, United
15 States Code, or chapter 137 of title 10, United States
16 Code, and the Federal Acquisition Regulation, unless such
17 contract is otherwise authorized by statute to be entered
18 into without regard to the above referenced statutes.

19 SEC. 522. None of the funds made available in this
20 Act may be used by a Federal law enforcement officer to
21 facilitate the transfer of an operable firearm to an indi-
22 vidual if the Federal law enforcement officer knows or sus-
23 pects that the individual is an agent of a drug cartel unless
24 law enforcement personnel of the United States continu-
25 ously monitor or control the firearm at all times.

1 SEC. 523. (a) None of the funds made available in
2 this Act may be used to pay for the travel to or attendance
3 of more than 50 employees of a single component of the
4 Department of Homeland Security, who are stationed in
5 the United States, at a single international conference un-
6 less the Secretary of Homeland Security, or a designee,
7 determines that such attendance is in the national interest
8 and notifies the Committees on Appropriations of the Sen-
9 ate and the House of Representatives within at least 10
10 days of that determination and the basis for that deter-
11 mination.

12 (b) For purposes of this section the term “inter-
13 national conference” shall mean a conference occurring
14 outside of the United States attended by representatives
15 of the United States Government and of foreign govern-
16 ments, international organizations, or nongovernmental
17 organizations.

18 (c) The total cost to the Department of Homeland
19 Security of any such conference shall not exceed \$500,000.

20 (d) Employees who attend a conference virtually
21 without travel away from their permanent duty station
22 within the United States shall not be counted for purposes
23 of this section, and the prohibition contained in this sec-
24 tion shall not apply to payments for the costs of attend-
25 ance for such employees.

1 SEC. 524. None of the funds made available in this
2 Act may be used to reimburse any Federal department
3 or agency for its participation in a National Special Secu-
4 rity Event.

5 SEC. 525. (a) None of the funds made available to
6 the Department of Homeland Security by this or any other
7 Act may be obligated for the implementation of any struc-
8 tural pay reform or the introduction of any new position
9 classification that will affect more than 100 full-time posi-
10 tions or costs more than \$5,000,000 in a single year be-
11 fore the end of the 30-day period beginning on the date
12 on which the Secretary of Homeland Security submits to
13 Congress a notification that includes—

14 (1) the number of full-time positions affected by
15 such change;

16 (2) funding required for such change for the
17 current fiscal year and through the Future Years
18 Homeland Security Program;

19 (3) justification for such change; and

20 (4) for a structural pay reform, an analysis of
21 compensation alternatives to such change that were
22 considered by the Department.

23 (b) Subsection (a) shall not apply to such change if—

24 (1) it was proposed in the President's budget
25 proposal for the fiscal year funded by this Act; and

1 (2) funds for such change have not been explic-
2 itly denied or restricted in this Act.

3 SEC. 526. (a) Any agency receiving funds made avail-
4 able in this Act shall, subject to subsections (b) and (c),
5 post on the public website of that agency any report re-
6 quired to be submitted by the Committees on Appropria-
7 tions of the Senate and the House of Representatives in
8 this Act, upon the determination by the head of the agency
9 that it shall serve the national interest.

10 (b) Subsection (a) shall not apply to a report if—

11 (1) the public posting of the report com-
12 promises homeland or national security; or

13 (2) the report contains proprietary information.

14 (c) The head of the agency posting such report shall
15 do so only after such report has been made available to
16 the Committees on Appropriations of the Senate and the
17 House of Representatives for not less than 45 days except
18 as otherwise specified in law.

19 SEC. 527. (a) Funding provided in this Act for “Op-
20 erations and Support” may be used for minor procure-
21 ment, construction, and improvements.

22 (b) For purposes of subsection (a), “minor” refers
23 to end items with a unit cost of \$250,000 or less for per-
24 sonal property, and \$2,000,000 or less for real property.

1 SEC. 528. The authority provided by section 532 of
2 the Department of Homeland Security Appropriations
3 Act, 2018 (Public Law 115–141) regarding primary and
4 secondary schooling of dependents shall continue in effect
5 during fiscal year 2023.

6 SEC. 529. (a) None of the funds appropriated or oth-
7 erwise made available to the Department of Homeland Se-
8 curity by this Act may be used to prevent any of the fol-
9 lowing persons from entering, for the purpose of con-
10 ducting oversight, any facility operated by or for the De-
11 partment of Homeland Security used to detain or other-
12 wise house aliens, or to make any temporary modification
13 at any such facility that in any way alters what is observed
14 by a visiting Member of Congress or such designated em-
15 ployee, compared to what would be observed in the absence
16 of such modification:

17 (1) A Member of Congress.

18 (2) An employee of the United States House of
19 Representatives or the United States Senate des-
20 ignated by such a Member for the purposes of this
21 section.

22 (b) Nothing in this section may be construed to re-
23 quire a Member of Congress to provide prior notice of the
24 intent to enter a facility described in subsection (a) for
25 the purpose of conducting oversight.

1 (c) With respect to individuals described in subsection
2 (a)(2), the Department of Homeland Security may require
3 that a request be made at least 24 hours in advance of
4 an intent to enter a facility described in subsection (a).

5 SEC. 530. (a) For an additional amount for “Federal
6 Emergency Management Agency—Federal Assistance”,
7 \$3,000,000, to remain available until September 30, 2024,
8 exclusively for providing reimbursement of extraordinary
9 law enforcement or other emergency personnel costs for
10 protection activities directly and demonstrably associated
11 with any residence of the President that is designated or
12 identified to be secured by the United States Secret Serv-
13 ice.

14 (b) Subsections (b) through (f) of section 534 of the
15 Department of Homeland Security Appropriations Act,
16 2018 (Public Law 115–141), shall be applied with respect
17 to amounts made available by subsection (a) of this section
18 by substituting “October 1, 2023” for “October 1, 2018”
19 and “October 1, 2022” for “October 1, 2017”.

20 SEC. 531. (a) Except as provided in subsection (b),
21 none of the funds made available in this Act may be used
22 to place restraints on a woman in the custody of the De-
23 partment of Homeland Security (including during trans-
24 port, in a detention facility, or at an outside medical facil-
25 ity) who is pregnant or in post-delivery recuperation.

1 (b) Subsection (a) shall not apply with respect to a
2 pregnant woman if—

3 (1) an appropriate official of the Department of
4 Homeland Security makes an individualized deter-
5 mination that the woman—

6 (A) is a serious flight risk, and such risk
7 cannot be prevented by other means; or

8 (B) poses an immediate and serious threat
9 to harm herself or others that cannot be pre-
10 vented by other means; or

11 (2) a medical professional responsible for the
12 care of the pregnant woman determines that the use
13 of therapeutic restraints is appropriate for the med-
14 ical safety of the woman.

15 (c) If a pregnant woman is restrained pursuant to
16 subsection (b), only the safest and least restrictive re-
17 straints, as determined by the appropriate medical profes-
18 sional treating the woman, may be used. In no case may
19 restraints be used on a woman who is in active labor or
20 delivery, and in no case may a pregnant woman be re-
21 strained in a face-down position with four-point restraints,
22 on her back, or in a restraint belt that constricts the area
23 of the pregnancy. A pregnant woman who is immobilized
24 by restraints shall be positioned, to the maximum extent
25 feasible, on her left side.

1 SEC. 532. (a) None of the funds made available by
2 this Act may be used to destroy any document, recording,
3 or other record pertaining to any—

4 (1) death of,

5 (2) potential sexual assault or abuse per-
6 petrated against, or

7 (3) allegation of abuse, criminal activity, or dis-
8 ruption committed by

9 an individual held in the custody of the Department of
10 Homeland Security.

11 (b) The records referred to in subsection (a) shall be
12 made available, in accordance with applicable laws and
13 regulations, and Federal rules governing disclosure in liti-
14 gation, to an individual who has been charged with a
15 crime, been placed into segregation, or otherwise punished
16 as a result of an allegation described in paragraph (3),
17 upon the request of such individual.

18 SEC. 533. Section 519 of division F of Public Law
19 114–113, regarding a prohibition on funding for any posi-
20 tion designated as a Principal Federal Official, shall apply
21 with respect to any Federal funds in the same manner
22 as such section applied to funds made available in that
23 Act.

24 SEC. 534. (a) Not later than 10 days after the date
25 on which the budget of the President for a fiscal year is

1 submitted to Congress pursuant to section 1105(a) of title
2 31, United States Code, the Under Secretary for Manage-
3 ment of Homeland Security shall submit to the Commit-
4 tees on Appropriations of the Senate and the House of
5 Representatives a report on the unfunded priorities, for
6 the Department of Homeland Security and separately for
7 each departmental component, for which discretionary
8 funding would be classified as budget function 050.

9 (b) Each report under this section shall specify, for
10 each such unfunded priority—

11 (1) a summary description, including the objec-
12 tives to be achieved if such priority is funded
13 (whether in whole or in part);

14 (2) the description, including the objectives to
15 be achieved if such priority is funded (whether in
16 whole or in part);

17 (3) account information, including the following
18 (as applicable):

19 (A) appropriation account; and

20 (B) program, project, or activity name;

21 and

22 (4) the additional number of full-time or part-
23 time positions to be funded as part of such priority.

24 (c) In this section, the term “unfunded priority”, in
25 the case of a fiscal year, means a requirement that—

1 (1) is not funded in the budget referred to in
2 subsection (a);

3 (2) is necessary to fulfill a requirement associ-
4 ated with an operational or contingency plan for the
5 Department; and

6 (3) would have been recommended for funding
7 through the budget referred to in subsection (a) if—

8 (A) additional resources had been available
9 for the budget to fund the requirement;

10 (B) the requirement has emerged since the
11 budget was formulated; or

12 (C) the requirement is necessary to sustain
13 prior-year investments.

14 SEC. 535. (a) Not later than 10 days after a deter-
15 mination is made by the President to evaluate and initiate
16 protection under any authority for a former or retired
17 Government official or employee, or for an individual who,
18 during the duration of the directed protection, will become
19 a former or retired Government official or employee (re-
20 ferred to in this section as a “covered individual”), the
21 Secretary of Homeland Security shall submit a notifica-
22 tion to congressional leadership and the Committees on
23 Appropriations of the Senate and the House of Represent-
24 atives, the Committees on the Judiciary of the Senate and
25 the House of Representatives, the Committee on Home-

1 land Security and Governmental Affairs of the Senate, the
2 Committee on Homeland Security of the House of Rep-
3 resentatives, and the Committee on Oversight and Reform
4 of the House of Representatives (referred to in this section
5 as the “appropriate congressional committees”).

6 (b) Such notification may be submitted in classified
7 form, if necessary, and in consultation with the Director
8 of National Intelligence or the Director of the Federal Bu-
9 reau of Investigation, as appropriate, and shall include the
10 threat assessment, scope of the protection, and the antici-
11 pated cost and duration of such protection.

12 (c) Not later than 15 days before extending, or 30
13 days before terminating, protection for a covered indi-
14 vidual, the Secretary of Homeland Security shall submit
15 a notification regarding the extension or termination and
16 any change to the threat assessment to the congressional
17 leadership and the appropriate congressional committees.

18 (d) Not later than 45 days after the date of enact-
19 ment of this Act, and quarterly thereafter, the Secretary
20 shall submit a report to the congressional leadership and
21 the appropriate congressional committees, which may be
22 submitted in classified form, if necessary, detailing each
23 covered individual, and the scope and associated cost of
24 protection.

1 SEC. 536. (a) None of the funds provided to the De-
2 partment of Homeland Security in this or any prior Act
3 may be used by an agency to submit an initial project pro-
4 posal to the Technology Modernization Fund (as author-
5 ized by section 1078 of subtitle G of title X of the National
6 Defense Authorization Act for Fiscal Year 2018 (Public
7 Law 115–91)) unless, concurrent with the submission of
8 an initial project proposal to the Technology Moderniza-
9 tion Board, the head of the agency—

10 (1) notifies the Committees on Appropriations
11 of the Senate and the House of Representatives of
12 the proposed submission of the project proposal;

13 (2) submits to the Committees on Appropria-
14 tions a copy of the project proposal; and

15 (3) provides a detailed analysis of how the pro-
16 posed project funding would supplement or supplant
17 funding requested as part of the Department’s most
18 recent budget submission.

19 (b) None of the funds provided to the Department
20 of Homeland Security by the Technology Modernization
21 Fund shall be available for obligation until 15 days after
22 a report on such funds has been transmitted to the Com-
23 mittees on Appropriations of the Senate and the House
24 of Representatives.

1 (c) The report described in subsection (b) shall in-
2 clude—

3 (1) the full project proposal submitted to and
4 approved by the Fund's Technology Modernization
5 Board;

6 (2) the finalized interagency agreement between
7 the Department and the Fund including the
8 project's deliverables and repayment terms, as appli-
9 cable;

10 (3) a detailed analysis of how the project will
11 supplement or supplant existing funding available to
12 the Department for similar activities;

13 (4) a plan for how the Department will repay
14 the Fund, including specific planned funding
15 sources, as applicable; and

16 (5) other information as determined by the Sec-
17 retary.

18 SEC. 537. Within 60 days of any budget submission
19 for the Department of Homeland Security for fiscal year
20 2024 that assumes revenues or proposes a reduction from
21 the previous year based on user fees proposals that have
22 not been enacted into law prior to the submission of the
23 budget, the Secretary of Homeland Security shall provide
24 the Committees on Appropriations of the Senate and the
25 House of Representatives specific reductions in proposed

1 discretionary budget authority commensurate with the
2 revenues assumed in such proposals in the event that they
3 are not enacted prior to October 1, 2023.

4 SEC. 538. None of the funds made available by this
5 Act may be obligated or expended to implement the Arms
6 Trade Treaty until the Senate approves a resolution of
7 ratification for the Treaty.

8 SEC. 539. No Federal funds made available to the
9 Department of Homeland Security may be used to enter
10 into a procurement contract, memorandum of under-
11 standing, or cooperative agreement with, or make a grant
12 to, or provide a loan or guarantee to, any entity identified
13 under section 1260H of the William M. (Mac) Thornberry
14 National Defense Authorization Act for Fiscal Year 2021
15 (Public Law 116–283) or any subsidiary of such entity.

16 SEC. 540. Section 205 of the Robert T. Stafford Dis-
17 aster Relief and Emergency Assistance Act (42 U.S.C.
18 5135) is amended—

19 (1) in subsection (d)—

20 (A) in paragraph (2)—

21 (i) by striking subparagraph (C);

22 (ii) at the end of subparagraph (A),
23 by adding “and”; and

24 (iii) at the end of subparagraph (B),

25 by striking “; and” and inserting a period;

1 (B) in paragraph (3)(D), by striking “local
2 governments, insular areas, and Indian tribal
3 governments” and inserting “local governments
4 and Tribal governments”; and

5 (C) by striking paragraph (4); and
6 (2) in subsection (m)—

7 (A) by striking paragraph (3) and insert-
8 ing the following:

9 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-
10 tity’ means a State or an Indian tribal government
11 that has received a major disaster declaration pursu-
12 ant to section 401.”;

13 (B) by striking paragraphs (5) and (10);

14 (C) by redesignating paragraphs (6)
15 through (9) as paragraphs (5) through (8), re-
16 spectively; and

17 (D) by redesignating paragraph (11) as
18 paragraph (9).

19 SEC. 541. For an additional amount for “Federal
20 Emergency Management Agency—Federal Assistance”,
21 \$3,000,000, to remain available until September 30, 2024,
22 for an Emergency Operations Center grant under section
23 614 of the Robert T. Stafford Disaster Relief and Emer-
24 gency Assistance Act (42 U.S.C. 5196c), in addition to
25 amounts otherwise available, for the project identified as

1 the “Vermilion Safe Room” in the table entitled “Home-
2 land Incorporation of Community Project Funding Items/
3 Congressionally Directed Spending Items” under the
4 heading “Federal Emergency Management Agency—Fed-
5 eral Assistance” in the explanatory statement described
6 in section 4 in the matter preceding division A of Public
7 Law 117–103.

8 SEC. 542. The contents in the “Senate” sub column
9 of the “Requestor(s)” column for the project identified as
10 the “Emergency Operations Center” for the recipient
11 “Baker County Sheriff’s Office” in the table entitled
12 “Community Project Funding/Congressionally Directed
13 Spending” under the heading “Disclosure of Earmarks
14 and Congressionally Directed Spending Items” in the ex-
15 planatory statement described in section 4 in the matter
16 preceding division A of Public Law 117–103 are deemed
17 to be amended by striking “Wyden” and inserting
18 “Merkley, Wyden”.

19 SEC. 543. Subsection (c) of section 16005 of title VI
20 of division B of the Coronavirus Aid, Relief, and Economic
21 Security Act (Public Law 116–136) shall be applied as
22 if the language read as follows: “Subsection (a) shall apply
23 until September 30, 2023.”.

24 SEC. 544. None of the funds appropriated or other-
25 wise made available in this or any other Act may be used

1 to transfer, release, or assist in the transfer or release to
2 or within the United States, its territories, or possessions
3 Khalid Sheikh Mohammed or any other detainee who—

4 (1) is not a United States citizen or a member
5 of the Armed Forces of the United States; and

6 (2) is or was held on or after June 24, 2009,
7 at the United States Naval Station, Guantanamo
8 Bay, Cuba, by the Department of Defense.

9 SEC. 545. (a) The Secretary of Homeland Security
10 (in this section referred to as the “Secretary”) shall, on
11 a bimonthly basis beginning immediately after the date of
12 enactment of this Act, develop estimates of the number
13 of noncitizens anticipated to arrive at the southwest bor-
14 der of the United States.

15 (b) The Secretary shall ensure that, at a minimum,
16 the estimates developed pursuant to subsection (a)—

17 (1) cover the current fiscal year and the fol-
18 lowing fiscal year;

19 (2) include a breakout by demographics, to in-
20 clude single adults, family units, and unaccompanied
21 children;

22 (3) undergo an independent validation and
23 verification review;

1 (4) are used to inform policy planning and
2 budgeting processes within the Department of
3 Homeland Security; and

4 (5) are included in the budget materials sub-
5 mitted to Congress in support of the President's an-
6 nual budget request pursuant to section 1105 of title
7 31, United States Code, for each fiscal year begin-
8 ning after the date of enactment of this Act and, for
9 such budget materials shall include—

10 (A) the most recent bimonthly estimates
11 developed pursuant to subsection (a);

12 (B) a description and quantification of the
13 estimates used to justify funding requests for
14 Department programs related to border secu-
15 rity, immigration enforcement, and immigration
16 services;

17 (C) a description and quantification of the
18 anticipated workload and requirements result-
19 ing from such estimates; and

20 (D) a confirmation as to whether the budg-
21 et requests for impacted agencies were devel-
22 oped using the same estimates.

23 (c) The Secretary shall share the bimonthly estimates
24 developed pursuant to subsection (a) with the Secretary
25 of Health and Human Services, the Attorney General, the

1 Secretary of State, and the Committees on Appropriations
2 of the Senate and the House of Representatives.

3 SEC. 546. (a) For an additional amount for the ac-
4 counts, in the amounts, and for the purposes specified,
5 in addition to amounts otherwise made available for such
6 purposes—

7 (1) “U.S. Customs and Border Protection—Op-
8 erations and Support”, \$1,563,143,000 for border
9 management requirements of the U.S. Customs and
10 Border Protection; and

11 (2) “U.S. Immigration and Customs Enforce-
12 ment—Operations and Support”, \$339,658,000 for
13 non-detention border management requirements.

14 (b) None of the funds provided in subsection (a)(1)
15 shall be used—

16 (1) to hire permanent Federal employees;

17 (2) for any flight hours other than those flown
18 by U.S. Customs and Border Protection, Air and
19 Marine Operations, except for internal transpor-
20 tation of noncitizens; or

21 (3) to acquire, maintain, or extend border secu-
22 rity technology and capabilities, except for tech-
23 nology and capabilities to improve Border Patrol
24 processing.

1 (c) Not later than 45 days after the date of enact-
2 ment of this Act, the Under Secretary for Management
3 shall provide an expenditure plan for the use of the funds
4 made available in subsection (a).

5 (d) The plan required in subsection (c) shall be up-
6 dated to reflect changes and expenditures and submitted
7 to the Committees on Appropriations of the Senate and
8 the House of Representatives every 60 days until all funds
9 are expended or expired.

10 SEC. 547. Section 210G(i) of the Homeland Security
11 Act of 2002 (6 U.S.C. 124n(i)) shall be applied by sub-
12 stituting “September 30, 2023” for “the date that is 4
13 years after the date of enactment of this section”.

14 (RESCISSIONS OF FUNDS)

15 SEC. 548. Of the funds appropriated to the Depart-
16 ment of Homeland Security, the following funds are here-
17 by rescinded from the following accounts and programs
18 in the specified amounts: *Provided*, That no amounts may
19 be rescinded from amounts that were designated by the
20 Congress as an emergency requirement pursuant to a con-
21 current resolution on the budget or the Balanced Budget
22 and Emergency Deficit Control Act of 1985:

23 (1) \$139,928,000 from the unobligated bal-
24 ances available under the heading “U.S. Customs

1 and Border Protection—Procurement, Construction,
2 and Improvements”.

3 (2) \$12,207 from the unobligated balances
4 available in the “Transportation Security Adminis-
5 tration—Transportation Security Support” account
6 (70 X 0554).

7 (3) \$32,750,000 from the unobligated balances
8 available in the “U.S. Citizenship and Immigration
9 Services—Operations and Support” account (70 22/
10 23 0300).

11 (4) \$187,278 from the unobligated balances
12 available in the “U.S. Citizenship and Immigration
13 Services—Operations and Support” account (70 X
14 0300).

15 (5) \$65,165 from the unobligated balances
16 available in the “Federal Emergency Management
17 Agency—State and Local Programs” account (70 X
18 0560).

19 (6) \$50,880 from the unobligated balances
20 available in the “Information Analysis and Infra-
21 structure Protection—Operating Expenses” account
22 (70 X 0900).

23 (7) \$113,000,000 from the unobligated bal-
24 ances available under the heading “Management Di-

1 rectorate—Procurement, Construction, and Improve-
2 ments”.

3 (8) \$42,730,000 from Public Law 116–93
4 under the heading “Coast Guard—Procurement,
5 Construction, and Improvements”.

6 (9) \$19,000,000 from Public Law 116-6 under
7 the heading “Coast Guard—Procurement, Construc-
8 tion, and Improvements”.

9 SEC. 549. The following unobligated balances made
10 available to the Department of Homeland Security pursu-
11 ant to section 505 of the Department of Homeland Secu-
12 rity Appropriations Act, 2022 (Public Law 117–103) are
13 rescinded:

14 (1) \$23,858,130 from “Office of the Secretary
15 and Executive Management—Operations and Sup-
16 port”.

17 (2) \$604,580 from “Management Directorate—
18 Operations and Support”.

19 (3) \$636,170 from “Intelligence, Analysis, and
20 Operations Coordination—Operations and Support”.

21 (4) \$338,830 from “U.S. Customs and Border
22 Protection—Operations and Support”.

23 (5) \$8,972,900 from “U.S. Immigration and
24 Customs Enforcement—Operations and Support”.

1 (6) \$6,332,670 from “United States Secret
2 Service—Operations and Support”.

3 (7) \$1,250,420 from “Cybersecurity and Infra-
4 structure Security Agency—Operations and Sup-
5 port”.

6 (8) \$10,899 from “Federal Emergency Manage-
7 ment Agency—Operations and Support”.

8 (9) \$3,208,190 from “U.S. Citizenship and Im-
9 migration Services—Operations and Support”.

10 (10) \$459,790 from “Federal Law Enforcement
11 Training Centers—Operations and Support”.

12 (11) \$141,630 from “Science and Technology
13 Directorate—Operations and Support”.

14 (12) \$350,450 from “Countering Weapons of
15 Mass Destruction Office—Operations and Support”.

16 This division may be cited as the “Department of
17 Homeland Security Appropriations Act, 2023”.

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, classi-
10 fication, acquisition of easements and other interests in
11 lands, and performance of other functions, including main-
12 tenance of facilities, as authorized by law, in the manage-
13 ment of lands and their resources under the jurisdiction
14 of the Bureau of Land Management, including the general
15 administration of the Bureau, and assessment of mineral
16 potential of public lands pursuant to section 1010(a) of
17 Public Law 96–487 (16 U.S.C. 3150(a)), \$1,368,969,000,
18 to remain available until September 30, 2024; of which
19 \$76,187,000 for annual maintenance and deferred mainte-
20 nance programs and \$147,888,000 for the wild horse and
21 burro program, as authorized by Public Law 92–195 (16
22 U.S.C. 1331 et seq.), shall remain available until ex-
23 pended: *Provided*, That amounts in the fee account of the
24 BLM Permit Processing Improvement Fund may be used
25 for any bureau-related expenses associated with the proc-

1 essing of oil and gas applications for permits to drill and
2 related use of authorizations: *Provided further*, That of the
3 amounts made available under this heading, up to
4 \$3,500,000 may be made available for the purposes de-
5 scribed in section 122(e)(1)(A) of division G of Public Law
6 115–21 (43 U.S.C. 1748c(e)(1)(A)): *Provided further*,
7 That of the amounts made available under this heading,
8 \$3,500,000 is for projects specified for Land Management
9 Priorities in the table titled “Interior and Environment
10 Incorporation of Community Project Funding Items/Con-
11 gressionally Directed Spending Items” included for this
12 division in the explanatory statement described in section
13 4 (in the matter preceding division A of this consolidated
14 Act).

15 In addition, \$39,696,000 is for Mining Law Adminis-
16 tration program operations, including the cost of admin-
17 istering the mining claim fee program, to remain available
18 until expended, to be reduced by amounts collected by the
19 Bureau and credited to this appropriation from mining
20 claim maintenance fees and location fees that are hereby
21 authorized for fiscal year 2023, so as to result in a final
22 appropriation estimated at not more than \$1,368,969,000,
23 and \$2,000,000, to remain available until expended, from
24 communication site rental fees established by the Bureau
25 for the cost of administering communication site activities.

760

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 Or-
7 egon and California land-grant counties of Oregon, and
8 on adjacent rights-of-way; and acquisition of lands or in-
9 terests therein, including existing connecting roads on or
10 adjacent to such grant lands; \$120,334,000, to remain
11 available until expended: *Provided*, That 25 percent of the
12 aggregate of all receipts during the current fiscal year
13 from the revested Oregon and California Railroad grant
14 lands is hereby made a charge against the Oregon and
15 California land-grant fund and shall be transferred to the
16 General Fund in the Treasury in accordance with the sec-
17 ond paragraph of subsection (b) of title II of the Act of
18 August 28, 1937 (43 U.S.C. 2605).

19 RANGE IMPROVEMENTS

20 For rehabilitation, protection, and acquisition of
21 lands and interests therein, and improvement of Federal
22 rangelands pursuant to section 401 of the Federal Land
23 Policy and Management Act of 1976 (43 U.S.C. 1751),
24 notwithstanding any other Act, sums equal to 50 percent
25 of all moneys received during the prior fiscal year under

1 sections 3 and 15 of the Taylor Grazing Act (43 U.S.C.
2 315b, 315m) and the amount designated for range im-
3 provements from grazing fees and mineral leasing receipts
4 from Bankhead-Jones lands transferred to the Depart-
5 ment of the Interior pursuant to law, but not less than
6 \$10,000,000, to remain available until expended: *Pro-*
7 *vided*, That not to exceed \$600,000 shall be available for
8 administrative expenses.

9 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

10 For administrative expenses and other costs related
11 to processing application documents and other authoriza-
12 tions for use and disposal of public lands and resources,
13 for costs of providing copies of official public land docu-
14 ments, for monitoring construction, operation, and termi-
15 nation of facilities in conjunction with use authorizations,
16 and for rehabilitation of damaged property, such amounts
17 as may be collected under Public Law 94–579 (43 U.S.C.
18 1701 et seq.), and under section 28 of the Mineral Leasing
19 Act (30 U.S.C. 185), to remain available until expended:
20 *Provided*, That notwithstanding any provision to the con-
21 trary of section 305(a) of Public Law 94–579 (43 U.S.C.
22 1735(a)), any moneys that have been or will be received
23 pursuant to that section, whether as a result of forfeiture,
24 compromise, or settlement, if not appropriate for refund
25 pursuant to section 305(c) of that Act (43 U.S.C.

1 1735(c)), shall be available and may be expended under
2 the authority of this Act by the Secretary of the Interior
3 to improve, protect, or rehabilitate any public lands ad-
4 ministered through the Bureau of Land Management
5 which have been damaged by the action of a resource de-
6 veloper, purchaser, permittee, or any unauthorized person,
7 without regard to whether all moneys collected from each
8 such action are used on the exact lands damaged which
9 led to the action: *Provided further*, That any such moneys
10 that are in excess of amounts needed to repair damage
11 to the exact land for which funds were collected may be
12 used to repair other damaged public lands.

13 MISCELLANEOUS TRUST FUNDS

14 In addition to amounts authorized to be expended
15 under existing laws, there is hereby appropriated such
16 amounts as may be contributed under section 307 of Pub-
17 lic Law 94-579 (43 U.S.C. 1737), and such amounts as
18 may be advanced for administrative costs, surveys, ap-
19 praisals, and costs of making conveyances of omitted lands
20 under section 211(b) of that Act (43 U.S.C. 1721(b)), to
21 remain available until expended.

22 ADMINISTRATIVE PROVISIONS

23 The Bureau of Land Management may carry out the
24 operations funded under this Act by direct expenditure,
25 contracts, grants, cooperative agreements, and reimburs-

1 able agreements with public and private entities, including
2 with States. Appropriations for the Bureau shall be avail-
3 able for purchase, erection, and dismantlement of tem-
4 porary structures, and alteration and maintenance of nec-
5 essary buildings and appurtenant facilities to which the
6 United States has title; up to \$100,000 for payments, at
7 the discretion of the Secretary, for information or evidence
8 concerning violations of laws administered by the Bureau;
9 miscellaneous and emergency expenses of enforcement ac-
10 tivities authorized or approved by the Secretary and to be
11 accounted for solely on the Secretary's certificate, not to
12 exceed \$10,000: *Provided*, That notwithstanding Public
13 Law 90–620 (44 U.S.C. 501), the Bureau may, under co-
14 operative cost-sharing and partnership arrangements au-
15 thorized by law, procure printing services from cooperators
16 in connection with jointly produced publications for which
17 the cooperators share the cost of printing either in cash
18 or in services, and the Bureau determines the cooperator
19 is capable of meeting accepted quality standards: *Provided*
20 *further*, That projects to be funded pursuant to a written
21 commitment by a State government to provide an identi-
22 fied amount of money in support of the project may be
23 carried out by the Bureau on a reimbursable basis.

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
10 \$23,398,000 shall be used for implementing subsections
11 (a), (b), (c), and (e) of section 4 of the Endangered Spe-
12 cies Act of 1973 (16 U.S.C. 1533) (except for processing
13 petitions, developing and issuing proposed and final regu-
14 lations, and taking any other steps to implement actions
15 described in subsection (c)(2)(A), (c)(2)(B)(i), or
16 (c)(2)(B)(ii) of such section): *Provided further*, That of the
17 amount appropriated under this heading, \$25,641,000, to
18 remain available until September 30, 2025, shall be for
19 projects specified for Stewardship Priorities in the table
20 titled “Interior and Environment Incorporation of Com-
21 munity Project Funding Items/Congressionally Directed
22 Spending Items” included for this division in the explana-
23 tory statement described in section 4 (in the matter pre-
24 ceding division A of this consolidated Act): *Provided fur-*
25 *ther*, That amounts in the preceding proviso may be trans-

765

1 ferred to the appropriate program, project, or activity
2 under this heading and shall continue to only be available
3 for the purposes and in such amounts as such funds were
4 originally appropriated.

5 CONSTRUCTION

6 For construction, improvement, acquisition, or re-
7 moval of buildings and other facilities required in the con-
8 servation, management, investigation, protection, and uti-
9 lization of fish and wildlife resources, and the acquisition
10 of lands and interests therein; \$29,904,000, to remain
11 available until expended.

12 COOPERATIVE ENDANGERED SPECIES CONSERVATION

13 FUND

14 For expenses necessary to carry out section 6 of the
15 Endangered Species Act of 1973 (16 U.S.C. 1535),
16 \$24,564,000, to remain available until expended, to be de-
17 rived from the Cooperative Endangered Species Conserva-
18 tion Fund.

19 NATIONAL WILDLIFE REFUGE FUND

20 For expenses necessary to implement the Act of Octo-
21 ber 17, 1978 (16 U.S.C. 715s), \$13,228,000.

22 NORTH AMERICAN WETLANDS CONSERVATION FUND

23 For expenses necessary to carry out the provisions
24 of the North American Wetlands Conservation Act (16

1 U.S.C. 4401 et seq.), \$50,000,000, to remain available
2 until expended.

3 NEOTROPICAL MIGRATORY BIRD CONSERVATION

4 For expenses necessary to carry out the Neotropical
5 Migratory Bird Conservation Act (16 U.S.C. 6101 et
6 seq.), \$5,100,000, to remain available until expended.

7 MULTINATIONAL SPECIES CONSERVATION FUND

8 For expenses necessary to carry out the African Ele-
9 phant Conservation Act (16 U.S.C. 4201 et seq.), the
10 Asian Elephant Conservation Act of 1997 (16 U.S.C.
11 4261 et seq.), the Rhinoceros and Tiger Conservation Act
12 of 1994 (16 U.S.C. 5301 et seq.), the Great Ape Con-
13 servation Act of 2000 (16 U.S.C. 6301 et seq.), and the
14 Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601
15 et seq.), \$21,000,000, to remain available until expended.

16 STATE AND TRIBAL WILDLIFE GRANTS

17 For wildlife conservation grants to States and to the
18 District of Columbia, Puerto Rico, Guam, the United
19 States Virgin Islands, the Northern Mariana Islands,
20 American Samoa, and Indian tribes under the provisions
21 of the Fish and Wildlife Act of 1956 and the Fish and
22 Wildlife Coordination Act, for the development and imple-
23 mentation of programs for the benefit of wildlife and their
24 habitat, including species that are not hunted or fished,
25 \$73,812,000, to remain available until expended: *Pro-*

1 *vided*, That of the amount provided herein, \$6,200,000 is
2 for a competitive grant program for Indian tribes not sub-
3 ject to the remaining provisions of this appropriation: *Pro-*
4 *vided further*, That \$7,612,000 is for a competitive grant
5 program to implement approved plans for States, terri-
6 tories, and other jurisdictions and at the discretion of af-
7 fected States, the regional Associations of fish and wildlife
8 agencies, not subject to the remaining provisions of this
9 appropriation: *Provided further*, That the Secretary shall,
10 after deducting \$13,812,000 and administrative expenses,
11 apportion the amount provided herein in the following
12 manner: (1) to the District of Columbia and to the Com-
13 monwealth of Puerto Rico, each a sum equal to not more
14 than one-half of 1 percent thereof; and (2) to Guam,
15 American Samoa, the United States Virgin Islands, and
16 the Commonwealth of the Northern Mariana Islands, each
17 a sum equal to not more than one-fourth of 1 percent
18 thereof: *Provided further*, That the Secretary of the Inte-
19 rior shall apportion the remaining amount in the following
20 manner: (1) one-third of which is based on the ratio to
21 which the land area of such State bears to the total land
22 area of all such States; and (2) two-thirds of which is
23 based on the ratio to which the population of such State
24 bears to the total population of all such States: *Provided*
25 *further*, That the amounts apportioned under this para-

1 graph shall be adjusted equitably so that no State shall
2 be apportioned a sum which is less than 1 percent of the
3 amount available for apportionment under this paragraph
4 for any fiscal year or more than 5 percent of such amount:
5 *Provided further*, That the Federal share of planning
6 grants shall not exceed 75 percent of the total costs of
7 such projects and the Federal share of implementation
8 grants shall not exceed 65 percent of the total costs of
9 such projects: *Provided further*, That the non-Federal
10 share of such projects may not be derived from Federal
11 grant programs: *Provided further*, That any amount ap-
12 portioned in 2023 to any State, territory, or other jurisdic-
13 tion that remains unobligated as of September 30, 2024,
14 shall be reapportioned, together with funds appropriated
15 in 2025, in the manner provided herein.

16 ADMINISTRATIVE PROVISIONS

17 The United States Fish and Wildlife Service may
18 carry out the operations of Service programs by direct ex-
19 penditure, contracts, grants, cooperative agreements and
20 reimbursable agreements with public and private entities.
21 Appropriations and funds available to the United States
22 Fish and Wildlife Service shall be available for repair of
23 damage to public roads within and adjacent to reservation
24 areas caused by operations of the Service; options for the
25 purchase of land at not to exceed one dollar for each op-

1 tion; facilities incident to such public recreational uses on
2 conservation areas as are consistent with their primary
3 purpose; and the maintenance and improvement of aquar-
4 ia, buildings, and other facilities under the jurisdiction of
5 the Service and to which the United States has title, and
6 which are used pursuant to law in connection with man-
7 agement, and investigation of fish and wildlife resources:
8 *Provided*, That notwithstanding 44 U.S.C. 501, the Serv-
9 ice may, under cooperative cost sharing and partnership
10 arrangements authorized by law, procure printing services
11 from cooperators in connection with jointly produced pub-
12 lications for which the cooperators share at least one-half
13 the cost of printing either in cash or services and the Serv-
14 ice determines the cooperator is capable of meeting accept-
15 ed quality standards: *Provided further*, That the Service
16 may accept donated aircraft as replacements for existing
17 aircraft: *Provided further*, That notwithstanding 31 U.S.C.
18 3302, all fees collected for non-toxic shot review and ap-
19 proval shall be deposited under the heading “United
20 States Fish and Wildlife Service—Resource Management”
21 and shall be available to the Secretary, without further
22 appropriation, to be used for expenses of processing of
23 such non-toxic shot type or coating applications and revis-
24 ing regulations as necessary, and shall remain available
25 until expended: *Provided further*, That the second proviso

1 under the heading “United States Fish and Wildlife Serv-
2 ice—Resource Management” in title I of division E of
3 Public Law 112–74 (16 U.S.C. 742l–1) is amended by
4 striking “2012” and inserting “2023” and striking
5 “\$400,000” and inserting “\$750,000”.

6 NATIONAL PARK SERVICE

7 OPERATION OF THE NATIONAL PARK SYSTEM

8 For expenses necessary for the management, oper-
9 ation, and maintenance of areas and facilities adminis-
10 tered by the National Park Service and for the general
11 administration of the National Park Service,
12 \$2,923,424,000, of which \$11,661,000 for planning and
13 interagency coordination in support of Everglades restora-
14 tion and \$135,980,000 for maintenance, repair, or reha-
15 bilitation projects for constructed assets and
16 \$188,184,000 for cyclic maintenance projects for con-
17 structed assets and cultural resources and \$10,000,000
18 for uses authorized by section 101122 of title 54, United
19 States Code shall remain available until September 30,
20 2024: *Provided*, That funds appropriated under this head-
21 ing in this Act are available for the purposes of section
22 5 of Public Law 95–348: *Provided further*, That notwith-
23 standing section 9 of the 400 Years of African-American
24 History Commission Act (36 U.S.C. note prec. 101; Public
25 Law 115–102), \$3,300,000 of the funds provided under

1 this heading shall be made available for the purposes spec-
2 ified by that Act: *Provided further*, That sections (7)(b)
3 and (8) of that Act shall be amended by striking “July
4 1, 2023” and inserting “July 1, 2024”.

5 In addition, for purposes described in section 2404
6 of Public Law 116–9, an amount equal to the amount de-
7 posited in this fiscal year into the National Park Medical
8 Services Fund established pursuant to such section of
9 such Act, to remain available until expended, shall be de-
10 rived from such Fund.

11 NATIONAL RECREATION AND PRESERVATION

12 For expenses necessary to carry out recreation pro-
13 grams, natural programs, cultural programs, heritage
14 partnership programs, environmental compliance and re-
15 view, international park affairs, and grant administration,
16 not otherwise provided for, \$92,512,000, to remain avail-
17 able until September 30, 2024, of which \$2,919,000 shall
18 be for projects specified for Statutory and Contractual Aid
19 in the table titled “Interior and Environment Incorpora-
20 tion of Community Project Funding Items/Congressionally
21 Directed Spending Items” included for this division in the
22 explanatory statement described in section 4 (in the mat-
23 ter preceding division A of this consolidated Act).

1 HISTORIC PRESERVATION FUND

2 For expenses necessary in carrying out the National
3 Historic Preservation Act (division A of subtitle III of title
4 54, United States Code), \$204,515,000, to be derived
5 from the Historic Preservation Fund and to remain avail-
6 able until September 30, 2024, of which \$26,500,000 shall
7 be for Save America's Treasures grants for preservation
8 of nationally significant sites, structures and artifacts as
9 authorized by section 7303 of the Omnibus Public Land
10 Management Act of 2009 (54 U.S.C. 3089): *Provided*,
11 That an individual Save America's Treasures grant shall
12 be matched by non-Federal funds: *Provided further*, That
13 individual projects shall only be eligible for one grant: *Pro-*
14 *vided further*, That all projects to be funded shall be ap-
15 proved by the Secretary of the Interior in consultation
16 with the House and Senate Committees on Appropria-
17 tions: *Provided further*, That of the funds provided for the
18 Historic Preservation Fund, \$1,250,000 is for competitive
19 grants for the survey and nomination of properties to the
20 National Register of Historic Places and as National His-
21 toric Landmarks associated with communities currently
22 under-represented, as determined by the Secretary;
23 \$29,000,000 is for competitive grants to preserve the sites
24 and stories of the Civil Rights movement; \$11,000,000 is
25 for grants to Historically Black Colleges and Universities;

1 \$12,500,000 is for competitive grants for the restoration
2 of historic properties of national, State, and local signifi-
3 cance listed on or eligible for inclusion on the National
4 Register of Historic Places, to be made without imposing
5 the usage or direct grant restrictions of section 101(e)(3)
6 (54 U.S.C. 302904) of the National Historical Preserva-
7 tion Act; \$10,000,000 is for a competitive grant program
8 to honor the semiquincentennial anniversary of the United
9 States by restoring and preserving sites and structures
10 listed on the National Register of Historic Places that
11 commemorate the founding of the nation; and
12 \$29,115,000 is for projects specified for the Historic Pres-
13 ervation Fund in the table titled “Interior and Environ-
14 ment Incorporation of Community Project Funding Items/
15 Congressionally Directed Spending Items” 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 such competitive grants
19 shall be made without imposing the matching require-
20 ments in section 302902(b)(3) of title 54, United States
21 Code to States and Indian tribes as defined in chapter
22 3003 of such title, Native Hawaiian organizations, local
23 governments, including Certified Local Governments, and
24 non-profit organizations.

1 CONSTRUCTION

2 For construction, improvements, repair, or replace-
3 ment of physical facilities, and related equipment, and
4 compliance and planning for programs and areas adminis-
5 tered by the National Park Service, \$239,803,000, to re-
6 main available until expended: *Provided*, That notwith-
7 standing any other provision of law, for any project ini-
8 tially funded in fiscal year 2023 with a future phase indi-
9 cated in the National Park Service 5–Year Line Item Con-
10 struction Plan, a single procurement may be issued which
11 includes the full scope of the project: *Provided further*,
12 That the solicitation and contract shall contain the clause
13 availability of funds found at 48 CFR 52.232–18: *Pro-*
14 *vided further*, That National Park Service Donations,
15 Park Concessions Franchise Fees, and Recreation Fees
16 may be made available for the cost of adjustments and
17 changes within the original scope of effort for projects
18 funded by the National Park Service Construction appro-
19 priation: *Provided further*, That the Secretary of the Inte-
20 rior shall consult with the Committees on Appropriations,
21 in accordance with current reprogramming thresholds,
22 prior to making any charges authorized by this section.

23 CENTENNIAL CHALLENGE

24 For expenses necessary to carry out the provisions
25 of section 101701 of title 54, United States Code, relating

1 to challenge cost share agreements, \$15,000,000, to re-
2 main available until expended, for Centennial Challenge
3 projects and programs: *Provided*, That not less than 50
4 percent of the total cost of each project or program shall
5 be derived from non-Federal sources in the form of do-
6 nated cash, assets, or a pledge of donation guaranteed by
7 an irrevocable letter of credit.

8 ADMINISTRATIVE PROVISIONS
9 (INCLUDING TRANSFER OF FUNDS)

10 In addition to other uses set forth in section
11 101917(c)(2) of title 54, United States Code, franchise
12 fees credited to a sub-account shall be available for ex-
13 penditure by the Secretary, without further appropriation,
14 for use at any unit within the National Park System to
15 extinguish or reduce liability for Possessory Interest or
16 leasehold surrender interest. Such funds may only be used
17 for this purpose to the extent that the benefitting unit an-
18 ticipated franchise fee receipts over the term of the con-
19 tract at that unit exceed the amount of funds used to ex-
20 tinguish or reduce liability. Franchise fees at the benefit-
21 ting unit shall be credited to the sub-account of the origi-
22 nating unit over a period not to exceed the term of a single
23 contract at the benefitting unit, in the amount of funds
24 so expended to extinguish or reduce liability.

1 For the costs of administration of the Land and
2 Water Conservation Fund grants authorized by section
3 105(a)(2)(B) of the Gulf of Mexico Energy Security Act
4 of 2006 (Public Law 109–432), the National Park Service
5 may retain up to 3 percent of the amounts which are au-
6 thorized to be disbursed under such section, such retained
7 amounts to remain available until expended.

8 National Park Service funds may be transferred to
9 the Federal Highway Administration (FHWA), Depart-
10 ment of Transportation, for purposes authorized under 23
11 U.S.C. 203. Transfers may include a reasonable amount
12 for FHWA administrative support costs.

13 UNITED STATES GEOLOGICAL SURVEY
14 SURVEYS, INVESTIGATIONS, AND RESEARCH
15 (INCLUDING TRANSFER OF FUNDS)

16 For expenses necessary for the United States Geo-
17 logical Survey to perform surveys, investigations, and re-
18 search covering topography, geology, hydrology, biology,
19 and the mineral and water resources of the United States,
20 its territories and possessions, and other areas as author-
21 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
22 to their mineral and water resources; give engineering su-
23 pervision to power permittees and Federal Energy Regu-
24 latory Commission licensees; administer the minerals ex-
25 ploration program (30 U.S.C. 641); conduct inquiries into

1 the economic conditions affecting mining and materials
2 processing industries (30 U.S.C. 3, 21a, and 1603; 50
3 U.S.C. 98g(a)(1)) and related purposes as authorized by
4 law; and to publish and disseminate data relative to the
5 foregoing activities; \$1,497,178,000, to remain available
6 until September 30, 2024; of which \$92,184,000 shall re-
7 main available until expended for satellite operations; and
8 of which \$74,840,000 shall be available until expended for
9 deferred maintenance and capital improvement projects
10 that exceed \$100,000 in cost: *Provided*, That none of the
11 funds provided for the ecosystem research activity shall
12 be used to conduct new surveys on private property, unless
13 specifically authorized in writing by the property owner:
14 *Provided further*, That no part of this appropriation shall
15 be used to pay more than one-half the cost of topographic
16 mapping or water resources data collection and investiga-
17 tions carried on in cooperation with States and municipali-
18 ties: *Provided further*, That of the amount appropriated
19 under this heading, \$2,130,000 shall be for projects speci-
20 fied for Special Initiatives in the table titled “Interior and
21 Environment Incorporation of Community Project Fund-
22 ing Items/Congressionally Directed Spending Items” in-
23 cluded for this division in the explanatory statement de-
24 scribed in section 4 (in the matter preceding division A
25 of this consolidated Act): *Provided further*, That amounts

1 in the preceding proviso may be transferred to the appro-
2 priate program, project, or activity under this heading and
3 shall continue to only be available for the purposes and
4 in such amounts as such funds were originally appro-
5 priated.

6 ADMINISTRATIVE PROVISIONS

7 From within the amount appropriated for activities
8 of the United States Geological Survey such sums as are
9 necessary shall be available for contracting for the fur-
10 nishing of topographic maps and for the making of geo-
11 physical or other specialized surveys when it is administra-
12 tively determined that such procedures are in the public
13 interest; construction and maintenance of necessary build-
14 ings and appurtenant facilities; acquisition of lands for
15 gauging stations, observation wells, and seismic equip-
16 ment; expenses of the United States National Committee
17 for Geological Sciences; and payment of compensation and
18 expenses of persons employed by the Survey duly ap-
19 pointed to represent the United States in the negotiation
20 and administration of interstate compacts: *Provided*, That
21 activities funded by appropriations herein made may be
22 accomplished through the use of contracts, grants, or co-
23 operative agreements as defined in section 6302 of title
24 31, United States Code: *Provided further*, That the United
25 States Geological Survey may enter into contracts or coop-

1 erative agreements directly with individuals or indirectly
2 with institutions or nonprofit organizations, without re-
3 gard to 41 U.S.C. 6101, for the temporary or intermittent
4 services of students or recent graduates, who shall be con-
5 sidered employees for the purpose of chapters 57 and 81
6 of title 5, United States Code, relating to compensation
7 for travel and work injuries, and chapter 171 of title 28,
8 United States Code, relating to tort claims, but shall not
9 be considered to be Federal employees for any other pur-
10 poses.

11 BUREAU OF OCEAN ENERGY MANAGEMENT

12 OCEAN ENERGY MANAGEMENT

13 For expenses necessary for granting and admin-
14 istering leases, easements, rights-of-way, and agreements
15 for use for oil and gas, other minerals, energy, and ma-
16 rine-related purposes on the Outer Continental Shelf and
17 approving operations related thereto, as authorized by law;
18 for environmental studies, as authorized by law; for imple-
19 menting other laws and to the extent provided by Presi-
20 dential or Secretarial delegation; and for matching grants
21 or cooperative agreements, \$219,960,000, of which
22 \$182,960,000 is to remain available until September 30,
23 2024, and of which \$37,000,000 is to remain available
24 until expended: *Provided*, That this total appropriation
25 shall be reduced by amounts collected by the Secretary of

1 the Interior and credited to this appropriation from addi-
2 tions to receipts resulting from increases to lease rental
3 rates in effect on August 5, 1993, and from cost recovery
4 fees from activities conducted by the Bureau of Ocean En-
5 ergy Management pursuant to the Outer Continental Shelf
6 Lands Act, including studies, assessments, analysis, and
7 miscellaneous administrative activities: *Provided further,*
8 That the sum herein appropriated shall be reduced as such
9 collections are received during the fiscal year, so as to re-
10 sult in a final fiscal year 2023 appropriation estimated
11 at not more than \$182,960,000: *Provided further,* That
12 not to exceed \$3,000 shall be available for reasonable ex-
13 penses related to promoting volunteer beach and marine
14 cleanup activities.

15 BUREAU OF SAFETY AND ENVIRONMENTAL
16 ENFORCEMENT
17 OFFSHORE SAFETY AND ENVIRONMENTAL ENFORCEMENT
18 For expenses necessary for the regulation of oper-
19 ations related to leases, easements, rights-of-way, and
20 agreements for use for oil and gas, other minerals, energy,
21 and marine-related purposes on the Outer Continental
22 Shelf, as authorized by law; for enforcing and imple-
23 menting laws and regulations as authorized by law and
24 to the extent provided by Presidential or Secretarial dele-
25 gation; and for matching grants or cooperative agree-

1 ments, \$175,886,000, of which \$153,886,000 is to remain
2 available until September 30, 2024, and of which
3 \$22,000,000 is to remain available until expended, includ-
4 ing \$3,000,000 for offshore decommissioning activities:
5 *Provided*, That this total appropriation shall be reduced
6 by amounts collected by the Secretary of the Interior and
7 credited to this appropriation from additions to receipts
8 resulting from increases to lease rental rates in effect on
9 August 5, 1993, and from cost recovery fees from activi-
10 ties conducted by the Bureau of Safety and Environmental
11 Enforcement pursuant to the Outer Continental Shelf
12 Lands Act, including studies, assessments, analysis, and
13 miscellaneous administrative activities: *Provided further*,
14 That the sum herein appropriated shall be reduced as such
15 collections are received during the fiscal year, so as to re-
16 sult in a final fiscal year 2023 appropriation estimated
17 at not more than \$156,886,000.

18 For an additional amount, \$38,000,000, to remain
19 available until expended, to be reduced by amounts col-
20 lected by the Secretary and credited to this appropriation,
21 which shall be derived from non-refundable inspection fees
22 collected in fiscal year 2023, as provided in this Act: *Pro-*
23 *vided*, That to the extent that amounts realized from such
24 inspection fees exceed \$38,000,000, the amounts realized
25 in excess of \$38,000,000 shall be credited to this appro-

1 priation and remain available until expended: *Provided*
2 *further*, That for fiscal year 2023, not less than 50 percent
3 of the inspection fees expended by the Bureau of Safety
4 and Environmental Enforcement will be used to fund per-
5 sonnel and mission-related costs to expand capacity and
6 expedite the orderly development, subject to environmental
7 safeguards, of the Outer Continental Shelf pursuant to the
8 Outer Continental Shelf Lands Act (43 U.S.C. 1331 et
9 seq.), including the review of applications for permits to
10 drill.

11 OIL SPILL RESEARCH

12 For necessary expenses to carry out title I, section
13 1016; title IV, sections 4202 and 4303; title VII; and title
14 VIII, section 8201 of the Oil Pollution Act of 1990,
15 \$15,099,000, which shall be derived from the Oil Spill Li-
16 ability Trust Fund, to remain available until expended.

17 OFFICE OF SURFACE MINING RECLAMATION AND

18 ENFORCEMENT

19 REGULATION AND TECHNOLOGY

20 For necessary expenses to carry out the provisions
21 of the Surface Mining Control and Reclamation Act of
22 1977, Public Law 95–87, \$121,026,000, to remain avail-
23 able until September 30, 2024, of which \$65,000,000 shall
24 be available for State and tribal regulatory grants: *Pro-*
25 *vided*, That appropriations for the Office of Surface Min-

1 ing Reclamation and Enforcement may provide for the
2 travel and per diem expenses of State and tribal personnel
3 attending Office of Surface Mining Reclamation and En-
4 forcement sponsored training.

5 In addition, for costs to review, administer, and en-
6 force permits issued by the Office pursuant to section 507
7 of Public Law 95–87 (30 U.S.C. 1257), \$40,000, to re-
8 main available until expended: *Provided*, That fees as-
9 sessed and collected by the Office pursuant to such section
10 507 shall be credited to this account as discretionary off-
11 setting collections, to remain available until expended:
12 *Provided further*, That the sum herein appropriated from
13 the general fund shall be reduced as collections are re-
14 ceived during the fiscal year, so as to result in a fiscal
15 year 2023 appropriation estimated at not more than
16 \$121,026,000.

17 ABANDONED MINE RECLAMATION FUND

18 For necessary expenses to carry out title IV of the
19 Surface Mining Control and Reclamation Act of 1977,
20 Public Law 95–87, \$33,904,000, to be derived from re-
21 ceipts of the Abandoned Mine Reclamation Fund and to
22 remain available until expended: *Provided*, That pursuant
23 to Public Law 97–365, the Department of the Interior is
24 authorized to use up to 20 percent from the recovery of
25 the delinquent debt owed to the United States Government

1 to pay for contracts to collect these debts: *Provided fur-*
2 *ther*, That funds made available under title IV of Public
3 Law 95–87 may be used for any required non-Federal
4 share of the cost of projects funded by the Federal Gov-
5 ernment for the purpose of environmental restoration re-
6 lated to treatment or abatement of acid mine drainage
7 from abandoned mines: *Provided further*, That such
8 projects must be consistent with the purposes and prior-
9 ities of the Surface Mining Control and Reclamation Act:
10 *Provided further*, That amounts provided under this head-
11 ing may be used for the travel and per diem expenses of
12 State and tribal personnel attending Office of Surface
13 Mining Reclamation and Enforcement sponsored training.

14 In addition, \$135,000,000, to remain available until
15 expended, for grants to States and federally recognized In-
16 dian Tribes for reclamation of abandoned mine lands and
17 other related activities in accordance with the terms and
18 conditions described in the explanatory statement de-
19 scribed in section 4 (in the matter preceding division A
20 of this consolidated Act): *Provided*, That such additional
21 amount shall be used for economic and community devel-
22 opment in conjunction with the priorities in section 403(a)
23 of the Surface Mining Control and Reclamation Act of
24 1977 (30 U.S.C. 1233(a)): *Provided further*, That of such
25 additional amount, \$88,042,000 shall be distributed in

1 equal amounts to the three Appalachian States with the
2 greatest amount of unfunded needs to meet the priorities
3 described in paragraphs (1) and (2) of such section,
4 \$35,218,000 shall be distributed in equal amounts to the
5 three Appalachian States with the subsequent greatest
6 amount of unfunded needs to meet such priorities, and
7 \$11,740,000 shall be for grants to federally recognized In-
8 dian Tribes without regard to their status as certified or
9 uncertified under the Surface Mining Control and Rec-
10 lamation Act of 1977 (30 U.S.C. 1233(a)), for reclama-
11 tion of abandoned mine lands and other related activities
12 in accordance with the terms and conditions described in
13 the explanatory statement described in section 4 (in the
14 matter preceding division A of this consolidated Act) and
15 shall be used for economic and community development
16 in conjunction with the priorities in section 403(a) of the
17 Surface Mining Control and Reclamation Act of 1977:
18 *Provided further*, That such additional amount shall be al-
19 located to States and Indian Tribes within 60 days after
20 the date of enactment of this Act.

786

1 INDIAN AFFAIRS
2 BUREAU OF INDIAN AFFAIRS
3 OPERATION OF INDIAN PROGRAMS
4 (INCLUDING TRANSFERS OF FUNDS)

5 For expenses necessary for the operation of Indian
6 programs, as authorized by law, including the Snyder Act
7 of November 2, 1921 (25 U.S.C. 13) and the Indian Self-
8 Determination and Education Assistance Act of 1975 (25
9 U.S.C. 5301 et seq.), \$1,906,998,000, to remain available
10 until September 30, 2024, except as otherwise provided
11 herein; of which not to exceed \$8,500 may be for official
12 reception and representation expenses; of which not to ex-
13 ceed \$78,494,000 shall be for welfare assistance pay-
14 ments: *Provided*, That in cases of designated Federal dis-
15 asters, the Secretary of the Interior may exceed such cap
16 for welfare payments from the amounts provided herein,
17 to provide for disaster relief to Indian communities af-
18 fected by the disaster: *Provided further*, That federally rec-
19 ognized Indian tribes and tribal organizations of federally
20 recognized Indian tribes may use their tribal priority allo-
21 cations for unmet welfare assistance costs: *Provided fur-*
22 *ther*, That not to exceed \$63,586,000 shall remain avail-
23 able until expended for housing improvement, road main-
24 tenance, land acquisition, attorney fees, litigation support,
25 land records improvement, and the Navajo-Hopi Settle-

1 ment Program: *Provided further*, That of the amount ap-
2 propriated under this heading, \$4,240,000 shall be for
3 projects specified for Special Initiatives (CDS) in the table
4 titled “Interior and Environment Incorporation of Com-
5 munity Project Funding Items/Congressionally Directed
6 Spending Items” included for this division in the explana-
7 tory statement described in section 4 (in the matter pre-
8 ceding division A of this consolidated Act): *Provided fur-*
9 *ther*, That any forestry funds allocated to a federally rec-
10 ognized tribe which remain unobligated as of September
11 30, 2024, may be transferred during fiscal year 2025 to
12 an Indian forest land assistance account established for
13 the benefit of the holder of the funds within the holder’s
14 trust fund account: *Provided further*, That any such unob-
15 ligated balances not so transferred shall expire on Sep-
16 tember 30, 2025: *Provided further*, That in order to en-
17 hance the safety of Bureau field employees, the Bureau
18 may use funds to purchase uniforms or other identifying
19 articles of clothing for personnel: *Provided further*, That
20 the Bureau of Indian Affairs may accept transfers of
21 funds from United States Customs and Border Protection
22 to supplement any other funding available for reconstruc-
23 tion or repair of roads owned by the Bureau of Indian
24 Affairs as identified on the National Tribal Transpor-
25 tation Facility Inventory, 23 U.S.C. 202(b)(1).

1 INDIAN LAND CONSOLIDATION

2 For the acquisition of fractional interests to further
3 land consolidation as authorized under the Indian Land
4 Consolidation Act Amendments of 2000 (Public Law 106–
5 462), and the American Indian Probate Reform Act of
6 2004 (Public Law 108–374), \$8,000,000, to remain avail-
7 able until expended: *Provided*, That any provision of the
8 Indian Land Consolidation Act Amendments of 2000
9 (Public Law 106–462) that requires or otherwise relates
10 to application of a lien shall not apply to the acquisitions
11 funded herein.

12 CONTRACT SUPPORT COSTS

13 For payments to tribes and tribal organizations for
14 contract support costs associated with Indian Self-Deter-
15 mination and Education Assistance Act agreements with
16 the Bureau of Indian Affairs and the Bureau of Indian
17 Education for fiscal year 2023, such sums as may be nec-
18 essary, which shall be available for obligation through Sep-
19 tember 30, 2024: *Provided*, That notwithstanding any
20 other provision of law, no amounts made available under
21 this heading shall be available for transfer to another
22 budget account.

23 PAYMENTS FOR TRIBAL LEASES

24 For payments to tribes and tribal organizations for
25 leases pursuant to section 105(l) of the Indian Self-Deter-

1 mination and Education Assistance Act (25 U.S.C.
2 5324(l)) for fiscal year 2023, such sums as may be nec-
3 essary, which shall be available for obligation through Sep-
4 tember 30, 2024: *Provided*, That notwithstanding any
5 other provision of law, no amounts made available under
6 this heading shall be available for transfer to another
7 budget account.

8

CONSTRUCTION

9

(INCLUDING TRANSFER OF FUNDS)

10 For construction, repair, improvement, and mainte-
11 nance of irrigation and power systems, buildings, utilities,
12 and other facilities, including architectural and engineer-
13 ing services by contract; acquisition of lands, and interests
14 in lands; and preparation of lands for farming, and for
15 construction of the Navajo Indian Irrigation Project pur-
16 suant to Public Law 87-483; \$153,309,000, to remain
17 available until expended: *Provided*, That such amounts as
18 may be available for the construction of the Navajo Indian
19 Irrigation Project may be transferred to the Bureau of
20 Reclamation: *Provided further*, That any funds provided
21 for the Safety of Dams program pursuant to the Act of
22 November 2, 1921 (25 U.S.C. 13), shall be made available
23 on a nonreimbursable basis: *Provided further*, That this
24 appropriation may be reimbursed from the Office of the
25 Special Trustee for American Indians appropriation for

1 the appropriate share of construction costs for space ex-
2 pansion needed in agency offices to meet trust reform im-
3 plementation: *Provided further*, That of the funds made
4 available under this heading, \$10,000,000 shall be derived
5 from the Indian Irrigation Fund established by section
6 3211 of the WIIN Act (Public Law 114–322; 130 Stat.
7 1749): *Provided further*, That amounts provided under
8 this heading are made available for the modernization of
9 Federal field communication capabilities, in addition to
10 amounts otherwise made available for such purpose.

11 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
12 MISCELLANEOUS PAYMENTS TO INDIANS

13 For payments and necessary administrative expenses
14 for implementation of Indian land and water claim settle-
15 ments pursuant to Public Laws 99–264, 114–322, and
16 116–260, and for implementation of other land and water
17 rights settlements, \$825,000, to remain available until ex-
18 pended.

19 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

20 For the cost of guaranteed loans and insured loans,
21 \$13,884,000, to remain available until September 30,
22 2024, of which \$2,680,000 is for administrative expenses,
23 as authorized by the Indian Financing Act of 1974: *Pro-*
24 *vided*, That such costs, including the cost of modifying
25 such loans, shall be as defined in section 502 of the Con-

1 gressional Budget Act of 1974: *Provided further*, That
2 these funds are available to subsidize total loan principal,
3 any part of which is to be guaranteed or insured, not to
4 exceed \$150,213,551.

5 BUREAU OF INDIAN EDUCATION

6 OPERATION OF INDIAN EDUCATION PROGRAMS

7 For expenses necessary for the operation of Indian
8 education programs, as authorized by law, including the
9 Snyder Act of November 2, 1921 (25 U.S.C. 13), the In-
10 dian Self-Determination and Education Assistance Act of
11 1975 (25 U.S.C. 5301 et seq.), the Education Amend-
12 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
13 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
14 \$1,133,552,000 to remain available until September 30,
15 2024, except as otherwise provided herein: *Provided*, That
16 federally recognized Indian tribes and tribal organizations
17 of federally recognized Indian tribes may use their tribal
18 priority allocations for unmet welfare assistance costs:
19 *Provided further*, That not to exceed \$833,592,000 for
20 school operations costs of Bureau-funded schools and
21 other education programs shall become available on July
22 1, 2023, and shall remain available until September 30,
23 2024: *Provided further*, That notwithstanding any other
24 provision of law, including but not limited to the Indian
25 Self–Determination Act of 1975 (25 U.S.C. 5301 et seq.)

1 and section 1128 of the Education Amendments of 1978
2 (25 U.S.C. 2008), not to exceed \$95,822,000 within and
3 only from such amounts made available for school oper-
4 ations shall be available for administrative cost grants as-
5 sociated with grants approved prior to July 1, 2023: *Pro-*
6 *vided further*, That in order to enhance the safety of Bu-
7 reau field employees, the Bureau may use funds to pur-
8 chase uniforms or other identifying articles of clothing for
9 personnel.

10 EDUCATION CONSTRUCTION

11 For construction, repair, improvement, and mainte-
12 nance of buildings, utilities, and other facilities necessary
13 for the operation of Indian education programs, including
14 architectural and engineering services by contract; acquisi-
15 tion of lands, and interests in lands; \$267,887,000 to re-
16 main available until expended: *Provided*, That in order to
17 ensure timely completion of construction projects, the Sec-
18 retary of the Interior may assume control of a project and
19 all funds related to the project, if, not later than 18
20 months after the date of the enactment of this Act, any
21 Public Law 100–297 (25 U.S.C. 2501, et seq.) grantee
22 receiving funds appropriated in this Act or in any prior
23 Act, has not completed the planning and design phase of
24 the project and commenced construction.

1 ADMINISTRATIVE PROVISIONS

2 The Bureau of Indian Affairs and the Bureau of In-
3 dian Education may carry out the operation of Indian pro-
4 grams by direct expenditure, contracts, cooperative agree-
5 ments, compacts, and grants, either directly or in coopera-
6 tion with States and other organizations.

7 Notwithstanding Public Law 87–279 (25 U.S.C. 15),
8 the Bureau of Indian Affairs may contract for services in
9 support of the management, operation, and maintenance
10 of the Power Division of the San Carlos Irrigation Project.

11 Notwithstanding any other provision of law, no funds
12 available to the Bureau of Indian Affairs or the Bureau
13 of Indian Education for central office oversight and Exec-
14 utive Direction and Administrative Services (except Exec-
15 utive Direction and Administrative Services funding for
16 Tribal Priority Allocations, regional offices, and facilities
17 operations and maintenance) shall be available for con-
18 tracts, grants, compacts, or cooperative agreements with
19 the Bureau of Indian Affairs or the Bureau of Indian
20 Education under the provisions of the Indian Self-Deter-
21 mination Act or the Tribal Self-Governance Act of 1994
22 (Public Law 103–413).

23 In the event any tribe returns appropriations made
24 available by this Act to the Bureau of Indian Affairs or
25 the Bureau of Indian Education, this action shall not di-

1 diminish the Federal Government's trust responsibility to
2 that tribe, or the government-to-government relationship
3 between the United States and that tribe, or that tribe's
4 ability to access future appropriations.

5 Notwithstanding any other provision of law, no funds
6 available to the Bureau of Indian Education, other than
7 the amounts provided herein for assistance to public
8 schools under 25 U.S.C. 452 et seq., shall be available to
9 support the operation of any elementary or secondary
10 school in the State of Alaska.

11 No funds available to the Bureau of Indian Edu-
12 cation shall be used to support expanded grades for any
13 school or dormitory beyond the grade structure in place
14 or approved by the Secretary of the Interior at each school
15 in the Bureau of Indian Education school system as of
16 October 1, 1995, except that the Secretary of the Interior
17 may waive this prohibition to support expansion of up to
18 one additional grade when the Secretary determines such
19 waiver is needed to support accomplishment of the mission
20 of the Bureau of Indian Education, or more than one
21 grade to expand the elementary grade structure for Bu-
22 reau-funded schools with a K-2 grade structure on Octo-
23 ber 1, 1996. Appropriations made available in this or any
24 prior Act for schools funded by the Bureau shall be avail-
25 able, in accordance with the Bureau's funding formula,

1 only to the schools in the Bureau school system as of Sep-
2 tember 1, 1996, and to any school or school program that
3 was reinstated in fiscal year 2012. Funds made available
4 under this Act may not be used to establish a charter
5 school at a Bureau-funded school (as that term is defined
6 in section 1141 of the Education Amendments of 1978
7 (25 U.S.C. 2021)), except that a charter school that is
8 in existence on the date of the enactment of this Act and
9 that has operated at a Bureau-funded school before Sep-
10 tember 1, 1999, may continue to operate during that pe-
11 riod, but only if the charter school pays to the Bureau
12 a pro rata share of funds to reimburse the Bureau for
13 the use of the real and personal property (including buses
14 and vans), the funds of the charter school are kept sepa-
15 rate and apart from Bureau funds, and the Bureau does
16 not assume any obligation for charter school programs of
17 the State in which the school is located if the charter
18 school loses such funding. Employees of Bureau-funded
19 schools sharing a campus with a charter school and per-
20 forming functions related to the charter school's operation
21 and employees of a charter school shall not be treated as
22 Federal employees for purposes of chapter 171 of title 28,
23 United States Code.

24 Notwithstanding any other provision of law, including
25 section 113 of title I of appendix C of Public Law 106–

1 113, if in fiscal year 2003 or 2004 a grantee received indi-
2 rect and administrative costs pursuant to a distribution
3 formula based on section 5(f) of Public Law 101–301, the
4 Secretary shall continue to distribute indirect and admin-
5 istrative cost funds to such grantee using the section 5(f)
6 distribution formula.

7 Funds available under this Act may not be used to
8 establish satellite locations of schools in the Bureau school
9 system as of September 1, 1996, except that the Secretary
10 may waive this prohibition in order for an Indian tribe
11 to provide language and cultural immersion educational
12 programs for non-public schools located within the juris-
13 dictional area of the tribal government which exclusively
14 serve tribal members, do not include grades beyond those
15 currently served at the existing Bureau-funded school,
16 provide an educational environment with educator pres-
17 ence and academic facilities comparable to the Bureau-
18 funded school, comply with all applicable Tribal, Federal,
19 or State health and safety standards, and the Americans
20 with Disabilities Act, and demonstrate the benefits of es-
21 tablishing operations at a satellite location in lieu of incur-
22 ring extraordinary costs, such as for transportation or
23 other impacts to students such as those caused by busing
24 students extended distances: *Provided*, That no funds
25 available under this Act may be used to fund operations,

1 maintenance, rehabilitation, construction, or other facili-
2 ties-related costs for such assets that are not owned by
3 the Bureau: *Provided further*, That the term “satellite
4 school” means a school location physically separated from
5 the existing Bureau school by more than 50 miles but that
6 forms part of the existing school in all other respects.

7 Funds made available for Tribal Priority Allocations
8 within Operation of Indian Programs and Operation of In-
9 dian Education Programs may be used to execute re-
10 quested adjustments in tribal priority allocations initiated
11 by an Indian Tribe.

12 OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN
13 INDIANS
14 FEDERAL TRUST PROGRAMS
15 (INCLUDING TRANSFER OF FUNDS)

16 For the operation of trust programs for Indians by
17 direct expenditure, contracts, cooperative agreements,
18 compacts, and grants, \$111,272,000, to remain available
19 until expended, of which not to exceed \$17,867,000 from
20 this or any other Act, may be available for historical ac-
21 counting: *Provided*, That funds for trust management im-
22 provements and litigation support may, as needed, be
23 transferred to or merged with the Bureau of Indian Af-
24 fairs, “Operation of Indian Programs” and Bureau of In-
25 dian Education, “Operation of Indian Education Pro-

1 grams” accounts; the Office of the Solicitor, “Salaries and
2 Expenses” account; and the Office of the Secretary, “De-
3 partmental Operations” account: *Provided further*, That
4 funds made available through contracts or grants obli-
5 gated during fiscal year 2023, as authorized by the Indian
6 Self-Determination Act of 1975 (25 U.S.C. 5301 et seq.),
7 shall remain available until expended by the contractor or
8 grantee: *Provided further*, That notwithstanding any other
9 provision of law, the Secretary shall not be required to
10 provide a quarterly statement of performance for any In-
11 dian trust account that has not had activity for at least
12 15 months and has a balance of \$15 or less: *Provided fur-*
13 *ther*, That the Secretary shall issue an annual account
14 statement and maintain a record of any such accounts and
15 shall permit the balance in each such account to be with-
16 drawn upon the express written request of the account
17 holder: *Provided further*, That not to exceed \$100,000 is
18 available for the Secretary to make payments to correct
19 administrative errors of either disbursements from or de-
20 posits to Individual Indian Money or Tribal accounts after
21 September 30, 2002: *Provided further*, That erroneous
22 payments that are recovered shall be credited to and re-
23 main available in this account for this purpose: *Provided*
24 *further*, That the Secretary shall not be required to rec-
25 oncile Special Deposit Accounts with a balance of less than

1 \$500 unless the Office of the Special Trustee receives
2 proof of ownership from a Special Deposit Accounts claim-
3 ant: *Provided further*, That notwithstanding section 102
4 of the American Indian Trust Fund Management Reform
5 Act of 1994 (Public Law 103–412) or any other provision
6 of law, the Secretary may aggregate the trust accounts
7 of individuals whose whereabouts are unknown for a con-
8 tinuous period of at least 5 years and shall not be required
9 to generate periodic statements of performance for the in-
10 dividual accounts: *Provided further*, That with respect to
11 the preceding proviso, the Secretary shall continue to
12 maintain sufficient records to determine the balance of the
13 individual accounts, including any accrued interest and in-
14 come, and such funds shall remain available to the indi-
15 vidual 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 De-
21 partment of the Interior and for grants and cooperative
22 agreements, as authorized by law, \$135,884,000, to re-
23 main available until September 30, 2024; of which not to
24 exceed \$15,000 may be for official reception and represen-
25 tation expenses; of which up to \$1,000,000 shall be avail-

1 able for workers compensation payments and unemploy-
2 ment compensation payments associated with the orderly
3 closure of the United States Bureau of Mines; and of
4 which \$14,295,000 for Indian land, mineral, and resource
5 valuation activities shall remain available until expended:
6 *Provided*, That funds for Indian land, mineral, and re-
7 source valuation activities may, as needed, be transferred
8 to and merged with the Bureau of Indian Affairs “Oper-
9 ation of Indian Programs” and Bureau of Indian Edu-
10 cation “Operation of Indian Education Programs” ac-
11 counts and the Office of the Special Trustee “Federal
12 Trust Programs” account: *Provided further*, That funds
13 made available through contracts or grants obligated dur-
14 ing fiscal year 2023, as authorized by the Indian Self-De-
15 termination Act of 1975 (25 U.S.C. 5301 et seq.), shall
16 remain available until expended by the contractor or
17 grantee.

18 ADMINISTRATIVE PROVISIONS

19 For fiscal year 2023, up to \$400,000 of the payments
20 authorized by chapter 69 of title 31, United States Code,
21 may be retained for administrative expenses of the Pay-
22 ments in Lieu of Taxes Program: *Provided*, That the
23 amounts provided under this Act specifically for the Pay-
24 ments in Lieu of Taxes program are the only amounts
25 available for payments authorized under chapter 69 of

1 title 31, United States Code: *Provided further*, That in the
2 event the sums appropriated for any fiscal year for pay-
3 ments pursuant to this chapter are insufficient to make
4 the full payments authorized by that chapter to all units
5 of local government, then the payment to each local gov-
6 ernment shall be made proportionally: *Provided further*,
7 That the Secretary may make adjustments to payment to
8 individual units of local government to correct for prior
9 overpayments or underpayments: *Provided further*, That
10 no payment shall be made pursuant to that chapter to oth-
11 erwise eligible units of local government if the computed
12 amount of the payment is less than \$100.

13 INSULAR AFFAIRS

14 ASSISTANCE TO TERRITORIES

15 For expenses necessary for assistance to territories
16 under the jurisdiction of the Department of the Interior
17 and other jurisdictions identified in section 104(e) of Pub-
18 lic Law 108–188, \$120,357,000, of which: (1)
19 \$110,140,000 shall remain available until expended for
20 territorial assistance, including general technical assist-
21 ance, maintenance assistance, disaster assistance, coral
22 reef initiative and natural resources activities, and brown
23 tree snake control and research; grants to the judiciary
24 in American Samoa for compensation and expenses, as au-
25 thorized by law (48 U.S.C. 1661(c)); grants to the Govern-

1 ment of American Samoa, in addition to current local rev-
2 enues, for construction and support of governmental func-
3 tions; grants to the Government of the Virgin Islands, as
4 authorized by law; grants to the Government of Guam,
5 as authorized by law; and grants to the Government of
6 the Northern Mariana Islands, as authorized by law (Pub-
7 lic Law 94–241; 90 Stat. 272); and (2) \$10,217,000 shall
8 be available until September 30, 2024, for salaries and
9 expenses of the Office of Insular Affairs: *Provided*, That
10 all financial transactions of the territorial and local gov-
11 ernments herein provided for, including such transactions
12 of all agencies or instrumentalities established or used by
13 such governments, may be audited by the Government Ac-
14 countability Office, at its discretion, in accordance with
15 chapter 35 of title 31, United States Code: *Provided fur-*
16 *ther*, That Northern Mariana Islands Covenant grant
17 funding shall be provided according to those terms of the
18 Agreement of the Special Representatives on Future
19 United States Financial Assistance for the Northern Mar-
20 iana Islands approved by Public Law 104–134: *Provided*
21 *further*, That the funds for the program of operations and
22 maintenance improvement are appropriated to institu-
23 tionalize routine operations and maintenance improvement
24 of capital infrastructure with territorial participation and
25 cost sharing to be determined by the Secretary based on

1 the grantee's commitment to timely maintenance of its
2 capital assets: *Provided further*, That any appropriation
3 for disaster assistance under this heading in this Act or
4 previous appropriations Acts may be used as non-Federal
5 matching funds for the purpose of hazard mitigation
6 grants provided pursuant to section 404 of the Robert T.
7 Stafford Disaster Relief and Emergency Assistance Act
8 (42 U.S.C. 5170c).

9 COMPACT OF FREE ASSOCIATION

10 For grants and necessary expenses, \$8,463,000, to
11 remain available until expended, as provided for in sec-
12 tions 221(a)(2) and 233 of the Compact of Free Associa-
13 tion for the Republic of Palau; and section 221(a)(2) of
14 the Compacts of Free Association for the Government of
15 the Republic of the Marshall Islands and the Federated
16 States of Micronesia, as authorized by Public Law 99-
17 658 and Public Law 108-188: *Provided*, That of the funds
18 appropriated under this heading, \$5,000,000 is for deposit
19 into the Compact Trust Fund of the Republic of the Mar-
20 shall Islands as compensation authorized by Public Law
21 108-188 for adverse financial and economic impacts.

22 ADMINISTRATIVE PROVISIONS

23 (INCLUDING TRANSFER OF FUNDS)

24 At the request of the Governor of Guam, the Sec-
25 retary may transfer discretionary funds or mandatory

1 funds provided under section 104(e) of Public Law 108–
2 188 and Public Law 104–134, that are allocated for
3 Guam, to the Secretary of Agriculture for the subsidy cost
4 of direct or guaranteed loans, plus not to exceed three per-
5 cent of the amount of the subsidy transferred for the cost
6 of loan administration, for the purposes authorized by the
7 Rural Electrification Act of 1936 and section 306(a)(1)
8 of the Consolidated Farm and Rural Development Act for
9 construction and repair projects in Guam, and such funds
10 shall remain available until expended: *Provided*, That such
11 costs, including the cost of modifying such loans, shall be
12 as defined in section 502 of the Congressional Budget Act
13 of 1974: *Provided further*, That such loans or loan guaran-
14 tees may be made without regard to the population of the
15 area, credit elsewhere requirements, and restrictions on
16 the types of eligible entities under the Rural Electrifica-
17 tion Act of 1936 and section 306(a)(1) of the Consolidated
18 Farm and Rural Development Act: *Provided further*, That
19 any funds transferred to the Secretary of Agriculture shall
20 be in addition to funds otherwise made available to make
21 or guarantee loans under such authorities.

805

1 OFFICE OF THE SOLICITOR

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of the Solicitor,
4 \$101,050,000, to remain available until September 30,
5 2024.

6 OFFICE OF INSPECTOR GENERAL

7 SALARIES AND EXPENSES

8 For necessary expenses of the Office of Inspector
9 General, \$67,000,000, to remain available until September
10 30, 2024.

11 DEPARTMENT-WIDE PROGRAMS

12 WILDLAND FIRE MANAGEMENT

13 (INCLUDING TRANSFERS OF FUNDS)

14 For necessary expenses for fire preparedness, fire
15 suppression operations, fire science and research, emer-
16 gency rehabilitation, fuels management activities, and
17 rural fire assistance by the Department of the Interior,
18 \$663,786,000, to remain available until expended, of
19 which not to exceed \$10,000,000 shall be for the renova-
20 tion or construction of fire facilities: *Provided*, That such
21 funds are also available for repayment of advances to
22 other appropriation accounts from which funds were pre-
23 viously transferred for such purposes: *Provided further*,
24 That of the funds provided \$247,000,000 is for fuels man-
25 agement activities: *Provided further*, That of the funds

1 provided \$20,470,000 is for burned area rehabilitation:
2 *Provided further,* That persons hired pursuant to 43
3 U.S.C. 1469 may be furnished subsistence and lodging
4 without cost from funds available from this appropriation:
5 *Provided further,* That notwithstanding 42 U.S.C. 1856d,
6 sums received by a bureau or office of the Department
7 of the Interior for fire protection rendered pursuant to 42
8 U.S.C. 1856 et seq., protection of United States property,
9 may be credited to the appropriation from which funds
10 were expended to provide that protection, and are avail-
11 able without fiscal year limitation: *Provided further,* That
12 using the amounts designated under this title of this Act,
13 the Secretary of the Interior may enter into procurement
14 contracts, grants, or cooperative agreements, for fuels
15 management activities, and for training and monitoring
16 associated with such fuels management activities on Fed-
17 eral land, or on adjacent non-Federal land for activities
18 that benefit resources on Federal land: *Provided further,*
19 That the costs of implementing any cooperative agreement
20 between the Federal Government and any non-Federal en-
21 tity may be shared, as mutually agreed on by the affected
22 parties: *Provided further,* That notwithstanding require-
23 ments of the Competition in Contracting Act, the Sec-
24 retary, for purposes of fuels management activities, may
25 obtain maximum practicable competition among: (1) local

1 private, nonprofit, or cooperative entities; (2) Youth Con-
2 servation Corps crews, Public Lands Corps (Public Law
3 109–154), or related partnerships with State, local, or
4 nonprofit youth groups; (3) small or micro-businesses; or
5 (4) other entities that will hire or train locally a significant
6 percentage, defined as 50 percent or more, of the project
7 workforce to complete such contracts: *Provided further,*
8 That in implementing this section, the Secretary shall de-
9 velop written guidance to field units to ensure account-
10 ability and consistent application of the authorities pro-
11 vided herein: *Provided further,* That funds appropriated
12 under this heading may be used to reimburse the United
13 States Fish and Wildlife Service and the National Marine
14 Fisheries Service for the costs of carrying out their re-
15 sponsibilities under the Endangered Species Act of 1973
16 (16 U.S.C. 1531 et seq.) to consult and conference, as
17 required by section 7 of such Act, in connection with
18 wildland fire management activities: *Provided further,*
19 That the Secretary of the Interior may use wildland fire
20 appropriations to enter into leases of real property with
21 local governments, at or below fair market value, to con-
22 struct capitalized improvements for fire facilities on such
23 leased properties, including but not limited to fire guard
24 stations, retardant stations, and other initial attack and
25 fire support facilities, and to make advance payments for

1 any such lease or for construction activity associated with
2 the lease: *Provided further*, That the Secretary of the Inte-
3 rior and the Secretary of Agriculture may authorize the
4 transfer of funds appropriated for wildland fire manage-
5 ment, in an aggregate amount not to exceed \$50,000,000
6 between the Departments when such transfers would fa-
7 cilitate and expedite wildland fire management programs
8 and projects: *Provided further*, That funds provided for
9 wildfire suppression shall be available for support of Fed-
10 eral emergency response actions: *Provided further*, That
11 funds appropriated under this heading shall be available
12 for assistance to or through the Department of State in
13 connection with forest and rangeland research, technical
14 information, and assistance in foreign countries, and, with
15 the concurrence of the Secretary of State, shall be avail-
16 able to support forestry, wildland fire management, and
17 related natural resource activities outside the United
18 States and its territories and possessions, including tech-
19 nical assistance, education and training, and cooperation
20 with United States and international organizations.

21 WILDFIRE SUPPRESSION OPERATIONS RESERVE FUND

22 (INCLUDING TRANSFERS OF FUNDS)

23 In addition to the amounts provided under the head-
24 ing “Department of the Interior—Department-Wide Pro-
25 grams—Wildland Fire Management” for wildfire suppres-

1 sion operations, \$340,000,000, to remain available until
2 transferred, is additional new budget authority as speci-
3 fied for purposes of section 4004(b)(5) of S. Con. Res.
4 14 (117th Congress), the concurrent resolution on the
5 budget for fiscal year 2022, and section 1(g) of H. Res.
6 1151 (117th Congress), as engrossed in the House of Rep-
7 resentatives on June 8, 2022: *Provided*, That such
8 amounts may be transferred to and merged with amounts
9 made available under the headings “Department of Agri-
10 culture—Forest Service—Wildland Fire Management”
11 and “Department of the Interior—Department-Wide Pro-
12 grams—Wildland Fire Management” for wildfire suppres-
13 sion operations in the fiscal year in which such amounts
14 are transferred: *Provided further*, That amounts may be
15 transferred to the “Wildland Fire Management” accounts
16 in the Department of Agriculture or the Department of
17 the Interior only upon the notification of the House and
18 Senate Committees on Appropriations that all wildfire
19 suppression operations funds appropriated under that
20 heading in this and prior appropriations Acts to the agen-
21 cy to which the funds will be transferred will be obligated
22 within 30 days: *Provided further*, That the transfer au-
23 thority provided under this heading is in addition to any
24 other transfer authority provided by law: *Provided further*,
25 That, in determining whether all wildfire suppression op-

1 erations funds appropriated under the heading “Wildland
2 Fire Management” in this and prior appropriations Acts
3 to either the Department of Agriculture or the Depart-
4 ment of the Interior will be obligated within 30 days pur-
5 suant to the preceding proviso, any funds transferred or
6 permitted to be transferred pursuant to any other transfer
7 authority provided by law shall be excluded.

8 CENTRAL HAZARDOUS MATERIALS FUND

9 For necessary expenses of the Department of the In-
10 terior and any of its component offices and bureaus for
11 the response action, including associated activities, per-
12 formed pursuant to the Comprehensive Environmental Re-
13 sponse, Compensation, and Liability Act (42 U.S.C. 9601
14 et seq.), \$10,064,000, to remain available until expended.

15 ENERGY COMMUNITY REVITALIZATION PROGRAM

16 (INCLUDING TRANSFERS OF FUNDS)

17 For necessary expenses of the Department of the In-
18 terior to inventory, assess, decommission, reclaim, respond
19 to hazardous substance releases, remediate lands pursuant
20 to section 40704 of Public Law 117–58 (30 U.S.C. 1245),
21 and carry out the purposes of section 349 of the Energy
22 Policy Act of 2005 (42 U.S.C. 15907), as amended,
23 \$5,000,000, to remain available until expended: *Provided*,
24 That such amount shall be in addition to amounts other-
25 wise available for such purposes: *Provided further*, That

1 WORKING CAPITAL FUND

2 For the operation and maintenance of a departmental
3 financial and business management system, data manage-
4 ment, information technology improvements of general
5 benefit to the Department, cybersecurity, and the consoli-
6 dation of facilities and operations throughout the Depart-
7 ment, \$112,198,000, to remain available until expended:
8 *Provided*, That none of the funds appropriated in this Act
9 or any other Act may be used to establish reserves in the
10 Working Capital Fund account other than for accrued an-
11 nual leave and depreciation of equipment without prior ap-
12 proval of the Committees on Appropriations of the House
13 of Representatives and the Senate: *Provided further*, That
14 the Secretary of the Interior may assess reasonable
15 charges to State, local, and tribal government employees
16 for training services provided by the National Indian Pro-
17 gram Training Center, other than training related to Pub-
18 lic Law 93–638: *Provided further*, That the Secretary may
19 lease or otherwise provide space and related facilities,
20 equipment, or professional services of the National Indian
21 Program Training Center to State, local and tribal govern-
22 ment employees or persons or organizations engaged in
23 cultural, educational, or recreational activities (as defined
24 in section 3306(a) of title 40, United States Code) at the
25 prevailing rate for similar space, facilities, equipment, or

1 services in the vicinity of the National Indian Program
2 Training Center: *Provided further*, That all funds received
3 pursuant to the two preceding provisos shall be credited
4 to this account, shall be available until expended, and shall
5 be used by the Secretary for necessary expenses of the
6 National Indian Program Training Center: *Provided fur-*
7 *ther*, That the Secretary may enter into grants and cooper-
8 ative agreements to support the Office of Natural Re-
9 source Revenue's collection and disbursement of royalties,
10 fees, and other mineral revenue proceeds, as authorized
11 by law.

12 ADMINISTRATIVE PROVISION

13 There is hereby authorized for acquisition from avail-
14 able resources within the Working Capital Fund, aircraft
15 which may be obtained by donation, purchase, or through
16 available excess surplus property: *Provided*, That existing
17 aircraft being replaced may be sold, with proceeds derived
18 or trade-in value used to offset the purchase price for the
19 replacement aircraft.

20 OFFICE OF NATURAL RESOURCES REVENUE

21 For necessary expenses for management of the collec-
22 tion and disbursement of royalties, fees, and other mineral
23 revenue proceeds, and for grants and cooperative agree-
24 ments, as authorized by law, \$174,934,000, to remain
25 available until September 30, 2024; of which \$69,751,000

1 shall remain available until expended for the purpose of
2 mineral revenue management activities: *Provided*, That
3 notwithstanding any other provision of law, \$15,000 shall
4 be available for refunds of overpayments in connection
5 with certain Indian leases in which the Secretary of the
6 Interior concurred with the claimed refund due, to pay
7 amounts owed to Indian allottees or tribes, or to correct
8 prior unrecoverable erroneous payments.

9 GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR
10 (INCLUDING TRANSFERS OF FUNDS)

11 EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

12 SEC. 101. Appropriations made in this title shall be
13 available for expenditure or transfer (within each bureau
14 or office), with the approval of the Secretary of the Inte-
15 rior, for the emergency reconstruction, replacement, or re-
16 pair of aircraft, buildings, utilities, or other facilities or
17 equipment damaged or destroyed by fire, flood, storm, or
18 other unavoidable causes: *Provided*, That no funds shall
19 be made available under this authority until funds specifi-
20 cally made available to the Department of the Interior for
21 emergencies shall have been exhausted: *Provided further*,
22 That all funds used pursuant to this section must be re-
23 plenished by a supplemental appropriation, which must be
24 requested as promptly as possible.

1 EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE
2 SEC. 102. The Secretary of the Interior may author-
3 ize the expenditure or transfer of any no year appropria-
4 tion in this title, in addition to the amounts included in
5 the budget programs of the several agencies, for the sup-
6 pression or emergency prevention of wildland fires on or
7 threatening lands under the jurisdiction of the Depart-
8 ment of the Interior; for the emergency rehabilitation of
9 burned-over lands under its jurisdiction; for emergency ac-
10 tions related to potential or actual earthquakes, floods,
11 volcanoes, storms, or other unavoidable causes; for contin-
12 gency planning subsequent to actual oil spills; for response
13 and natural resource damage assessment activities related
14 to actual oil spills or releases of hazardous substances into
15 the environment; for the prevention, suppression, and con-
16 trol of actual or potential grasshopper and Mormon cricket
17 outbreaks on lands under the jurisdiction of the Secretary,
18 pursuant to the authority in section 417(b) of Public Law
19 106–224 (7 U.S.C. 7717(b)); for emergency reclamation
20 projects under section 410 of Public Law 95–87; and shall
21 transfer, from any no year funds available to the Office
22 of Surface Mining Reclamation and Enforcement, such
23 funds as may be necessary to permit assumption of regu-
24 latory authority in the event a primacy State is not car-
25 rying out the regulatory provisions of the Surface Mining

1 Act: *Provided*, That appropriations made in this title for
2 wildland fire operations shall be available for the payment
3 of obligations incurred during the preceding fiscal year,
4 and for reimbursement to other Federal agencies for de-
5 struction of vehicles, aircraft, or other equipment in con-
6 nection with their use for wildland fire operations, with
7 such reimbursement to be credited to appropriations cur-
8 rently available at the time of receipt thereof: *Provided*
9 *further*, That for wildland fire operations, no funds shall
10 be made available under this authority until the Secretary
11 determines that funds appropriated for “wildland fire sup-
12 pression” shall be exhausted within 30 days: *Provided fur-*
13 *ther*, That all funds used pursuant to this section must
14 be replenished by a supplemental appropriation, which
15 must be requested as promptly as possible: *Provided fur-*
16 *ther*, That such replenishment funds shall be used to reim-
17 burse, on a pro rata basis, accounts from which emergency
18 funds were transferred.

19 AUTHORIZED USE OF FUNDS

20 SEC. 103. Appropriations made to the Department
21 of the Interior in this title shall be available for services
22 as authorized by section 3109 of title 5, United States
23 Code, when authorized by the Secretary of the Interior,
24 in total amount not to exceed \$500,000; purchase and re-
25 placement of motor vehicles, including specially equipped

1 sideration), or by exchange; and the Secretary is author-
2 ized to negotiate and enter into leases, subleases, conces-
3 sion contracts, or other agreements for the use of such
4 facilities on such terms and conditions as the Secretary
5 may determine reasonable.

6 OUTER CONTINENTAL SHELF INSPECTION FEES

7 SEC. 107. (a) In fiscal year 2023, the Secretary of
8 the Interior shall collect a nonrefundable inspection fee,
9 which shall be deposited in the “Offshore Safety and Envi-
10 ronmental Enforcement” account, from the designated op-
11 erator for facilities subject to inspection under 43 U.S.C.
12 1348(e).

13 (b) Annual fees shall be collected for facilities that
14 are above the waterline, excluding drilling rigs, and are
15 in place at the start of the fiscal year. Fees for fiscal year
16 2023 shall be—

17 (1) \$10,500 for facilities with no wells, but with
18 processing equipment or gathering lines;

19 (2) \$17,000 for facilities with 1 to 10 wells,
20 with any combination of active or inactive wells; and

21 (3) \$31,500 for facilities with more than 10
22 wells, with any combination of active or inactive
23 wells.

1 (c) Fees for drilling rigs shall be assessed for all in-
2 spections completed in fiscal year 2023. Fees for fiscal
3 year 2023 shall be—

4 (1) \$30,500 per inspection for rigs operating in
5 water depths of 500 feet or more; and

6 (2) \$16,700 per inspection for rigs operating in
7 water depths of less than 500 feet.

8 (d) Fees for inspection of well operations conducted
9 via non-rig units as outlined in title 30 CFR 250 subparts
10 D, E, F, and Q shall be assessed for all inspections com-
11 pleted in fiscal year 2023. Fees for fiscal year 2023 shall
12 be—

13 (1) \$13,260 per inspection for non-rig units op-
14 erating in water depths of 2,500 feet or more;

15 (2) \$11,530 per inspection for non-rig units op-
16 erating in water depths between 500 and 2,499 feet;
17 and

18 (3) \$4,470 per inspection for non-rig units op-
19 erating in water depths of less than 500 feet.

20 (e) The Secretary shall bill designated operators
21 under subsection (b) quarterly, with payment required
22 within 30 days of billing. The Secretary shall bill des-
23 ignated operators under subsection (c) within 30 days of
24 the end of the month in which the inspection occurred,
25 with payment required within 30 days of billing. The Sec-

1 retary shall bill designated operators under subsection (d)
2 with payment required by the end of the following quarter.

3 CONTRACTS AND AGREEMENTS FOR WILD HORSE AND
4 BURRO HOLDING FACILITIES

5 SEC. 108. Notwithstanding any other provision of
6 this Act, the Secretary of the Interior may enter into
7 multiyear cooperative agreements with nonprofit organiza-
8 tions and other appropriate entities, and may enter into
9 multiyear contracts in accordance with the provisions of
10 section 3903 of title 41, United States Code (except that
11 the 5-year term restriction in subsection (a) shall not
12 apply), for the long-term care and maintenance of excess
13 wild free roaming horses and burros by such organizations
14 or entities on private land. Such cooperative agreements
15 and contracts may not exceed 10 years, subject to renewal
16 at the discretion of the Secretary.

17 MASS MARKING OF SALMONIDS

18 SEC. 109. The United States Fish and Wildlife Serv-
19 ice shall, in carrying out its responsibilities to protect
20 threatened and endangered species of salmon, implement
21 a system of mass marking of salmonid stocks, intended
22 for harvest, that are released from federally operated or
23 federally financed hatcheries including but not limited to
24 fish releases of coho, chinook, and steelhead species.

1 Marked fish must have a visible mark that can be readily
2 identified by commercial and recreational fishers.

3 CONTRACTS AND AGREEMENTS WITH INDIAN AFFAIRS

4 SEC. 110. Notwithstanding any other provision of
5 law, during fiscal year 2023, in carrying out work involv-
6 ing cooperation with State, local, and tribal governments
7 or any political subdivision thereof, Indian Affairs may
8 record obligations against accounts receivable from any
9 such entities, except that total obligations at the end of
10 the fiscal year shall not exceed total budgetary resources
11 available at the end of the fiscal year.

12 DEPARTMENT OF THE INTERIOR EXPERIENCED SERVICES

13 PROGRAM

14 SEC. 111. (a) Notwithstanding any other provision
15 of law relating to Federal grants and cooperative agree-
16 ments, the Secretary of the Interior is authorized to make
17 grants to, or enter into cooperative agreements with, pri-
18 vate nonprofit organizations designated by the Secretary
19 of Labor under title V of the Older Americans Act of 1965
20 to utilize the talents of older Americans in programs au-
21 thorized by other provisions of law administered by the
22 Secretary and consistent with such provisions of law.

23 (b) Prior to awarding any grant or agreement under
24 subsection (a), the Secretary shall ensure that the agree-
25 ment would not—

1 (1) result in the displacement of individuals
2 currently employed by the Department, including
3 partial displacement through reduction of non-over-
4 time hours, wages, or employment benefits;

5 (2) result in the use of an individual under the
6 Department of the Interior Experienced Services
7 Program for a job or function in a case in which a
8 Federal employee is in a layoff status from the same
9 or substantially equivalent job within the Depart-
10 ment; or

11 (3) affect existing contracts for services.

12 OBLIGATION OF FUNDS

13 SEC. 112. Amounts appropriated by this Act to the
14 Department of the Interior shall be available for obligation
15 and expenditure not later than 60 days after the date of
16 enactment of this Act.

17 SEPARATION OF ACCOUNTS

18 SEC. 113. The Secretary of the Interior, in order to
19 implement an orderly transition to separate accounts of
20 the Bureau of Indian Affairs and the Bureau of Indian
21 Education, may transfer funds among and between the
22 successor offices and bureaus affected by the reorganiza-
23 tion only in conformance with the reprogramming guide-
24 lines described in this Act.

1 PAYMENTS IN LIEU OF TAXES (PILT)

2 SEC. 114. Section 6906 of title 31, United States
3 Code, shall be applied by substituting “fiscal year 2023”
4 for “fiscal year 2019”.

5 DISCLOSURE OF DEPARTURE OR ALTERNATE PROCEDURE
6 APPROVAL

7 SEC. 115. (a) Subject to subsection (b), in any case
8 in which the Bureau of Safety and Environmental En-
9 forcement or the Bureau of Ocean Energy Management
10 prescribes or approves any departure or use of alternate
11 procedure or equipment, in regards to a plan or permit,
12 under 30 CFR 585.103; 30 CFR 550.141; 30 CFR
13 550.142; 30 CFR 250.141; or 30 CFR 250.142, the head
14 of such bureau shall post a description of such departure
15 or alternate procedure or equipment use approval on such
16 bureau’s publicly available website not more than 15 busi-
17 ness days after such issuance.

18 (b) The head of each bureau may exclude confidential
19 business information.

20 LONG BRIDGE PROJECT

21 SEC. 116. (a) AUTHORIZATION OF CONVEYANCE.—
22 On request by the State of Virginia or the District of Co-
23 lumbia for the purpose of the construction of rail and
24 other infrastructure relating to the Long Bridge Project,
25 the Secretary of the Interior may convey to the State or

1 the District of Columbia, as applicable, all right, title, and
2 interest of the United States in and to any portion of the
3 approximately 4.4 acres of National Park Service land de-
4 picted as “Permanent Impact to NPS Land” on the Map
5 dated May 15, 2020, that is identified by the State or
6 the District of Columbia.

7 (b) TERMS AND CONDITIONS.—Such conveyance of
8 the National Park Service land under subsection (a) shall
9 be subject to any terms and conditions that the Secretary
10 may require. If such conveyed land is no longer being used
11 for the purposes specified in this section, the lands or in-
12 terests therein shall revert to the National Park Service
13 after they have been restored or remediated to the satis-
14 faction of the Secretary.

15 (c) CORRECTIONS.—The Secretary and the State or
16 the District of Columbia, as applicable, by mutual agree-
17 ment, may—

18 (1) make minor boundary adjustments to the
19 National Park Service land to be conveyed to the
20 State or the District of Columbia under subsection
21 (a); and

22 (2) correct any minor errors in the Map re-
23 ferred to in subsection (a).

24 (d) DEFINITIONS.—For purposes of this section:

1 (1) LONG BRIDGE PROJECT.—The term “Long
2 Bridge Project” means the rail project, as identified
3 by the Federal Railroad Administration, from
4 Rosslyn (RO) Interlocking in Arlington, Virginia, to
5 L’Enfant (LE) Interlocking in Washington, DC,
6 which includes a bicycle and pedestrian bridge.

7 (2) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior, acting through the Di-
9 rector of the National Park Service.

10 (3) STATE.—The term “State” means the State
11 of Virginia.

12 INTERAGENCY MOTOR POOL

13 SEC. 117. Notwithstanding any other provision of law
14 or Federal regulation, federally recognized Indian tribes
15 or authorized tribal organizations that receive Tribally-
16 Controlled School Grants pursuant to Public Law 100-
17 297 may obtain interagency motor vehicles and related
18 services for performance of any activities carried out
19 under such grants to the same extent as if they were con-
20 tracting under the Indian Self-Determination and Edu-
21 cation Assistance Act.

22 NATIONAL HERITAGE AREAS AND CORRIDORS

23 SEC. 118. (a) Section 109(a) of the Quinebaug and
24 Shetucket Rivers Valley National Heritage Corridor Act

1 of 1994 (title I of Public Law 103–449), is amended by
2 striking “\$17,000,000” and inserting “\$19,000,000”.

3 (b) Section 409(a) of the Steel Industry American
4 Heritage Area Act of 1996 (title IV of division II of Public
5 Law 104–333) is amended by striking “\$20,000,000” and
6 inserting “\$22,000,000”.

7 (c) Section 608(a) of the South Carolina National
8 Heritage Corridor Act of 1996 (title VI of division II of
9 Public Law 104–333) is amended by striking
10 “\$17,000,000” and inserting “\$19,000,000”.

11 (d) Subsection 157(h)(1) of the Wheeling National
12 Heritage Area Act of 2000 (section 157 of Public Law
13 106–291) is amended by striking “\$15,000,000” and in-
14 serting “\$17,000,000”.

15 (e) Sections 411, 432, and 451 of title IV of the Con-
16 solidated Natural Resources Act of 2008 (Public Law
17 110–229), are each amended by striking “the date that
18 is 15 years after the date of” and all that follows through
19 the end of each section and inserting “September 30,
20 2024.”.

21 (f) Section 512 of the National Aviation Heritage
22 Area Act (title V of division J of Public Law 108–447),
23 is amended by striking “2022” and inserting “2024”.

1 (g) Section 608 of the Oil Region National Heritage
2 Area Act (title VI of Public Law 108–447) is amended
3 by striking “2022” and inserting “2024”.

4 (h) Section 125(a) of Public Law 98–398, as amend-
5 ed by section 402 of Public Law 109–338 (120 Stat.
6 1853), is amended by striking “\$10,000,000” and insert-
7 ing “\$12,000,000”.

8 (i) Section 125(a) of Public Law 98–398 is amended
9 by striking “\$10,000,000” and inserting “\$12,000,000”.

10 APPRAISER PAY AUTHORITY

11 SEC. 119. For fiscal year 2023, funds made available
12 in this or any other Act or otherwise made available to
13 the Department of the Interior for the Appraisal and
14 Valuation Services Office may be used by the Secretary
15 of the Interior to establish higher minimum rates of basic
16 pay for employees of the Department of the Interior in
17 the Appraiser (GS–1171) job series at grades 11 through
18 15 carrying out appraisals of real property and appraisal
19 reviews conducted in support of the Department’s realty
20 programs at rates no greater than 15 percent above the
21 minimum rates of basic pay normally scheduled, and such
22 higher rates shall be consistent with subsections (e)
23 through (h) of section 5305 of title 5, United States Code.

1 SAGE-GROUSE

2 SEC. 120. None of the funds made available by this
3 or any other Act may be used by the Secretary of the Inte-
4 rior to write or issue pursuant to section 4 of the Endan-
5 gered Species Act of 1973 (16 U.S.C. 1533)—

6 (1) a proposed rule for greater sage-grouse
7 (Centrocercus urophasianus);

8 (2) a proposed rule for the Columbia basin dis-
9 tinct population segment of greater sage-grouse.

10 STATE CONSERVATION GRANTS

11 SEC. 121. For expenses necessary to carry out section
12 200305 of title 54, United States Code, the National Park
13 Service may retain up to 7 percent of the State Conserva-
14 tion Grants program to provide to States, the District of
15 Columbia, and insular areas, as matching grants to sup-
16 port state program administrative costs.

17 LOWELL NATIONAL HISTORIC PARK

18 SEC. 122. Section 103(a) of Public Law 95–290 (16
19 U.S.C. 410cc–13(a); 92 Stat. 292) is amended by striking
20 paragraph (1) and redesignating paragraph (2) as para-
21 graph (1).

22 VISITOR EXPERIENCE IMPROVEMENT AUTHORITY

23 SEC. 123. Section 101938 of title 54, United States
24 Code, is amended by striking “7” and inserting “9”.

1 DELAWARE WATER GAP AUTHORITY
2 SEC. 124. Section 4(b) of The Delaware Water Gap
3 National Recreation Area Improvement Act, as amended
4 by section 1 of Public Law 115–101, shall be applied by
5 substituting “2023” for “2021”.

1 TITLE II
2 ENVIRONMENTAL PROTECTION AGENCY
3 SCIENCE AND TECHNOLOGY

4 For science and technology, including research and
5 development activities, which shall include research and
6 development activities under the Comprehensive Environ-
7 mental Response, Compensation, and Liability Act of
8 1980; necessary expenses for personnel and related costs
9 and travel expenses; procurement of laboratory equipment
10 and supplies; hire, maintenance, and operation of aircraft;
11 and other operating expenses in support of research and
12 development, \$802,276,000, to remain available until Sep-
13 tember 30, 2024: *Provided*, That of the funds included
14 under this heading, \$30,751,000 shall be for Research:
15 National Priorities as specified in the explanatory state-
16 ment described in section 4 (in the matter preceding divi-
17 sion A of this consolidated Act), of which \$13,251,000
18 shall be for projects specified for Science and Technology
19 in the table titled “Interior and Environment Incorpora-
20 tion of Community Project Funding Items/Congressionally
21 Directed Spending Items” included for this division in the
22 explanatory statement described in section 4 (in the mat-
23 ter preceding division A of 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
5 passenger motor vehicles; hire, maintenance, and oper-
6 ation of aircraft; purchase of reprints; library member-
7 ships in societies or associations which issue publications
8 to members only or at a price to members lower than to
9 subscribers who are not members; administrative costs of
10 the brownfields program under the Small Business Liabil-
11 ity Relief and Brownfields Revitalization Act of 2002; im-
12 plementation of a coal combustion residual permit pro-
13 gram under section 2301 of the Water and Waste Act of
14 2016; and not to exceed \$9,000 for official reception and
15 representation expenses, \$3,286,330,000, to remain avail-
16 able until September 30, 2024: *Provided*, That funds in-
17 cluded under this heading may be used for environmental
18 justice implementation and training grants, and associated
19 program support costs: *Provided further*, That of the funds
20 included under this heading—

21 (1) \$30,700,000 shall be for Environmental
22 Protection: National Priorities as specified in the ex-
23 planatory statement described in section 4 (in the
24 matter preceding division A of this consolidated
25 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
7 may be awarded on a non-competitive basis, inter-
8 agency agreements, and associated program support
9 costs to establish and implement a program to assist
10 Alaska Native Regional Corporations, Alaskan Na-
11 tive Village Corporations, federally-recognized tribes
12 in Alaska, Alaska Native Non-Profit Organizations
13 and Alaska Native Nonprofit Associations, and
14 intertribal consortia comprised of Alaskan tribal en-
15 tities to address contamination on lands conveyed
16 under or pursuant to the Alaska Native Claims Set-
17 tlement Act (43 U.S.C. 1601 et seq.) that were or
18 are contaminated at the time of conveyance and are
19 on an inventory of such lands developed and main-
20 tained by the Environmental Protection Agency:
21 *Provided*, That grants awarded using funds made
22 available in this paragraph may be used by a recipi-
23 ent to supplement other funds provided by the Envi-
24 ronmental Protection Agency through individual
25 media or multi-media grants or cooperative agree-

1 ments: *Provided further*, That of the amounts made
2 available in this paragraph, in addition to amounts
3 otherwise available for such purposes, the Environ-
4 mental Protection Agency may reserve up to
5 \$2,000,000 for salaries, expenses, and administra-
6 tion.

7 In addition, \$9,000,000, to remain available until ex-
8 pended, for necessary expenses of activities described in
9 section 26(b)(1) of the Toxic Substances Control Act (15
10 U.S.C. 2625(b)(1)): *Provided*, That fees collected pursu-
11 ant to that section of that Act and deposited in the “TSCA
12 Service Fee Fund” as discretionary offsetting receipts in
13 fiscal year 2023 shall be retained and used for necessary
14 salaries and expenses in this appropriation and shall re-
15 main available until expended: *Provided further*, That the
16 sum herein appropriated in this paragraph from the gen-
17 eral fund for fiscal year 2023 shall be reduced by the
18 amount of discretionary offsetting receipts received during
19 fiscal year 2023, so as to result in a final fiscal year 2023
20 appropriation from the general fund estimated at not more
21 than \$0: *Provided further*, That to the extent that amounts
22 realized from such receipts exceed \$9,000,000, those
23 amount in excess of \$9,000,000 shall be deposited in the
24 “TSCA Service Fee Fund” as discretionary offsetting re-
25 ceipts in fiscal year 2023, shall be retained and used for

1 necessary salaries and expenses in this account, and shall
2 remain available until expended: *Provided further*, That of
3 the funds included in the first paragraph under this head-
4 ing, the Chemical Risk Review and Reduction program
5 project shall be allocated for this fiscal year, excluding the
6 amount of any fees appropriated, not less than the amount
7 of appropriations for that program project for fiscal year
8 2014.

9 OFFICE OF INSPECTOR GENERAL

10 For necessary expenses of the Office of Inspector
11 General in carrying out the provisions of the Inspector
12 General Act of 1978, \$44,030,000, to remain available
13 until September 30, 2024.

14 BUILDINGS AND FACILITIES

15 For construction, repair, improvement, extension, al-
16 teration, and purchase of fixed equipment or facilities of,
17 or for use by, the Environmental Protection Agency,
18 \$48,752,000, to remain available until expended.

19 HAZARDOUS SUBSTANCE SUPERFUND

20 (INCLUDING TRANSFERS OF FUNDS)

21 For necessary expenses to carry out the Comprehen-
22 sive Environmental Response, Compensation, and Liabil-
23 ity Act of 1980 (CERCLA), including sections 111(c)(3),
24 (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and hire,
25 maintenance, and operation of aircraft, \$1,282,700,000,

1 to remain available until expended, consisting of such
2 sums as are available in the Trust Fund on September
3 30, 2022, and not otherwise appropriated from the Trust
4 Fund, as authorized by section 517(a) of the Superfund
5 Amendments and Reauthorization Act of 1986 (SARA)
6 and up to \$1,282,700,000 as a payment from general rev-
7 enues to the Hazardous Substance Superfund for purposes
8 as authorized by section 517(b) of SARA: *Provided*, That
9 funds appropriated under this heading may be allocated
10 to other Federal agencies in accordance with section
11 111(a) of CERCLA: *Provided further*, That of the funds
12 appropriated under this heading, \$11,800,000 shall be
13 paid to the “Office of Inspector General” appropriation
14 to remain available until September 30, 2024, and
15 \$31,607,000 shall be paid to the “Science and Tech-
16 nology” appropriation to remain available until September
17 30, 2024.

18 LEAKING UNDERGROUND STORAGE TANK TRUST FUND

19 PROGRAM

20 For necessary expenses to carry out leaking under-
21 ground storage tank cleanup activities authorized by sub-
22 title I of the Solid Waste Disposal Act, \$93,205,000, to
23 remain available until expended, of which \$67,425,000
24 shall be for carrying out leaking underground storage tank
25 cleanup activities authorized by section 9003(h) of the

1 Solid Waste Disposal Act; \$25,780,000 shall be for car-
2 rying out the other provisions of the Solid Waste Disposal
3 Act specified in section 9508(e) of the Internal Revenue
4 Code: *Provided*, That the Administrator is authorized to
5 use appropriations made available under this heading to
6 implement section 9013 of the Solid Waste Disposal Act
7 to provide financial assistance to federally recognized In-
8 dian tribes for the development and implementation of
9 programs to manage underground storage tanks.

10 INLAND OIL SPILL PROGRAMS

11 For expenses necessary to carry out the Environ-
12 mental Protection Agency's responsibilities under the Oil
13 Pollution Act of 1990, including hire, maintenance, and
14 operation of aircraft, \$22,072,000, to be derived from the
15 Oil Spill Liability trust fund, to remain available until ex-
16 pended.

17 STATE AND TRIBAL ASSISTANCE GRANTS

18 (INCLUDING RESCISSION OF FUNDS)

19 For environmental programs and infrastructure as-
20 sistance, including capitalization grants for State revolv-
21 ing funds and performance partnership grants,
22 \$4,480,428,000, to remain available until expended, of
23 which—

24 (1) \$1,638,861,000 shall be for making capital-
25 ization grants for the Clean Water State Revolving

1 Funds under title VI of the Federal Water Pollution
2 Control Act; and of which \$1,126,101,000 shall be
3 for making capitalization grants for the Drinking
4 Water State Revolving Funds under section 1452 of
5 the Safe Drinking Water Act: *Provided*, That
6 \$863,108,642 of the funds made available for cap-
7 italization grants for the Clean Water State Revolv-
8 ing Funds and \$609,255,899 of the funds made
9 available for capitalization grants for the Drinking
10 Water State Revolving Funds shall be for the con-
11 struction of drinking water, wastewater, and storm
12 water infrastructure and for water quality protection
13 in accordance with the terms and conditions speci-
14 fied for such grants in the explanatory statement de-
15 scribed in section 4 (in the matter preceding division
16 A of this consolidated Act) for projects specified for
17 “STAG—Drinking Water SRF” and “STAG—
18 Clean Water SRF” in the table titled “Interior and
19 Environment Incorporation of Community Project
20 Funding Items/Congressionally Directed Spending
21 Items” included for this division in the explanatory
22 statement described in section 4 (in the matter pre-
23 ceding division A of this consolidated Act), and, for
24 purposes of these grants, each grantee shall con-
25 tribute not less than 20 percent of the cost of the

1 project unless the grantee is approved for a waiver
2 by the Agency: *Provided further*, That for fiscal year
3 2023, to the extent there are sufficient eligible
4 project applications and projects are consistent with
5 State Intended Use Plans, not less than 10 percent
6 of the funds made available under this title to each
7 State for Clean Water State Revolving Fund capital-
8 ization grants shall be used by the State for projects
9 to address green infrastructure, water or energy effi-
10 ciency improvements, or other environmentally inno-
11 vative activities: *Provided further*, That for fiscal
12 year 2023, funds made available under this title to
13 each State for Drinking Water State Revolving
14 Fund capitalization grants may, at the discretion of
15 each State, be used for projects to address green in-
16 frastructure, water or energy efficiency improve-
17 ments, or other environmentally innovative activities:
18 *Provided further*, That the Administrator is author-
19 ized to use up to \$1,500,000 of funds made available
20 for the Clean Water State Revolving Funds under
21 this heading under title VI of the Federal Water
22 Pollution Control Act (33 U.S.C. 1381) to conduct
23 the Clean Watersheds Needs Survey: *Provided fur-*
24 *ther*, That notwithstanding section 603(d)(7) of the
25 Federal Water Pollution Control Act, the limitation

1 on the amounts in a State water pollution control re-
2 volving fund that may be used by a State to admin-
3 ister the fund shall not apply to amounts included
4 as principal in loans made by such fund in fiscal
5 year 2023 and prior years where such amounts rep-
6 resent costs of administering the fund to the extent
7 that such amounts are or were deemed reasonable by
8 the Administrator, accounted for separately from
9 other assets in the fund, and used for eligible pur-
10 poses of the fund, including administration: *Provided*
11 *further*, That for fiscal year 2023, notwithstanding
12 the provisions of subsections (g)(1), (h), and (l) of
13 section 201 of the Federal Water Pollution Control
14 Act, grants made under title II of such Act for
15 American Samoa, Guam, the Commonwealth of the
16 Northern Marianas, the United States Virgin Is-
17 lands, and the District of Columbia may also be
18 made for the purpose of providing assistance: (1)
19 solely for facility plans, design activities, or plans,
20 specifications, and estimates for any proposed
21 project for the construction of treatment works; and
22 (2) for the construction, repair, or replacement of
23 privately owned treatment works serving one or
24 more principal residences or small commercial estab-
25 lishments: *Provided further*, That for fiscal year

1 2023, notwithstanding the provisions of such sub-
2 sections (g)(1), (h), and (l) of section 201 and sec-
3 tion 518(c) of the Federal Water Pollution Control
4 Act, funds reserved by the Administrator for grants
5 under section 518(c) of the Federal Water Pollution
6 Control Act may also be used to provide assistance:
7 (1) solely for facility plans, design activities, or
8 plans, specifications, and estimates for any proposed
9 project for the construction of treatment works; and
10 (2) for the construction, repair, or replacement of
11 privately owned treatment works serving one or
12 more principal residences or small commercial estab-
13 lishments: *Provided further*, That for fiscal year
14 2023, notwithstanding any provision of the Federal
15 Water Pollution Control Act and regulations issued
16 pursuant thereof, up to a total of \$2,000,000 of the
17 funds reserved by the Administrator for grants
18 under section 518(c) of such Act may also be used
19 for grants for training, technical assistance, and
20 educational programs relating to the operation and
21 management of the treatment works specified in sec-
22 tion 518(c) of such Act: *Provided further*, That for
23 fiscal year 2023, funds reserved under section
24 518(c) of such Act shall be available for grants only
25 to Indian tribes, as defined in section 518(h) of such

1 Act and former Indian reservations in Oklahoma (as
2 determined by the Secretary of the Interior) and Na-
3 tive Villages as defined in Public Law 92–203: *Pro-*
4 *vided further*, That for fiscal year 2023, notwith-
5 standing the limitation on amounts in section 518(c)
6 of the Federal Water Pollution Control Act, up to a
7 total of 2 percent of the funds appropriated, or
8 \$30,000,000, whichever is greater, and notwith-
9 standing the limitation on amounts in section
10 1452(i) of the Safe Drinking Water Act, up to a
11 total of 2 percent of the funds appropriated, or
12 \$20,000,000, whichever is greater, for State Revolv-
13 ing Funds under such Acts may be reserved by the
14 Administrator for grants under section 518(c) and
15 section 1452(i) of such Acts: *Provided further*, That
16 for fiscal year 2023, notwithstanding the amounts
17 specified in section 205(c) of the Federal Water Pol-
18 lution Control Act, up to 1.5 percent of the aggre-
19 gate funds appropriated for the Clean Water State
20 Revolving Fund program under the Act less any
21 sums reserved under section 518(c) of the Act, may
22 be reserved by the Administrator for grants made
23 under title II of the Federal Water Pollution Control
24 Act for American Samoa, Guam, the Commonwealth
25 of the Northern Marianas, and United States Virgin

1 Islands: *Provided further*, That for fiscal year 2023,
2 notwithstanding the limitations on amounts specified
3 in section 1452(j) of the Safe Drinking Water Act,
4 up to 1.5 percent of the funds appropriated for the
5 Drinking Water State Revolving Fund programs
6 under the Safe Drinking Water Act may be reserved
7 by the Administrator for grants made under section
8 1452(j) of the Safe Drinking Water Act: *Provided*
9 *further*, That 10 percent of the funds made available
10 under this title to each State for Clean Water State
11 Revolving Fund capitalization grants and 14 percent
12 of the funds made available under this title to each
13 State for Drinking Water State Revolving Fund cap-
14 italization grants shall be used by the State to pro-
15 vide additional subsidy to eligible recipients in the
16 form of forgiveness of principal, negative interest
17 loans, or grants (or any combination of these), and
18 shall be so used by the State only where such funds
19 are provided as initial financing for an eligible re-
20 cipient or to buy, refinance, or restructure the debt
21 obligations of eligible recipients only where such debt
22 was incurred on or after the date of enactment of
23 this Act, or where such debt was incurred prior to
24 the date of enactment of this Act if the State, with
25 concurrence from the Administrator, determines that

1 such funds could be used to help address a threat
2 to public health from heightened exposure to lead in
3 drinking water or if a Federal or State emergency
4 declaration has been issued due to a threat to public
5 health from heightened exposure to lead in a munic-
6 ipal drinking water supply before the date of enact-
7 ment of this Act: *Provided further*, That in a State
8 in which such an emergency declaration has been
9 issued, the State may use more than 14 percent of
10 the funds made available under this title to the
11 State for Drinking Water State Revolving Fund cap-
12 italization grants to provide additional subsidy to eli-
13 gible recipients: *Provided further*, That notwith-
14 standing section 1452(o) of the Safe Drinking Water
15 Act (42 U.S.C. 300j-12(o)), the Administrator shall
16 reserve \$12,000,000 of the amounts made available
17 for fiscal year 2023 for making capitalization grants
18 for the Drinking Water State Revolving Funds to
19 pay the costs of monitoring for unregulated contami-
20 nants under section 1445(a)(2)(C) of such Act: *Pro-*
21 *vided further*, That of the unobligated balances avail-
22 able in the “State and Tribal Assistance Grants” ac-
23 count appropriated prior to fiscal year 2012 for
24 “special project grants” or “special needs infrastruc-
25 ture grants,” or for the administration, manage-

1 ment, and oversight of such grants, \$13,300,000 are
2 permanently rescinded: *Provided further*, That no
3 amounts may be rescinded from amounts that were
4 designated by the Congress as an emergency re-
5 quirement pursuant to a Concurrent Resolution on
6 the Budget or the Balanced Budget and Emergency
7 Deficit Control Act of 1985;

8 (2) \$36,386,000 shall be for architectural, engi-
9 neering, planning, design, construction and related
10 activities in connection with the construction of high
11 priority water and wastewater facilities in the area
12 of the United States-Mexico Border, after consulta-
13 tion with the appropriate border commission: *Pro-*
14 *vided*, That no funds provided by this appropriations
15 Act to address the water, wastewater and other crit-
16 ical infrastructure needs of the colonias in the
17 United States along the United States-Mexico bor-
18 der shall be made available to a county or municipal
19 government unless that government has established
20 an enforceable local ordinance, or other zoning rule,
21 which prevents in that jurisdiction the development
22 or construction of any additional colonia areas, or
23 the development within an existing colonia the con-
24 struction of any new home, business, or other struc-

1 ture which lacks water, wastewater, or other nec-
2 essary infrastructure;

3 (3) \$39,686,000 shall be for grants to the State
4 of Alaska to address drinking water and wastewater
5 infrastructure needs of rural and Alaska Native Vil-
6 lages: *Provided*, That of these funds: (A) the State
7 of Alaska shall provide a match of 25 percent; (B)
8 no more than 5 percent of the funds may be used
9 for administrative and overhead expenses; and (C)
10 the State of Alaska shall make awards consistent
11 with the Statewide priority list established in con-
12 junction with the Agency and the U.S. Department
13 of Agriculture for all water, sewer, waste disposal,
14 and similar projects carried out by the State of Alas-
15 ka that are funded under section 221 of the Federal
16 Water Pollution Control Act (33 U.S.C. 1301) or
17 the Consolidated Farm and Rural Development Act
18 (7 U.S.C. 1921 et seq.) which shall allocate not less
19 than 25 percent of the funds provided for projects
20 in regional hub communities;

21 (4) \$100,000,000 shall be to carry out section
22 104(k) of the Comprehensive Environmental Re-
23 sponse, Compensation, and Liability Act of 1980
24 (CERCLA), including grants, interagency agree-
25 ments, and associated program support costs: *Pro-*

1 *vided*, That at least 10 percent shall be allocated for
2 assistance in persistent poverty counties: *Provided*
3 *further*, That for purposes of this section, the term
4 “persistent poverty counties” means any county that
5 has had 20 percent or more of its population living
6 in poverty over the past 30 years, as measured by
7 the 1993 Small Area Income and Poverty Estimates,
8 the 2000 decennial census, and the most recent
9 Small Area Income and Poverty Estimates, or any
10 territory or possession of the United States;

11 (5) \$100,000,000 shall be for grants under title
12 VII, subtitle G of the Energy Policy Act of 2005;

13 (6) \$69,927,000 shall be for targeted airshed
14 grants in accordance with the terms and conditions
15 in the explanatory statement described in section 4
16 (in the matter preceding division A of this consoli-
17 dated Act);

18 (7) \$30,158,000 shall be for grants under sub-
19 sections (a) through (j) of section 1459A of the Safe
20 Drinking Water Act (42 U.S.C. 300j–19a);

21 (8) \$30,500,000 shall be for grants under sec-
22 tion 1464(d) of the Safe Drinking Water Act (42
23 U.S.C. 300j–24(d));

1 (9) \$25,011,000 shall be for grants under sec-
2 tion 1459B of the Safe Drinking Water Act (42
3 U.S.C. 300j–19b);

4 (10) \$7,000,000 shall be for grants under sec-
5 tion 1459A(l) of the Safe Drinking Water Act (42
6 U.S.C. 300j–19a(l));

7 (11) \$27,000,000 shall be for grants under sec-
8 tion 104(b)(8) of the Federal Water Pollution Con-
9 trol Act (33 U.S.C. 1254(b)(8));

10 (12) \$50,000,000 shall be for grants under sec-
11 tion 221 of the Federal Water Pollution Control Act
12 (33 U.S.C. 1301);

13 (13) \$6,000,000 shall be for grants under sec-
14 tion 4304(b) of the America’s Water Infrastructure
15 Act of 2018 (Public Law 115–270);

16 (14) \$6,500,000 shall be for carrying out sec-
17 tion 302(a) of the Save Our Seas 2.0 Act (33 U.S.C.
18 4283(a)), of which not more than 2 percent shall be
19 for administrative costs to carry out such section:
20 *Provided*, That notwithstanding section 302(a) of
21 such Act, the Administrator may also provide grants
22 pursuant to such authority to intertribal consortia
23 consistent with the requirements in 40 CFR
24 35.504(a), to former Indian reservations in Okla-
25 homa (as determined by the Secretary of the Inte-

1 rior), and Alaska Native Villages as defined in Pub-
2 lic Law 92–203;

3 (15) \$7,000,000 shall be for grants under sec-
4 tion 103(b)(3) of the Clean Air Act for wildfire
5 smoke preparedness grants in accordance with the
6 terms and conditions in the explanatory statement
7 described in section 4 (in the matter preceding divi-
8 sion A of this consolidated Act): *Provided*, That not
9 more than 3 percent shall be for administrative costs
10 to carry out such section;

11 (16) \$16,973,000 shall be for State and Tribal
12 Assistance Grants to be allocated in the amounts
13 specified for those projects and for the purposes de-
14 lineated in the table titled “Interior and Environ-
15 ment Incorporation of Community Project Funding
16 Items/Congressionally Directed Spending Items” in-
17 cluded for this division in the explanatory statement
18 described in section 4 (in the matter preceding divi-
19 sion A of this consolidated Act) for remediation, con-
20 struction, and related environmental management
21 activities in accordance with the terms and condi-
22 tions specified for such grants in the explanatory
23 statement described in section 4 (in the matter pre-
24 ceding division A of this consolidated Act);

1 (17) \$5,000,000 shall be for grants under sec-
2 tion 1459F of the Safe Drinking Water Act (42
3 U.S.C. 300j–19g);

4 (18) \$4,000,000 shall be for carrying out sec-
5 tion 2001 of the America’s Water Infrastructure Act
6 of 2018 (Public Law 115–270, 42 U.S.C. 300j–3c
7 note): *Provided*, That the Administrator may award
8 grants to and enter into contracts with tribes, inter-
9 tribal consortia, public or private agencies, institu-
10 tions, organizations, and individuals, without regard
11 to section 3324(a) and (b) of title 31 and section
12 6101 of title 41, United States Code, and enter into
13 interagency agreements as appropriate;

14 (19) \$3,000,000 shall be for grants under sec-
15 tion 50217(b) of the Infrastructure Investment and
16 Jobs Act (33 U.S.C. 1302f(b); Public Law 117–58);

17 (20) \$4,000,000 shall be for grants under sec-
18 tion 124 of the Federal Water Pollution Control Act
19 (33 U.S.C. 1276); and

20 (21) \$1,160,625,000 shall be for grants, includ-
21 ing associated program support costs, to States, fed-
22 erally recognized Tribes, interstate agencies, tribal
23 consortia, and air pollution control agencies for
24 multi-media or single media pollution prevention,
25 control and abatement, and related activities, includ-

1 ing activities pursuant to the provisions set forth
2 under this heading in Public Law 104–134, and for
3 making grants under section 103 of the Clean Air
4 Act for particulate matter monitoring and data col-
5 lection activities subject to terms and conditions
6 specified by the Administrator, and under section
7 2301 of the Water and Waste Act of 2016 to assist
8 States in developing and implementing programs for
9 control of coal combustion residuals, of which:
10 \$47,195,000 shall be for carrying out section 128 of
11 CERCLA; \$10,836,000 shall be for Environmental
12 Information Exchange Network grants, including as-
13 sociated program support costs; \$1,505,000 shall be
14 for grants to States under section 2007(f)(2) of the
15 Solid Waste Disposal Act, which shall be in addition
16 to funds appropriated under the heading “Leaking
17 Underground Storage Tank Trust Fund Program”
18 to carry out the provisions of the Solid Waste Dis-
19 posal Act specified in section 9508(c) of the Internal
20 Revenue Code other than section 9003(h) of the
21 Solid Waste Disposal Act; \$18,512,000 of the funds
22 available for grants under section 106 of the Federal
23 Water Pollution Control Act shall be for State par-
24 ticipation in national- and State-level statistical sur-

1 teria published in the Federal Register on June 30, 2020
2 (85 FR 39189) pursuant to the fourth proviso under the
3 heading “Water Infrastructure Finance and Innovation
4 Program Account” in division D of the Further Consoli-
5 dated Appropriations Act, 2020 (Public Law 116–94):
6 *Provided further*, That none of the direct loans or loan
7 guarantee authority made available under this heading
8 shall be available for any project unless the Administrator
9 and the Director of the Office of Management and Budget
10 have certified in advance in writing that the direct loan
11 or loan guarantee, as applicable, and the project comply
12 with the criteria referenced in the previous proviso: *Pro-*
13 *vided further*, That, for the purposes of carrying out the
14 Congressional Budget Act of 1974, the Director of the
15 Congressional Budget Office may request, and the Admin-
16 istrator shall promptly provide, documentation and infor-
17 mation relating to a project identified in a Letter of Inter-
18 est submitted to the Administrator pursuant to a Notice
19 of Funding Availability for applications for credit assist-
20 ance under the Water Infrastructure Finance and Innova-
21 tion Act Program, including with respect to a project that
22 was initiated or completed before the date of enactment
23 of this Act.

24 In addition, fees authorized to be collected pursuant
25 to sections 5029 and 5030 of the Water Infrastructure

1 Finance and Innovation Act of 2014 shall be deposited
2 in this account, to remain available until expended.

3 In addition, for administrative expenses to carry out
4 the direct and guaranteed loan programs, notwithstanding
5 section 5033 of the Water Infrastructure Finance and In-
6 novation Act of 2014, \$7,640,000, to remain available
7 until September 30, 2024.

8 ADMINISTRATIVE PROVISIONS—ENVIRONMENTAL
9 PROTECTION AGENCY

10 (INCLUDING TRANSFERS OF FUNDS)

11 For fiscal year 2023, notwithstanding 31 U.S.C.
12 6303(1) and 6305(1), the Administrator of the Environ-
13 mental Protection Agency, in carrying out the Agency's
14 function to implement directly Federal environmental pro-
15 grams required or authorized by law in the absence of an
16 acceptable tribal program, may award cooperative agree-
17 ments to federally recognized Indian tribes or Intertribal
18 consortia, if authorized by their member tribes, to assist
19 the Administrator in implementing Federal environmental
20 programs for Indian tribes required or authorized by law,
21 except that no such cooperative agreements may be award-
22 ed from funds designated for State financial assistance
23 agreements.

24 The Administrator of the Environmental Protection
25 Agency is authorized to collect and obligate pesticide reg-

1 istration service fees in accordance with section 33 of the
2 Federal Insecticide, Fungicide, and Rodenticide Act (7
3 U.S.C. 136w–8), to remain available until expended.

4 Notwithstanding section 33(d)(2) of the Federal In-
5 secticide, Fungicide, and Rodenticide Act (FIFRA) (7
6 U.S.C. 136w–8(d)(2)), the Administrator of the Environ-
7 mental Protection Agency may assess fees under section
8 33 of FIFRA (7 U.S.C. 136w–8) for fiscal year 2023.

9 The Administrator of the Environmental Protection
10 Agency is authorized to collect and obligate fees in accord-
11 ance with section 3024 of the Solid Waste Disposal Act
12 (42 U.S.C. 6939g) for fiscal year 2023, to remain avail-
13 able until expended.

14 The Administrator is authorized to transfer up to
15 \$368,000,000 of the funds appropriated for the Great
16 Lakes Restoration Initiative under the heading “Environ-
17 mental Programs and Management” to the head of any
18 Federal department or agency, with the concurrence of
19 such head, to carry out activities that would support the
20 Great Lakes Restoration Initiative and Great Lakes
21 Water Quality Agreement programs, projects, or activities;
22 to enter into an interagency agreement with the head of
23 such Federal department or agency to carry out these ac-
24 tivities; and to make grants to governmental entities, non-
25 profit organizations, institutions, and individuals for plan-

1 ning, research, monitoring, outreach, and implementation
2 in furtherance of the Great Lakes Restoration Initiative
3 and the Great Lakes Water Quality Agreement.

4 The Science and Technology, Environmental Pro-
5 grams and Management, Office of Inspector General, Haz-
6 ardous Substance Superfund, and Leaking Underground
7 Storage Tank Trust Fund Program Accounts, are avail-
8 able for the construction, alteration, repair, rehabilitation,
9 and renovation of facilities, provided that the cost does
10 not exceed \$300,000 per project.

11 For fiscal year 2023, and notwithstanding section
12 518(f) of the Federal Water Pollution Control Act (33
13 U.S.C. 1377(f)), the Administrator is authorized to use
14 the amounts appropriated for any fiscal year under section
15 319 of the Act to make grants to Indian tribes pursuant
16 to sections 319(h) and 518(e) of that Act.

17 The Administrator is authorized to use the amounts
18 appropriated under the heading “Environmental Pro-
19 grams and Management” for fiscal year 2023 to provide
20 grants to implement the Southeastern New England Wa-
21 tershed Restoration Program.

22 Notwithstanding the limitations on amounts in sec-
23 tion 320(i)(2)(B) of the Federal Water Pollution Control
24 Act, not less than \$2,500,000 of the funds made available
25 under this title for the National Estuary Program shall

1 be for making competitive awards described in section
2 320(g)(4).

3 For fiscal year 2023, the Office of Chemical Safety
4 and Pollution Prevention and the Office of Water may,
5 using funds appropriated under the headings “Environ-
6 mental Programs and Management” and “Science and
7 Technology”, contract directly with individuals or indi-
8 rectly with institutions or nonprofit organizations, without
9 regard to 41 U.S.C. 5, for the temporary or intermittent
10 personal services of students or recent graduates, who
11 shall be considered employees for the purposes of chapters
12 57 and 81 of title 5, United States Code, relating to com-
13 pensation for travel and work injuries, and chapter 171
14 of title 28, United States Code, relating to tort claims,
15 but shall not be considered to be Federal employees for
16 any other purpose: *Provided*, That amounts used for this
17 purpose by the Office of Chemical Safety and Pollution
18 Prevention and the Office of Water collectively may not
19 exceed \$2,000,000.

858

1 TITLE III
2 RELATED AGENCIES
3 DEPARTMENT OF AGRICULTURE
4 OFFICE OF THE UNDER SECRETARY FOR NATURAL
5 RESOURCES AND ENVIRONMENT

6 For necessary expenses of the Office of the Under
7 Secretary for Natural Resources and Environment,
8 \$1,000,000: *Provided*, That funds made available by this
9 Act to any agency in the Natural Resources and Environ-
10 ment mission area for salaries and expenses are available
11 to fund up to one administrative support staff for the of-
12 fice.

13 FOREST SERVICE
14 FOREST SERVICE OPERATIONS
15 (INCLUDING TRANSFERS OF FUNDS)

16 For necessary expenses of the Forest Service, not
17 otherwise provided for, \$1,152,744,000, to remain avail-
18 able through September 30, 2026: *Provided*, That a por-
19 tion of the funds made available under this heading shall
20 be for the base salary and expenses of employees in the
21 Chief's Office, the Work Environment and Performance
22 Office, the Business Operations Deputy Area, and the
23 Chief Financial Officer's Office to carry out administra-
24 tive and general management support functions: *Provided*
25 *further*, That funds provided under this heading shall be

1 available for the costs of facility maintenance, repairs, and
2 leases for buildings and sites where these administrative,
3 general management and other Forest Service support
4 functions take place; the costs of all utility and tele-
5 communication expenses of the Forest Service, as well as
6 business services; and, for information technology, includ-
7 ing cyber security requirements: *Provided further*, That
8 funds provided under this heading may be used for nec-
9 essary expenses to carry out administrative and general
10 management support functions of the Forest Service not
11 otherwise provided for and necessary for its operation.

12 FOREST AND RANGELAND RESEARCH

13 For necessary expenses of forest and rangeland re-
14 search as authorized by law, \$307,273,000, to remain
15 available through September 30, 2026: *Provided*, That of
16 the funds provided, \$32,197,000 is for the forest inventory
17 and analysis program: *Provided further*, That all authori-
18 ties for the use of funds, including the use of contracts,
19 grants, and cooperative agreements, available to execute
20 the Forest and Rangeland Research appropriation, are
21 also available in the utilization of these funds for Fire
22 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 man-
2 agement, including for invasive plants, and conducting an
3 international program and trade compliance activities as
4 authorized, \$337,758,000, to remain available through
5 September 30, 2026, as authorized by law, of which
6 \$30,167,000 shall be for projects specified for Forest Re-
7 source Information and Analysis in the table titled “Inte-
8 rior and Environment Incorporation of Community
9 Project Funding Items/Congressionally Directed Spending
10 Items” included for this division in the explanatory state-
11 ment described in section 4 (in the matter preceding divi-
12 sion A of this consolidated Act).

13 NATIONAL FOREST SYSTEM

14 For necessary expenses of the Forest Service, not
15 otherwise provided for, for management, protection, im-
16 provement, and utilization of the National Forest System,
17 and for hazardous fuels management on or adjacent to
18 such lands, \$1,974,388,000, to remain available through
19 September 30, 2026: *Provided*, That of the funds pro-
20 vided, \$32,000,000 shall be deposited in the Collaborative
21 Forest Landscape Restoration Fund for ecological restora-
22 tion treatments as authorized by 16 U.S.C. 7303(f): *Pro-*
23 *vided further*, That for the funds provided in the preceding
24 proviso, section 4003(d)(3)(A) of the Omnibus Public
25 Land Management Act of 2009 (16 U.S.C.

1 7303(d)(3)(A)) shall be applied by substituting “20” for
2 “10” and section 4003(d)(3)(B) of the Omnibus Public
3 Land Management Act of 2009 (16 U.S.C.
4 7303(d)(3)(B)) shall be applied by substituting “4” for
5 “2”: *Provided further*, That of the funds provided,
6 \$40,000,000 shall be for forest products: *Provided further*,
7 That of the funds provided, \$207,000,000 shall be for haz-
8 ardous fuels management activities, of which not to exceed
9 \$20,000,000 may be used to make grants, using any au-
10 thorities available to the Forest Service under the “State
11 and Private Forestry” appropriation, for the purpose of
12 creating incentives for increased use of biomass from Na-
13 tional Forest System lands: *Provided further*, That
14 \$20,000,000 may be used by the Secretary of Agriculture
15 to enter into procurement contracts or cooperative agree-
16 ments or to issue grants for hazardous fuels management
17 activities, and for training or monitoring associated with
18 such hazardous fuels management activities on Federal
19 land, or on non-Federal land if the Secretary determines
20 such activities benefit resources on Federal land: *Provided*
21 *further*, That funds made available to implement the Com-
22 munity Forest Restoration Act, Public Law 106–393, title
23 VI, shall be available for use on non-Federal lands in ac-
24 cordance with authorities made available to the Forest
25 Service under the “State and Private Forestry” appro-

1 priation: *Provided further*, That notwithstanding section
2 33 of the Bankhead Jones Farm Tenant Act (7 U.S.C.
3 1012), the Secretary of Agriculture, in calculating a fee
4 for grazing on a National Grassland, may provide a credit
5 of up to 50 percent of the calculated fee to a Grazing As-
6 sociation or direct permittee for a conservation practice
7 approved by the Secretary in advance of the fiscal year
8 in which the cost of the conservation practice is incurred,
9 and that the amount credited shall remain available to the
10 Grazing Association or the direct permittee, as appro-
11 priate, in the fiscal year in which the credit is made and
12 each fiscal year thereafter for use on the project for con-
13 servation practices approved by the Secretary: *Provided*
14 *further*, That funds appropriated to this account shall be
15 available for the base salary and expenses of employees
16 that carry out the functions funded by the “Capital Im-
17 provement and Maintenance” account, the “Range Better-
18 ment Fund” account, and the “Management of National
19 Forest Lands for Subsistence Uses” account.

20 CAPITAL IMPROVEMENT AND MAINTENANCE

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses of the Forest Service, not
23 otherwise provided for, \$158,048,000, to remain available
24 through September 30, 2026, for construction, capital im-
25 provement, maintenance, and acquisition of buildings and

1 other facilities and infrastructure; and for construction,
2 reconstruction, and decommissioning of roads that are no
3 longer needed, including unauthorized roads that are not
4 part of the transportation system, and for maintenance
5 of forest roads and trails by the Forest Service as author-
6 ized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205:
7 *Provided*, That \$6,000,000 shall be for activities author-
8 ized by 16 U.S.C. 538(a): *Provided further*, That
9 \$5,048,000 shall be for projects specified for Construction
10 Projects in the table titled “Interior and Environment In-
11 corporation of Community Project Funding Items/Con-
12 gressionally Directed Spending Items” included for this
13 division in the explanatory statement described in section
14 4 (in the matter preceding division A of this consolidated
15 Act): *Provided further*, That funds becoming available in
16 fiscal year 2023 under the Act of March 4, 1913 (16
17 U.S.C. 501) shall be transferred to the General Fund of
18 the Treasury and shall not be available for transfer or obli-
19 gation for any other purpose unless the funds are appro-
20 priated.

21 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL

22 ACTS

23 For acquisition of lands within the exterior bound-
24 aries of the Cache, Uinta, and Wasatch National Forests,
25 Utah; the Toiyabe National Forest, Nevada; and the An-

1 geses, San Bernardino, Sequoia, and Cleveland National
2 Forests, California; and the Ozark-St. Francis and
3 Ouachita National Forests, Arkansas; as authorized by
4 law, \$664,000, to be derived from forest receipts.

5 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

6 For acquisition of lands, such sums, to be derived
7 from funds deposited by State, county, or municipal gov-
8 ernments, public school districts, or other public school au-
9 thorities, and for authorized expenditures from funds de-
10 posited by non-Federal parties pursuant to Land Sale and
11 Exchange Acts, pursuant to the Act of December 4, 1967
12 (16 U.S.C. 484a), to remain available through September
13 30, 2026, (16 U.S.C. 516–617a, 555a; Public Law 96–
14 586; Public Law 76–589, Public Law 76–591; and Public
15 Law 78–310).

16 RANGE BETTERMENT FUND

17 For necessary expenses of range rehabilitation, pro-
18 tection, and improvement, 50 percent of all moneys re-
19 ceived during the prior fiscal year, as fees for grazing do-
20 mestic livestock on lands in National Forests in the 16
21 Western States, pursuant to section 401(b)(1) of Public
22 Law 94–579, to remain available through September 30,
23 2026, of which not to exceed 6 percent shall be available
24 for administrative expenses associated with on-the-ground
25 range rehabilitation, protection, and improvements.

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 man-
10 age Federal lands in Alaska for subsistence uses under
11 title VIII of the Alaska National Interest Lands Conserva-
12 tion Act (16 U.S.C. 3111 et seq.), \$1,099,000, to remain
13 available 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 Sys-
21 tem lands and water, \$945,956,000, to remain available
22 until expended: *Provided*, That such funds, including un-
23 obligated balances under this heading, are available for re-
24 payment of advances from other appropriations accounts
25 previously transferred for such purposes: *Provided further*,

1 That any unobligated funds appropriated in a previous fis-
2 cal year for hazardous fuels management may be trans-
3 ferred to the “National Forest System” account: *Provided*
4 *further*, That such funds shall be available to reimburse
5 State and other cooperating entities for services provided
6 in response to wildfire and other emergencies or disasters
7 to the extent such reimbursements by the Forest Service
8 for non-fire emergencies are fully repaid by the responsible
9 emergency management agency: *Provided further*, That
10 funds provided shall be available for support to Federal
11 emergency response: *Provided further*, That the costs of
12 implementing any cooperative agreement between the Fed-
13 eral Government and any non-Federal entity may be
14 shared, as mutually 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 head-
18 ing “Department of Agriculture—Forest Service—
19 Wildland Fire Management” for wildfire suppression oper-
20 ations, \$2,210,000,000, to remain available until trans-
21 ferred, is additional new budget authority as specified for
22 purposes of section 4004(b)(5) of S. Con. Res. 14 (117th
23 Congress), the concurrent resolution on the budget for fis-
24 cal year 2022, and section 1(g) of H. Res. 1151 (117th
25 Congress), as engrossed in the House of Representatives

1 on June 8, 2022: *Provided*, That such amounts may be
2 transferred to and merged with amounts made available
3 under the headings “Department of the Interior—Depart-
4 ment-Wide Programs—Wildland Fire Management” and
5 “Department of Agriculture—Forest Service—Wildland
6 Fire Management” for wildfire suppression operations in
7 the fiscal year in which such amounts are transferred: *Pro-*
8 *vided further*, That amounts may be transferred to the
9 “Wildland Fire Management” accounts in the Department
10 of the Interior or the Department of Agriculture only upon
11 the notification of the House and Senate Committees on
12 Appropriations that all wildfire suppression operations
13 funds appropriated under that heading in this and prior
14 appropriations Acts to the agency to which the funds will
15 be transferred will be obligated within 30 days: *Provided*
16 *further*, That the transfer authority provided under this
17 heading is in addition to any other transfer authority pro-
18 vided by law: *Provided further*, That, in determining
19 whether all wildfire suppression operations funds appro-
20 priated under the heading “Wildland Fire Management”
21 in this and prior appropriations Acts to either the Depart-
22 ment of Agriculture or the Department of the Interior will
23 be obligated within 30 days pursuant to the preceding pro-
24 viso, any funds transferred or permitted to be transferred

1 pursuant to any other transfer authority provided by law
2 shall be excluded.

3 COMMUNICATIONS SITE ADMINISTRATION

4 (INCLUDING TRANSFER OF FUNDS)

5 Amounts collected in this fiscal year pursuant to sec-
6 tion 8705(f)(2) of the Agriculture Improvement Act of
7 2018 (Public Law 115–334), shall be deposited in the spe-
8 cial account established by section 8705(f)(1) of such Act,
9 shall be available to cover the costs described in subsection
10 (c)(3) of such section of such Act, and shall remain avail-
11 able until expended: *Provided*, That such amounts shall
12 be transferred to the “National Forest System” account.

13 ADMINISTRATIVE PROVISIONS—FOREST SERVICE

14 (INCLUDING TRANSFERS OF FUNDS)

15 Appropriations to the Forest Service for the current
16 fiscal year shall be available for: (1) purchase of passenger
17 motor vehicles; acquisition of passenger motor vehicles
18 from excess sources, and hire of such vehicles; purchase,
19 lease, operation, maintenance, and acquisition of aircraft
20 to maintain the operable fleet for use in Forest Service
21 wildland fire programs and other Forest Service programs;
22 notwithstanding other provisions of law, existing aircraft
23 being replaced may be sold, with proceeds derived or
24 trade-in value used to offset the purchase price for the
25 replacement aircraft; (2) services pursuant to 7 U.S.C.

1 2225, and not to exceed \$100,000 for employment under
2 5 U.S.C. 3109; (3) purchase, erection, and alteration of
3 buildings and other public improvements (7 U.S.C. 2250);
4 (4) acquisition of land, waters, and interests therein pur-
5 suant to 7 U.S.C. 428a; (5) for expenses pursuant to the
6 Volunteers in the National Forest Act of 1972 (16 U.S.C.
7 558a, 558d, and 558a note); (6) the cost of uniforms as
8 authorized by 5 U.S.C. 5901–5902; and (7) for debt col-
9 lection contracts in accordance with 31 U.S.C. 3718(e).

10 Funds made available to the Forest Service in this
11 Act may be transferred between accounts affected by the
12 Forest Service budget restructure outlined in section 435
13 of division D of the Further Consolidated Appropriations
14 Act, 2020 (Public Law 116–94): *Provided*, That any
15 transfer of funds pursuant to this paragraph shall not in-
16 crease or decrease the funds appropriated to any account
17 in this fiscal year by more than ten percent: *Provided fur-*
18 *ther*, That such transfer authority is in addition to any
19 other transfer authority provided by law.

20 Any appropriations or funds available to the Forest
21 Service may be transferred to the Wildland Fire Manage-
22 ment appropriation for forest firefighting, emergency re-
23 habilitation of burned-over or damaged lands or waters
24 under its jurisdiction, and fire preparedness due to severe
25 burning conditions upon the Secretary of Agriculture’s no-

1 tification of the House and Senate Committees on Appro-
2 priations that all fire suppression funds appropriated
3 under the heading “Wildland Fire Management” will be
4 obligated within 30 days: *Provided*, That all funds used
5 pursuant to this paragraph must be replenished by a sup-
6 plemental appropriation which must be requested as
7 promptly as possible.

8 Not more than \$50,000,000 of funds appropriated to
9 the Forest Service shall be available for expenditure or
10 transfer to the Department of the Interior for wildland
11 fire management, hazardous fuels management, and State
12 fire assistance when such transfers would facilitate and
13 expedite wildland fire management programs and projects.

14 Notwithstanding any other provision of this Act, the
15 Forest Service may transfer unobligated balances of dis-
16 cretionary funds appropriated to the Forest Service by
17 this Act to or within the National Forest System Account,
18 or reprogram funds to be used for the purposes of haz-
19 ardous fuels management and urgent rehabilitation of
20 burned-over National Forest System lands and water: *Pro-*
21 *vided*, That such transferred funds shall remain available
22 through September 30, 2026: *Provided further*, That none
23 of the funds transferred pursuant to this paragraph shall
24 be available for obligation without written notification to

1 and the prior approval of the Committees on Appropria-
2 tions of both Houses of Congress.

3 Funds appropriated to the Forest Service shall be
4 available for assistance to or through the Agency for Inter-
5 national Development in connection with forest and range-
6 land research, technical information, and assistance in for-
7 eign countries, and shall be available to support forestry
8 and related natural resource activities outside the United
9 States and its territories and possessions, including tech-
10 nical assistance, education and training, and cooperation
11 with United States government, private sector, and inter-
12 national organizations: *Provided*, That the Forest Service,
13 acting for the International Program, may sign direct
14 funding agreements with foreign governments and institu-
15 tions as well as other domestic agencies (including the
16 U.S. Agency for International Development, the Depart-
17 ment of State, and the Millennium Challenge Corpora-
18 tion), United States private sector firms, institutions and
19 organizations to provide technical assistance and training
20 programs on forestry and rangeland management: *Pro-*
21 *vided further*, That to maximize effectiveness of domestic
22 and international research and cooperation, the Inter-
23 national Program may utilize all authorities related to for-
24 estry, research, and cooperative assistance regardless of
25 program designations.

1 Funds appropriated to the Forest Service shall be
2 available to enter into a cooperative agreement with the
3 Section 509(a)(3) Supporting Organization, “Forest Serv-
4 ice International Foundation” to assist the Foundation in
5 meeting administrative, project, and other expenses, and
6 may provide for the Foundation’s use of Forest Service
7 personnel and facilities.

8 Funds appropriated to the Forest Service shall be
9 available for expenditure or transfer to the Department
10 of the Interior, Bureau of Land Management, for removal,
11 preparation, and adoption of excess wild horses and burros
12 from National Forest System lands, and for the perform-
13 ance of cadastral surveys to designate the boundaries of
14 such lands.

15 None of the funds made available to the Forest Serv-
16 ice in this Act or any other Act with respect to any fiscal
17 year shall be subject to transfer under the provisions of
18 section 702(b) of the Department of Agriculture Organic
19 Act of 1944 (7 U.S.C. 2257), section 442 of Public Law
20 106–224 (7 U.S.C. 7772), or section 10417(b) of Public
21 Law 107–171 (7 U.S.C. 8316(b)).

22 Not more than \$82,000,000 of funds available to the
23 Forest Service shall be transferred to the Working Capital
24 Fund of the Department of Agriculture and not more than
25 \$14,500,000 of funds available to the Forest Service shall

1 be transferred to the Department of Agriculture for De-
2 partment Reimbursable Programs, commonly referred to
3 as Greenbook charges: *Provided*, That nothing in this
4 paragraph shall prohibit or limit the use of reimbursable
5 agreements requested by the Forest Service in order to
6 obtain information technology services, including tele-
7 communications and system modifications or enhance-
8 ments, from the Working Capital Fund of the Department
9 of Agriculture.

10 Of the funds available to the Forest Service, up to
11 \$5,000,000 shall be available for priority projects within
12 the scope of the approved budget, which shall be carried
13 out by the Youth Conservation Corps and shall be carried
14 out under the authority of the Public Lands Corps Act
15 of 1993 (16 U.S.C. 1721 et seq.).

16 Of the funds available to the Forest Service, \$4,000
17 is available to the Chief of the Forest Service for official
18 reception and representation expenses.

19 Pursuant to sections 405(b) and 410(b) of Public
20 Law 101–593, of the funds available to the Forest Service,
21 up to \$3,000,000 may be advanced in a lump sum to the
22 National Forest Foundation to aid conservation partner-
23 ship projects in support of the Forest Service mission,
24 without regard to when the Foundation incurs expenses,
25 for projects on or benefitting National Forest System

1 lands or related to Forest Service programs: *Provided*,
2 That of the Federal funds made available to the Founda-
3 tion, no more than \$300,000 shall be available for admin-
4 istrative expenses: *Provided further*, That the Foundation
5 shall obtain, by the end of the period of Federal financial
6 assistance, private contributions to match funds made
7 available by the Forest Service on at least a one-for-one
8 basis: *Provided further*, That the Foundation may transfer
9 Federal funds to a Federal or a non-Federal recipient for
10 a project at the same rate that the recipient has obtained
11 the non-Federal matching funds.

12 Pursuant to section 2(b)(2) of Public Law 98-244,
13 up to \$3,000,000 of the funds available to the Forest
14 Service may be advanced to the National Fish and Wildlife
15 Foundation in a lump sum to aid cost-share conservation
16 projects, without regard to when expenses are incurred,
17 on or benefitting National Forest System lands or related
18 to Forest Service programs: *Provided*, That such funds
19 shall be matched on at least a one-for-one basis by the
20 Foundation or its sub-recipients: *Provided further*, That
21 the Foundation may transfer Federal funds to a Federal
22 or non-Federal recipient for a project at the same rate
23 that the recipient has obtained the non-Federal matching
24 funds.

1 Funds appropriated to the Forest Service under the
2 National Forest System heading shall be available for the
3 Secretary of Agriculture to enter into cooperative agree-
4 ments with other Federal agencies, tribes, States, local
5 governments, private and nonprofit entities, and edu-
6 cational institutions to support the work of forest or grass-
7 land collaboratives on activities benefitting Federal lands
8 and adjacent non-Federal lands, including for technical
9 assistance, administrative functions or costs, and other ca-
10 pacity support needs identified by the Forest Service.

11 Funds appropriated to the Forest Service shall be
12 available for interactions with and providing technical as-
13 sistance to rural communities and natural resource-based
14 businesses for sustainable rural development purposes.

15 Funds appropriated to the Forest Service shall be
16 available for payments to counties within the Columbia
17 River Gorge National Scenic Area, pursuant to section
18 14(c)(1) and (2), and section 16(a)(2) of Public Law 99-
19 663.

20 Any funds appropriated to the Forest Service may
21 be used to meet the non-Federal share requirement in sec-
22 tion 502(c) of the Older Americans Act of 1965 (42
23 U.S.C. 3056(c)(2)).

1 The Forest Service shall not assess funds for the pur-
2 pose of performing fire, administrative, and other facilities
3 maintenance and decommissioning.

4 Notwithstanding any other provision of law, of any
5 appropriations or funds available to the Forest Service,
6 not to exceed \$500,000 may be used to reimburse the Of-
7 fice of the General Counsel (OGC), Department of Agri-
8 culture, for travel and related expenses incurred as a re-
9 sult of OGC assistance or participation requested by the
10 Forest Service at meetings, training sessions, management
11 reviews, land purchase negotiations, and similar matters
12 unrelated to civil litigation: *Provided*, That future budget
13 justifications for both the Forest Service and the Depart-
14 ment of Agriculture should clearly display the sums pre-
15 viously transferred and the sums requested for transfer.

16 An eligible individual who is employed in any project
17 funded under title V of the Older Americans Act of 1965
18 (42 U.S.C. 3056 et seq.) and administered by the Forest
19 Service shall be considered to be a Federal employee for
20 purposes of chapter 171 of title 28, United States Code.

21 Funds appropriated to the Forest Service shall be
22 available to pay, from a single account, the base salary
23 and expenses of employees who carry out functions funded
24 by other accounts for Enterprise Program, Geospatial
25 Technology and Applications Center, remnant Natural Re-

1 source Manager, Job Corps, and National Technology and
2 Development Program.

3 DEPARTMENT OF HEALTH AND HUMAN
4 SERVICES

5 INDIAN HEALTH SERVICE

6 INDIAN HEALTH SERVICES

7 (INCLUDING RESCISSION OF FUNDS)

8 For expenses necessary to carry out the Act of Au-
9 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
10 tion and Education Assistance Act, the Indian Health
11 Care Improvement Act, and titles II and III of the Public
12 Health Service Act with respect to the Indian Health Serv-
13 ice, \$4,919,670,000, to remain available until September
14 30, 2024, except as otherwise provided herein; and, in ad-
15 dition, \$4,627,968,000, which shall become available on
16 October 1, 2023, and remain available through September
17 30, 2025, except as otherwise provided herein; together
18 with payments received during each fiscal year pursuant
19 to sections 231(b) and 233 of the Public Health Service
20 Act (42 U.S.C. 238(b) and 238b), for services furnished
21 by the Indian Health Service: *Provided*, That funds made
22 available to tribes and tribal organizations through con-
23 tracts, grant agreements, or any other agreements or com-
24 pacts authorized by the Indian Self-Determination and
25 Education Assistance Act of 1975 (25 U.S.C. 450), shall

1 be deemed to be obligated at the time of the grant or con-
2 tract award and thereafter shall remain available to the
3 tribe or tribal organization without fiscal year limitation:
4 *Provided further*, That \$2,500,000 shall be available for
5 each of fiscal years 2023 and 2024 for grants or contracts
6 with public or private institutions to provide alcohol or
7 drug treatment services to Indians, including alcohol de-
8 toxification services: *Provided further*, That of the total
9 amount of funds provided, \$1,993,510,000 shall remain
10 available until expended for Purchased/Referred Care, of
11 which \$996,755,000 shall be from funds that become
12 available on October 1, 2023: *Provided further*, That of
13 the total amount specified in the preceding proviso for
14 Purchased/Referred Care, \$108,000,000 shall be for the
15 Indian Catastrophic Health Emergency Fund of which
16 \$54,000,000 shall be from funds that become available on
17 October 1, 2023: *Provided further*, That for each of fiscal
18 years 2023 and 2024, up to \$51,000,000 shall remain
19 available until expended for implementation of the loan re-
20 payment program under section 108 of the Indian Health
21 Care Improvement Act: *Provided further*, That of the total
22 amount of funds provided, \$116,000,000, including
23 \$58,000,000 from funds that become available on October
24 1, 2023, shall be for costs related to or resulting from
25 accreditation emergencies, including supplementing activi-

1 ties funded under the heading “Indian Health Facilities”,
2 of which up to \$4,000,000 for each of fiscal years 2023
3 and 2024 may be used to supplement amounts otherwise
4 available for Purchased/Referred Care: *Provided further,*
5 That the amounts collected by the Federal Government
6 as authorized by sections 104 and 108 of the Indian
7 Health Care Improvement Act (25 U.S.C. 1613a and
8 1616a) during the preceding fiscal year for breach of con-
9 tracts shall be deposited in the Fund authorized by section
10 108A of that Act (25 U.S.C. 1616a–1) and shall remain
11 available until expended and, notwithstanding section
12 108A(c) of that Act (25 U.S.C. 1616a–1(c)), funds shall
13 be available to make new awards under the loan repay-
14 ment and scholarship programs under sections 104 and
15 108 of that Act (25 U.S.C. 1613a and 1616a): *Provided*
16 *further,* That the amounts made available within this ac-
17 count for the Substance Abuse and Suicide Prevention
18 Program, for Opioid Prevention, Treatment and Recovery
19 Services, for the Domestic Violence Prevention Program,
20 for the Zero Suicide Initiative, for the housing subsidy au-
21 thority for civilian employees, for Aftercare Pilot Pro-
22 grams at Youth Regional Treatment Centers, for trans-
23 formation and modernization costs of the Indian Health
24 Service Electronic Health Record system, for national
25 quality and oversight activities, to improve collections from

1 public and private insurance at Indian Health Service and
2 tribally operated facilities, for an initiative to treat or re-
3 duce the transmission of HIV and HCV, for a maternal
4 health initiative, for the Telebehaviorial Health Center of
5 Excellence, for Alzheimer's grants, for Village Built Clin-
6 ics, for a produce prescription pilot, and for accreditation
7 emergencies shall be allocated at the discretion of the Di-
8 rector of the Indian Health Service and shall remain avail-
9 able until expended: *Provided further*, That funds provided
10 in this Act may be used for annual contracts and grants
11 that fall within 2 fiscal years, provided the total obligation
12 is recorded in the year the funds are appropriated: *Pro-*
13 *vided further*, That the amounts collected by the Secretary
14 of Health and Human Services under the authority of title
15 IV of the Indian Health Care Improvement Act (25 U.S.C.
16 1613) shall remain available until expended for the pur-
17 pose of achieving compliance with the applicable condi-
18 tions and requirements of titles XVIII and XIX of the So-
19 cial Security Act, except for those related to the planning,
20 design, or construction of new facilities: *Provided further*,
21 That funding contained herein for scholarship programs
22 under the Indian Health Care Improvement Act (25
23 U.S.C. 1613) shall remain available until expended: *Pro-*
24 *vided further*, That amounts received by tribes and tribal
25 organizations under title IV of the Indian Health Care Im-

1 improvement Act shall be reported and accounted for and
2 available to the receiving tribes and tribal organizations
3 until expended: *Provided further*, That the Bureau of In-
4 dian Affairs may collect from the Indian Health Service,
5 and from tribes and tribal organizations operating health
6 facilities pursuant to Public Law 93–638, such individ-
7 ually identifiable health information relating to disabled
8 children as may be necessary for the purpose of carrying
9 out its functions under the Individuals with Disabilities
10 Education Act (20 U.S.C. 1400 et seq.): *Provided further*,
11 That none of the funds provided that become available on
12 October 1, 2023, may be used for implementation of the
13 Electronic Health Record System or the Indian Health
14 Care Improvement Fund: *Provided further*, That of the
15 funds provided, \$74,138,000 is for the Indian Health Care
16 Improvement Fund and may be used, as needed, to carry
17 out activities typically funded under the Indian Health Fa-
18 cilities account: *Provided further*, That none of the funds
19 appropriated by this Act, or any other Act, to the Indian
20 Health Service for the Electronic Health Record system
21 shall be available for obligation or expenditure for the se-
22 lection or implementation of a new Information Tech-
23 nology infrastructure system, unless the Committees on
24 Appropriations of the House of Representatives and the

1 Senate are consulted 90 days in advance of such obliga-
2 tion.

3 Of the unobligated balances under the heading “In-
4 dian Health Services” from amounts made available in
5 title III of division G of Public Law 117–103 for the fiscal
6 year 2022 costs of staffing and operating new facilities,
7 \$29,388,000 are hereby rescinded.

8 CONTRACT SUPPORT COSTS

9 For payments to tribes and tribal organizations for
10 contract support costs associated with Indian Self-Deter-
11 mination and Education Assistance Act agreements with
12 the Indian Health Service for fiscal year 2023, such sums
13 as may be necessary: *Provided*, That notwithstanding any
14 other provision of law, no amounts made available under
15 this heading shall be available for transfer to another
16 budget account: *Provided further*, That amounts obligated
17 but not expended by a tribe or tribal organization for con-
18 tract support costs for such agreements for the current
19 fiscal year shall be applied to contract support costs due
20 for such agreements for subsequent fiscal years.

21 PAYMENTS FOR TRIBAL LEASES

22 For payments to tribes and tribal organizations for
23 leases pursuant to section 105(l) of the Indian Self-Deter-
24 mination and Education Assistance Act (25 U.S.C.
25 5324(l)) for fiscal year 2023, such sums as may be nec-

1 essary, which shall be available for obligation through Sep-
2 tember 30, 2024: *Provided*, That notwithstanding any
3 other provision of law, no amounts made available under
4 this heading shall be available for transfer to another
5 budget account.

6 INDIAN HEALTH FACILITIES

7 For construction, repair, maintenance, demolition,
8 improvement, and equipment of health and related auxil-
9 iary facilities, including quarters for personnel; prepara-
10 tion of plans, specifications, and drawings; acquisition of
11 sites, purchase and erection of modular buildings, and
12 purchases of trailers; and for provision of domestic and
13 community sanitation facilities for Indians, as authorized
14 by section 7 of the Act of August 5, 1954 (42 U.S.C.
15 2004a), the Indian Self-Determination Act, and the In-
16 dian Health Care Improvement Act, and for expenses nec-
17 essary to carry out such Acts and titles II and III of the
18 Public Health Service Act with respect to environmental
19 health and facilities support activities of the Indian Health
20 Service, \$958,553,000, to remain available until expended;
21 and, in addition, \$501,490,000, which shall become avail-
22 able on October 1, 2023, and remain available until ex-
23 pended: *Provided*, That notwithstanding any other provi-
24 sion of law, funds appropriated for the planning, design,
25 construction, renovation, or expansion of health facilities

1 for the benefit of an Indian tribe or tribes may be used
2 to purchase land on which such facilities will be located:
3 *Provided further*, That not to exceed \$500,000 may be
4 used for each of fiscal years 2023 and 2024 by the Indian
5 Health Service to purchase TRANSAM equipment from
6 the Department of Defense for distribution to the Indian
7 Health Service and tribal facilities: *Provided further*, That
8 none of the funds provided that become available on Octo-
9 ber 1, 2023, may be used for Health Care Facilities Con-
10 struction or for Sanitation Facilities Construction: *Pro-*
11 *vided further*, That of the amount appropriated under this
12 heading for fiscal year 2023 for Sanitation Facilities Con-
13 struction, \$15,192,000 shall be for projects specified for
14 Sanitation Facilities Construction (CDS) in the table ti-
15 tled “Interior and Environment Incorporation of Commu-
16 nity Project Funding Items/Congressionally Directed
17 Spending Items” included for this division in the explana-
18 tory statement described in section 4 (in the matter pre-
19 ceding division A of this consolidated Act): *Provided fur-*
20 *ther*, That none of the funds appropriated to the Indian
21 Health Service may be used for sanitation facilities con-
22 struction for new homes funded with grants by the hous-
23 ing programs of the United States Department of Housing
24 and Urban Development.

1 ADMINISTRATIVE PROVISIONS—INDIAN HEALTH SERVICE

2 Appropriations provided in this Act to the Indian
3 Health Service shall be available for services as authorized
4 by 5 U.S.C. 3109 at rates not to exceed the per diem rate
5 equivalent to the maximum rate payable for senior-level
6 positions under 5 U.S.C. 5376; hire of passenger motor
7 vehicles and aircraft; purchase of medical equipment; pur-
8 chase of reprints; purchase, renovation, and erection of
9 modular buildings and renovation of existing facilities;
10 payments for telephone service in private residences in the
11 field, when authorized under regulations approved by the
12 Secretary of Health and Human Services; uniforms, or al-
13 lowances therefor as authorized by 5 U.S.C. 5901–5902;
14 and for expenses of attendance at meetings that relate to
15 the functions or activities of the Indian Health Service:
16 *Provided*, That in accordance with the provisions of the
17 Indian Health Care Improvement Act, non-Indian patients
18 may be extended health care at all tribally administered
19 or Indian Health Service facilities, subject to charges, and
20 the proceeds along with funds recovered under the Federal
21 Medical Care Recovery Act (42 U.S.C. 2651–2653) shall
22 be credited to the account of the facility providing the
23 service and shall be available without fiscal year limitation:
24 *Provided further*, That notwithstanding any other law or
25 regulation, funds transferred from the Department of

1 Housing and Urban Development to the Indian Health
2 Service shall be administered under Public Law 86–121,
3 the Indian Sanitation Facilities Act and Public Law 93–
4 638: *Provided further*, That funds appropriated to the In-
5 dian Health Service in this Act, except those used for ad-
6 ministrative and program direction purposes, shall not be
7 subject to limitations directed at curtailing Federal travel
8 and transportation: *Provided further*, That none of the
9 funds made available to the Indian Health Service in this
10 Act shall be used for any assessments or charges by the
11 Department of Health and Human Services unless identi-
12 fied in the budget justification and provided in this Act,
13 or approved by the House and Senate Committees on Ap-
14 propriations through the reprogramming process: *Pro-*
15 *vided further*, That notwithstanding any other provision of
16 law, funds previously or herein made available to a tribe
17 or tribal organization through a contract, grant, or agree-
18 ment authorized by title I or title V of the Indian Self-
19 Determination and Education Assistance Act of 1975 (25
20 U.S.C. 450 et seq.), may be deobligated and reobligated
21 to a self-determination contract under title I, or a self-
22 governance agreement under title V of such Act and there-
23 after shall remain available to the tribe or tribal organiza-
24 tion without fiscal year limitation: *Provided further*, That
25 none of the funds made available to the Indian Health

1 Service in this Act shall be used to implement the final
2 rule published in the Federal Register on September 16,
3 1987, by the Department of Health and Human Services,
4 relating to the eligibility for the health care services of
5 the Indian Health Service until the Indian Health Service
6 has submitted a budget request reflecting the increased
7 costs associated with the proposed final rule, and such re-
8 quest has been included in an appropriations Act and en-
9 acted into law: *Provided further*, That with respect to func-
10 tions transferred by the Indian Health Service to tribes
11 or tribal organizations, the Indian Health Service is au-
12 thorized to provide goods and services to those entities on
13 a reimbursable basis, including payments in advance with
14 subsequent adjustment, and the reimbursements received
15 therefrom, along with the funds received from those enti-
16 ties pursuant to the Indian Self-Determination Act, may
17 be credited to the same or subsequent appropriation ac-
18 count from which the funds were originally derived, with
19 such amounts to remain available until expended: *Provided*
20 *further*, That reimbursements for training, technical as-
21 sistance, or services provided by the Indian Health Service
22 will contain total costs, including direct, administrative,
23 and overhead costs associated with the provision of goods,
24 services, or technical assistance: *Provided further*, That
25 the Indian Health Service may provide to civilian medical

1 personnel serving in hospitals operated by the Indian
2 Health Service housing allowances equivalent to those that
3 would be provided to members of the Commissioned Corps
4 of the United States Public Health Service serving in simi-
5 lar positions at such hospitals: *Provided further*, That the
6 appropriation structure for the Indian Health Service may
7 not be altered without advance notification to the House
8 and Senate Committees on Appropriations.

9 NATIONAL INSTITUTES OF HEALTH

10 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

11 SCIENCES

12 For necessary expenses for the National Institute of
13 Environmental Health Sciences in carrying out activities
14 set forth in section 311(a) of the Comprehensive Environ-
15 mental Response, Compensation, and Liability Act of
16 1980 (42 U.S.C. 9660(a)) and section 126(g) of the
17 Superfund Amendments and Reauthorization Act of 1986,
18 \$83,035,000.

19 AGENCY FOR TOXIC SUBSTANCES AND DISEASE

20 REGISTRY

21 TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC

22 HEALTH

23 For necessary expenses for the Agency for Toxic Sub-
24 stances and Disease Registry (ATSDR) in carrying out
25 activities set forth in sections 104(i) and 111(c)(4) of the

1 Comprehensive Environmental Response, Compensation,
2 and Liability Act of 1980 (CERCLA) and section 3019
3 of the Solid Waste Disposal Act, \$85,020,000: *Provided*,
4 That notwithstanding any other provision of law, in lieu
5 of performing a health assessment under section 104(i)(6)
6 of CERCLA, the Administrator of ATSDR may conduct
7 other appropriate health studies, evaluations, or activities,
8 including, without limitation, biomedical testing, clinical
9 evaluations, medical monitoring, and referral to accredited
10 healthcare providers: *Provided further*, That in performing
11 any such health assessment or health study, evaluation,
12 or activity, the Administrator of ATSDR shall not be
13 bound by the deadlines in section 104(i)(6)(A) of
14 CERCLA: *Provided further*, That none of the funds appro-
15 priated under this heading shall be available for ATSDR
16 to issue in excess of 40 toxicological profiles pursuant to
17 section 104(i) of CERCLA during fiscal year 2023, and
18 existing profiles may be updated as necessary.

19 OTHER RELATED AGENCIES

20 EXECUTIVE OFFICE OF THE PRESIDENT

21 COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF

22 ENVIRONMENTAL QUALITY

23 For necessary expenses to continue functions as-
24 signed to the Council on Environmental Quality and Office
25 of Environmental Quality pursuant to the National Envi-

1 ronmental Policy Act of 1969, the Environmental Quality
2 Improvement Act of 1970, and Reorganization Plan No.
3 1 of 1977, and not to exceed \$750 for official reception
4 and representation expenses, \$4,676,000: *Provided*, That
5 notwithstanding section 202 of the National Environ-
6 mental Policy Act of 1970, the Council shall consist of
7 one member, appointed by the President, by and with the
8 advice and consent of the Senate, serving as chairman and
9 exercising all powers, functions, and duties of the Council.

10 CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

11 SALARIES AND EXPENSES

12 For necessary expenses in carrying out activities pur-
13 suant to section 112(r)(6) of the Clean Air Act, including
14 hire of passenger vehicles, uniforms or allowances there-
15 for, as authorized by 5 U.S.C. 5901–5902, and for serv-
16 ices authorized by 5 U.S.C. 3109 but at rates for individ-
17 uals not to exceed the per diem equivalent to the maximum
18 rate payable for senior level positions under 5 U.S.C.
19 5376, \$14,400,000: *Provided*, That the Chemical Safety
20 and Hazard Investigation Board (Board) shall have not
21 more than three career Senior Executive Service positions:
22 *Provided further*, That notwithstanding any other provi-
23 sion of law, the individual appointed to the position of In-
24 spector General of the Environmental Protection Agency
25 (EPA) shall, by virtue of such appointment, also hold the

1 position of Inspector General of the Board: *Provided fur-*
2 *ther*, That notwithstanding any other provision of law, the
3 Inspector General of the Board shall utilize personnel of
4 the Office of Inspector General of EPA in performing the
5 duties of the Inspector General of the Board, and shall
6 not appoint any individuals to positions within the Board.

7 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

8 SALARIES AND EXPENSES

9 For necessary expenses of the Office of Navajo and
10 Hopi Indian Relocation as authorized by Public Law 93–
11 531, \$3,060,000, to remain available until expended,
12 which shall be derived from unobligated balances from
13 prior year appropriations available under this heading:
14 *Provided*, That funds provided in this or any other appro-
15 priations Act are to be used to relocate eligible individuals
16 and groups including evictees from District 6, Hopi-parti-
17 tioned lands residents, those in significantly substandard
18 housing, and all others certified as eligible and not in-
19 cluded in the preceding categories: *Provided further*, That
20 none of the funds contained in this or any other Act may
21 be used by the Office of Navajo and Hopi Indian Reloca-
22 tion to evict any single Navajo or Navajo family who, as
23 of November 30, 1985, was physically domiciled on the
24 lands partitioned to the Hopi Tribe unless a new or re-
25 placement home is provided for such household: *Provided*

1 *further*, That no relocatee will be provided with more than
2 one new or replacement home: *Provided further*, That the
3 Office shall relocate any certified eligible relocatees who
4 have selected and received an approved homesite on the
5 Navajo reservation or selected a replacement residence off
6 the Navajo reservation or on the land acquired pursuant
7 to section 11 of Public Law 93–531 (88 Stat. 1716).

8 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
9 CULTURE AND ARTS DEVELOPMENT

10 PAYMENT TO THE INSTITUTE

11 For payment to the Institute of American Indian and
12 Alaska Native Culture and Arts Development, as author-
13 ized by part A of title XV of Public Law 99–498 (20
14 U.S.C. 4411 et seq.), \$13,482,000, which shall become
15 available on July 1, 2023, and shall remain available until
16 September 30, 2024.

17 SMITHSONIAN INSTITUTION

18 SALARIES AND EXPENSES

19 For necessary expenses of the Smithsonian Institu-
20 tion, as authorized by law, including research in the fields
21 of art, science, and history; development, preservation, and
22 documentation of the National Collections; presentation of
23 public exhibits and performances; collection, preparation,
24 dissemination, and exchange of information and publica-
25 tions; conduct of education, training, and museum assist-

1 ance programs; maintenance, alteration, operation, lease
2 agreements of no more than 30 years, and protection of
3 buildings, facilities, and approaches; not to exceed
4 \$100,000 for services as authorized by 5 U.S.C. 3109; and
5 purchase, rental, repair, and cleaning of uniforms for em-
6 ployees, \$892,855,000, to remain available until Sep-
7 tember 30, 2024, except as otherwise provided herein; of
8 which not to exceed \$26,974,000 for the instrumentation
9 program, collections acquisition, exhibition reinstallation,
10 Smithsonian American Women’s History Museum, Na-
11 tional Museum of the American Latino, and the repatri-
12 ation of skeletal remains program shall remain available
13 until expended; and including such funds as may be nec-
14 essary to support American overseas research centers:
15 *Provided*, That funds appropriated herein are available for
16 advance payments to independent contractors performing
17 research services or participating in official Smithsonian
18 presentations: *Provided further*, That the Smithsonian In-
19 stitution may expend Federal appropriations designated in
20 this Act for lease or rent payments, as rent payable to
21 the Smithsonian Institution, and such rent payments may
22 be deposited into the general trust funds of the Institution
23 to be available as trust funds for expenses associated with
24 the purchase of a portion of the building at 600 Maryland
25 Avenue, SW, Washington, DC, to the extent that federally

1 supported activities will be housed there: *Provided further,*
2 That the use of such amounts in the general trust funds
3 of the Institution for such purpose shall not be construed
4 as Federal debt service for, a Federal guarantee of, a
5 transfer of risk to, or an obligation of the Federal Govern-
6 ment: *Provided further,* That no appropriated funds may
7 be used directly to service debt which is incurred to fi-
8 nance the costs of acquiring a portion of the building at
9 600 Maryland Avenue, SW, Washington, DC, or of plan-
10 ning, designing, and constructing improvements to such
11 building: *Provided further,* That any agreement entered
12 into by the Smithsonian Institution for the sale of its own-
13 ership interest, or any portion thereof, in such building
14 so acquired may not take effect until the expiration of a
15 30 day period which begins on the date on which the Sec-
16 retary of the Smithsonian submits to the Committees on
17 Appropriations of the House of Representatives and Sen-
18 ate, the Committees on House Administration and Trans-
19 portation and Infrastructure of the House of Representa-
20 tives, and the Committee on Rules and Administration of
21 the Senate a report, as outlined in the explanatory state-
22 ment described in section 4 of the Further Consolidated
23 Appropriations Act, 2020 (Public Law 116–94; 133 Stat.
24 2536) on the intended sale.

1 FACILITIES CAPITAL

2 For necessary expenses of repair, revitalization, and
3 alteration of facilities owned or occupied by the Smithso-
4 nian Institution, by contract or otherwise, as authorized
5 by section 2 of the Act of August 22, 1949 (63 Stat. 623),
6 and for construction, including necessary personnel,
7 \$251,645,000, to remain available until expended, of
8 which not to exceed \$10,000 shall be for services as au-
9 thorized by 5 U.S.C. 3109.

10 NATIONAL GALLERY OF ART

11 SALARIES AND EXPENSES

12 For the upkeep and operations of the National Gal-
13 lery of Art, the protection and care of the works of art
14 therein, and administrative expenses incident thereto, as
15 authorized by the Act of March 24, 1937 (50 Stat. 51),
16 as amended by the public resolution of April 13, 1939
17 (Public Resolution 9, 76th Congress), including services
18 as authorized by 5 U.S.C. 3109; payment in advance when
19 authorized by the treasurer of the Gallery for membership
20 in library, museum, and art associations or societies whose
21 publications or services are available to members only, or
22 to members at a price lower than to the general public;
23 purchase, repair, and cleaning of uniforms for guards, and
24 uniforms, or allowances therefor, for other employees as
25 authorized by law (5 U.S.C. 5901–5902); purchase or

1 rental of devices and services for protecting buildings and
2 contents thereof, and maintenance, alteration, improve-
3 ment, and repair of buildings, approaches, and grounds;
4 and purchase of services for restoration and repair of
5 works of art for the National Gallery of Art by contracts
6 made, without advertising, with individuals, firms, or or-
7 ganizations at such rates or prices and under such terms
8 and conditions as the Gallery may deem proper,
9 \$170,240,000, to remain available until September 30,
10 2024, of which not to exceed \$3,875,000 for the special
11 exhibition program shall remain available until expended.

12 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

13 (INCLUDING TRANSFER OF FUNDS)

14 For necessary expenses of repair, restoration, and
15 renovation of buildings, grounds and facilities owned or
16 occupied by the National Gallery of Art, by contract or
17 otherwise, for operating lease agreements of no more than
18 10 years, that address space needs created by the ongoing
19 renovations in the Master Facilities Plan, as authorized,
20 \$39,000,000, to remain available until expended: *Pro-*
21 *vided*, That of this amount, \$27,208,000 shall be available
22 for design and construction of an off-site art storage facil-
23 ity in partnership with the Smithsonian Institution and
24 may be transferred to the Smithsonian Institution for such
25 purposes: *Provided further*, That contracts awarded for en-

1 vironmental systems, protection systems, and exterior re-
2 pair or renovation of buildings of the National Gallery of
3 Art may be negotiated with selected contractors and
4 awarded on the basis of contractor qualifications as well
5 as price.

6 JOHN F. KENNEDY CENTER FOR THE PERFORMING
7 ARTS

8 OPERATIONS AND MAINTENANCE

9 For necessary expenses for the operation, mainte-
10 nance, and security of the John F. Kennedy Center for
11 the Performing Arts, \$27,640,000, to remain available
12 until September, 30, 2024.

13 CAPITAL REPAIR AND RESTORATION

14 For necessary expenses for capital repair and restora-
15 tion of the existing features of the building and site of
16 the John F. Kennedy Center for the Performing Arts,
17 \$17,740,000, to remain available until expended.

18 WOODROW WILSON INTERNATIONAL CENTER FOR

19 SCHOLARS

20 SALARIES AND EXPENSES

21 For expenses necessary in carrying out the provisions
22 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
23 1356) including hire of passenger vehicles and services as
24 authorized by 5 U.S.C. 3109, \$15,000,000, to remain
25 available until September 30, 2024.

1 NATIONAL FOUNDATION ON THE ARTS AND THE
2 HUMANITIES

3 NATIONAL ENDOWMENT FOR THE ARTS
4 GRANTS AND ADMINISTRATION

5 For necessary expenses to carry out the National
6 Foundation on the Arts and the Humanities Act of 1965,
7 \$207,000,000 shall be available to the National Endow-
8 ment for the Arts for the support of projects and produc-
9 tions in the arts, including arts education and public out-
10 reach activities, through assistance to organizations and
11 individuals pursuant to section 5 of the Act, for program
12 support, and for administering the functions of the Act,
13 to remain available until expended.

14 NATIONAL ENDOWMENT FOR THE HUMANITIES
15 GRANTS AND ADMINISTRATION

16 For necessary expenses to carry out the National
17 Foundation on the Arts and the Humanities Act of 1965,
18 \$207,000,000 to remain available until expended, of which
19 \$188,250,000 shall be available for support of activities
20 in the humanities, pursuant to section 7(c) of the Act and
21 for administering the functions of the Act; and
22 \$18,750,000 shall be available to carry out the matching
23 grants program pursuant to section 10(a)(2) of the Act,
24 including \$15,750,000 for the purposes of section 7(h):
25 *Provided*, That appropriations for carrying out section

1 10(a)(2) shall be available for obligation only in such
2 amounts as may be equal to the total amounts of gifts,
3 bequests, devises of money, and other property accepted
4 by the chairman or by grantees of the National Endow-
5 ment for the Humanities under the provisions of sections
6 11(a)(2)(B) and 11(a)(3)(B) during the current and pre-
7 ceding fiscal years for which equal amounts have not pre-
8 viously been appropriated.

9 ADMINISTRATIVE PROVISIONS

10 None of the funds appropriated to the National
11 Foundation on the Arts and the Humanities may be used
12 to process any grant or contract documents which do not
13 include the text of 18 U.S.C. 1913: *Provided*, That none
14 of the funds appropriated to the National Foundation on
15 the Arts and the Humanities may be used for official re-
16 ception and representation expenses: *Provided further*,
17 That funds from nonappropriated sources may be used as
18 necessary for official reception and representation ex-
19 penses: *Provided further*, That the Chairperson of the Na-
20 tional Endowment for the Arts may approve grants of up
21 to \$10,000, if in the aggregate the amount of such grants
22 does not exceed 5 percent of the sums appropriated for
23 grantmaking purposes per year: *Provided further*, That
24 such small grant actions are taken pursuant to the terms

1 of an expressed and direct delegation of authority from
2 the National Council on the Arts to the Chairperson.

3 COMMISSION OF FINE ARTS

4 SALARIES AND EXPENSES

5 For expenses of the Commission of Fine Arts under
6 chapter 91 of title 40, United States Code, \$3,661,000:
7 *Provided*, That the Commission is authorized to charge
8 fees to cover the full costs of its publications, and such
9 fees shall be credited to this account as an offsetting col-
10 lection, to remain available until expended without further
11 appropriation: *Provided further*, That the Commission is
12 authorized to accept gifts, including objects, papers, art-
13 work, drawings and artifacts, that pertain to the history
14 and design of the Nation's Capital or the history and ac-
15 tivities of the Commission of Fine Arts, for the purpose
16 of artistic display, study, or education: *Provided further*,
17 That one-tenth of one percent of the funds provided under
18 this heading may be used for official reception and rep-
19 resentation expenses.

20 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

21 For necessary expenses as authorized by Public Law
22 99–190 (20 U.S.C. 956a), \$5,000,000: *Provided*, That the
23 item relating to “National Capital Arts and Cultural Af-
24 fairs” in the Department of the Interior and Related
25 Agencies Appropriations Act, 1986, as enacted into law

1 by section 101(d) of Public Law 99–190 (20 U.S.C.
2 956a), shall be applied in fiscal year 2023 in the second
3 paragraph by inserting “, calendar year 2020 excluded”
4 before the first period: *Provided further*, That in deter-
5 mining an eligible organization’s annual income for cal-
6 endar years 2021, 2022, and 2023, funds or grants re-
7 ceived by the eligible organization from any supplemental
8 appropriations Act related to coronavirus or any other law
9 providing appropriations for the purpose of preventing,
10 preparing for, or responding to coronavirus shall be count-
11 ed as part of the eligible organization’s annual income.

12 ADVISORY COUNCIL ON HISTORIC PRESERVATION

13 SALARIES AND EXPENSES

14 For necessary expenses of the Advisory Council on
15 Historic Preservation (Public Law 89–665), \$8,585,000.

16 NATIONAL CAPITAL PLANNING COMMISSION

17 SALARIES AND EXPENSES

18 For necessary expenses of the National Capital Plan-
19 ning Commission under chapter 87 of title 40, United
20 States Code, including services as authorized by 5 U.S.C.
21 3109, \$8,750,000: *Provided*, That one-quarter of 1 per-
22 cent of the funds provided under this heading may be used
23 for official reception and representational expenses associ-
24 ated with hosting international visitors engaged in the
25 planning and physical development of world capitals.

1 UNITED STATES HOLOCAUST MEMORIAL MUSEUM
2 HOLOCAUST MEMORIAL MUSEUM

3 For expenses of the Holocaust Memorial Museum, as
4 authorized by Public Law 106–292 (36 U.S.C. 2301–
5 2310), \$65,231,000, of which \$1,000,000 shall remain
6 available until September 30, 2025, for the Museum’s
7 equipment replacement program; and of which \$4,000,000
8 for the Museum’s repair and rehabilitation program and
9 \$1,264,000 for the Museum’s outreach initiatives program
10 shall remain available until expended.

11 PRESIDIO TRUST

12 The Presidio Trust is authorized to issue obligations
13 to the Secretary of the Treasury pursuant to section
14 104(d)(3) of the Omnibus Parks and Public Lands Man-
15 agement Act of 1996 (Public Law 104–333), in an
16 amount not to exceed \$90,000,000: *Provided*, That such
17 section is amended by striking “\$150,000,000” and in-
18 serting “\$250,000,000”.

19 WORLD WAR I CENTENNIAL COMMISSION
20 SALARIES AND EXPENSES

21 Notwithstanding section 9 of the World War I Cen-
22 tennial Commission Act, as authorized by the World War
23 I Centennial Commission Act (Public Law 112–272) and
24 the Carl Levin and Howard P. “Buck” McKeon National
25 Defense Authorization Act for Fiscal Year 2015 (Public

1 Law 113–291), for necessary expenses of the World War
2 I Centennial Commission, \$1,000,000, to remain available
3 until September 30, 2024: *Provided*, That in addition to
4 the authority provided by section 6(g) of such Act, the
5 World War I Commission may accept money, in-kind per-
6 sonnel services, contractual support, or any appropriate
7 support from any executive branch agency for activities
8 of the Commission.

9 UNITED STATES SEMIQUINCENTENNIAL COMMISSION
10 SALARIES AND EXPENSES

11 For necessary expenses of the United States
12 Semiquincentennial Commission to plan and coordinate
13 observances and activities associated with the 250th anni-
14 versary of the founding of the United States, as authorized
15 by Public Law 116–282, the technical amendments to
16 Public Law 114–196, \$15,000,000, to remain available
17 until September 30, 2024.

18 ALYCE SPOTTED BEAR AND WALTER SOBOLEFF
19 COMMISSION ON NATIVE CHILDREN

20 For necessary expenses of the Alyce Spotted Bear
21 and Walter Soboleff Commission on Native Children (re-
22 ferred to in this paragraph as the “Commission”),
23 \$550,000 to remain available until September 30, 2024:
24 *Provided*, That in addition to the authority provided by
25 section 3(g)(5) and 3(h) of Public Law 114–244, the Com-

1 mission may hereafter accept in-kind personnel services,
2 contractual support, or any appropriate support from any
3 executive branch agency for activities of the Commission.

905

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
6 this Act shall be available for any activity or the publica-
7 tion or distribution of literature that in any way tends to
8 promote public support or opposition to any legislative
9 proposal on which Congressional action is not complete
10 other than to communicate to Members of Congress as
11 described in 18 U.S.C. 1913.

12 OBLIGATION OF APPROPRIATIONS

13 SEC. 402. No part of any appropriation contained in
14 this Act shall remain available for obligation beyond the
15 current fiscal year unless expressly so provided herein.

16 DISCLOSURE OF ADMINISTRATIVE EXPENSES

17 SEC. 403. The amount and basis of estimated over-
18 head charges, deductions, reserves, or holdbacks, including
19 working capital fund charges, from programs, projects, ac-
20 tivities and subactivities to support government-wide, de-
21 partmental, agency, or bureau administrative functions or
22 headquarters, regional, or central operations shall be pre-
23 sented in annual budget justifications and subject to ap-
24 proval by the Committees on Appropriations of the House
25 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
7 process applications for a patent for any mining or mill
8 site 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 re-
13 quirements established under sections 2325 and 2326 of
14 the Revised Statutes (30 U.S.C. 29 and 30) for vein or
15 lode claims, sections 2329, 2330, 2331, and 2333 of the
16 Revised Statutes (30 U.S.C. 35, 36, and 37) for placer
17 claims, and section 2337 of the Revised Statutes (30
18 U.S.C. 42) for mill site claims, as the case may be, were
19 fully complied with 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 Re-
2 lated Agencies Appropriations Act, 1997 (Public Law
3 104–208).

4 (d) MINERAL EXAMINATIONS.—In order to process
5 patent applications in a timely and responsible manner,
6 upon the request of a patent applicant, the Secretary of
7 the Interior shall allow the applicant to fund a qualified
8 third-party contractor to be selected by the Director of the
9 Bureau of Land Management to conduct a mineral exam-
10 ination of the mining claims or mill sites contained in a
11 patent application as set forth in subsection (b). The Bu-
12 reau of Land Management shall have the sole responsi-
13 bility to choose and pay the third-party contractor in ac-
14 cordance with the standard procedures employed by the
15 Bureau of Land Management in the retention of third-
16 party contractors.

17 CONTRACT SUPPORT COSTS, PRIOR YEAR LIMITATION

18 SEC. 405. Sections 405 and 406 of division F of the
19 Consolidated and Further Continuing Appropriations Act,
20 2015 (Public Law 113–235) shall continue in effect in fis-
21 cal year 2023.

22 CONTRACT SUPPORT COSTS, FISCAL YEAR 2023

23 LIMITATION

24 SEC. 406. Amounts provided by this Act for fiscal
25 year 2023 under the headings “Department of Health and

1 Human Services, Indian Health Service, Contract Support
2 Costs” and “Department of the Interior, Bureau of Indian
3 Affairs and Bureau of Indian Education, Contract Sup-
4 port Costs” are the only amounts available for contract
5 support costs arising out of self-determination or self-gov-
6 ernance contracts, grants, compacts, or annual funding
7 agreements for fiscal year 2023 with the Bureau of Indian
8 Affairs, Bureau of Indian Education, and the Indian
9 Health Service: *Provided*, That such amounts provided by
10 this Act are not available for payment of claims for con-
11 tract support costs for prior years, or for repayments of
12 payments for settlements or judgments awarding contract
13 support costs for prior years.

14 FOREST MANAGEMENT PLANS

15 SEC. 407. The Secretary of Agriculture shall not be
16 considered to be in violation of section 6(f)(5)(A) of the
17 Forest and Rangeland Renewable Resources Planning Act
18 of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more
19 than 15 years have passed without revision of the plan
20 for a unit of the National Forest System. Nothing in this
21 section exempts the Secretary from any other requirement
22 of the Forest and Rangeland Renewable Resources Plan-
23 ning Act (16 U.S.C. 1600 et seq.) or any other law: *Pro-*
24 *vided*, That if the Secretary is not acting expeditiously and
25 in good faith, within the funding available, to revise a plan

1 for a unit of the National Forest System, this section shall
2 be void with respect to such plan and a court of proper
3 jurisdiction may order completion of the plan on an accel-
4 erated basis.

5 PROHIBITION WITHIN NATIONAL MONUMENTS

6 SEC. 408. No funds provided in this Act may be ex-
7 pended to conduct preleasing, leasing and related activities
8 under either the Mineral Leasing Act (30 U.S.C. 181 et
9 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
10 1331 et seq.) within the boundaries of a National Monu-
11 ment established pursuant to the Act of June 8, 1906 (16
12 U.S.C. 431 et seq.) as such boundary existed on January
13 20, 2001, except where such activities are allowed under
14 the Presidential proclamation establishing such monu-
15 ment.

16 LIMITATION ON TAKINGS

17 SEC. 409. Unless otherwise provided herein, no funds
18 appropriated in this Act for the acquisition of lands or
19 interests in lands may be expended for the filing of dec-
20 larations of taking or complaints in condemnation without
21 the approval of the House and Senate Committees on Ap-
22 propriations: *Provided*, That this provision shall not apply
23 to funds appropriated to implement the Everglades Na-
24 tional Park Protection and Expansion Act of 1989, or to
25 funds appropriated for Federal assistance to the State of

1 Florida to acquire lands for Everglades restoration pur-
2 poses.

3 PROHIBITION ON NO-BID CONTRACTS

4 SEC. 410. None of the funds appropriated or other-
5 wise made available by this Act to executive branch agen-
6 cies may be used to enter into any Federal contract unless
7 such contract is entered into in accordance with the re-
8 quirements of Chapter 33 of title 41, United States Code,
9 or Chapter 137 of title 10, United States Code, and the
10 Federal Acquisition Regulation, unless—

11 (1) Federal law specifically authorizes a con-
12 tract to be entered into without regard for these re-
13 quirements, including formula grants for States, or
14 federally recognized Indian tribes;

15 (2) such contract is authorized by the Indian
16 Self-Determination and Education Assistance Act
17 (Public Law 93–638, 25 U.S.C. 450 et seq.) or by
18 any other Federal laws that specifically authorize a
19 contract within an Indian tribe as defined in section
20 4(e) of that Act (25 U.S.C. 450b(e)); or

21 (3) such contract was awarded prior to the date
22 of enactment of this Act.

23 POSTING OF REPORTS

24 SEC. 411. (a) Any agency receiving funds made avail-
25 able in this Act, shall, subject to subsections (b) and (c),

1 post on the public website of that agency any report re-
2 quired to be submitted by the Congress in this or any
3 other Act, upon the determination by the head of the agen-
4 cy that it shall serve the national interest.

5 (b) Subsection (a) shall not apply to a report if—

6 (1) the public posting of the report com-
7 promises national security; or

8 (2) the report contains proprietary information.

9 (c) The head of the agency posting such report shall
10 do so only after such report has been made available to
11 the requesting Committee or Committees of Congress for
12 no less than 45 days.

13 NATIONAL ENDOWMENT FOR THE ARTS GRANT

14 GUIDELINES

15 SEC. 412. Of the funds provided to the National En-
16 dowment for the Arts—

17 (1) The Chairperson shall only award a grant
18 to an individual if such grant is awarded to such in-
19 dividual for a literature fellowship, National Herit-
20 age Fellowship, or American Jazz Masters Fellow-
21 ship.

22 (2) The Chairperson shall establish procedures
23 to ensure that no funding provided through a grant,
24 except a grant made to a State or local arts agency,
25 or regional group, may be used to make a grant to

1 any other organization or individual to conduct ac-
2 tivity independent of the direct grant recipient.
3 Nothing in this subsection shall prohibit payments
4 made in exchange for goods and services.

5 (3) No grant shall be used for seasonal support
6 to a group, unless the application is specific to the
7 contents of the season, including identified programs
8 or projects.

9 NATIONAL ENDOWMENT FOR THE ARTS PROGRAM

10 PRIORITIES

11 SEC. 413. (a) In providing services or awarding fi-
12 nancial assistance under the National Foundation on the
13 Arts and the Humanities Act of 1965 from funds appro-
14 priated under this Act, the Chairperson of the National
15 Endowment for the Arts shall ensure that priority is given
16 to providing services or awarding financial assistance for
17 projects, productions, workshops, or programs that serve
18 underserved populations.

19 (b) In this section:

20 (1) The term “underserved population” means
21 a population of individuals, including urban minori-
22 ties, who have historically been outside the purview
23 of arts and humanities programs due to factors such
24 as a high incidence of income below the poverty line
25 or to geographic isolation.

1 (2) The term “poverty line” means the poverty
2 line (as defined by the Office of Management and
3 Budget, and revised annually in accordance with sec-
4 tion 673(2) of the Community Services Block Grant
5 Act (42 U.S.C. 9902(2))) applicable to a family of
6 the size involved.

7 (c) In providing services and awarding financial as-
8 sistance under the National Foundation on the Arts and
9 Humanities Act of 1965 with funds appropriated by this
10 Act, the Chairperson of the National Endowment for the
11 Arts shall ensure that priority is given to providing serv-
12 ices or awarding financial assistance for projects, produc-
13 tions, workshops, or programs that will encourage public
14 knowledge, education, understanding, and appreciation of
15 the arts.

16 (d) With funds appropriated by this Act to carry out
17 section 5 of the National Foundation on the Arts and Hu-
18 manities Act of 1965—

19 (1) the Chairperson shall establish a grant cat-
20 egory for projects, productions, workshops, or pro-
21 grams that are of national impact or availability or
22 are able to tour several States;

23 (2) the Chairperson shall not make grants ex-
24 ceeding 15 percent, in the aggregate, of such funds

1 to any single State, excluding grants made under the
2 authority of paragraph (1);

3 (3) the Chairperson shall report to the Con-
4 gress annually and by State, on grants awarded by
5 the Chairperson in each grant category under sec-
6 tion 5 of such Act; and

7 (4) the Chairperson shall encourage the use of
8 grants to improve and support community-based
9 music performance and education.

10 STATUS OF BALANCES OF APPROPRIATIONS

11 SEC. 414. The Department of the Interior, the Envi-
12 ronmental Protection Agency, the Forest Service, and the
13 Indian Health Service shall provide the Committees on
14 Appropriations of the House of Representatives and Sen-
15 ate quarterly reports on the status of balances of appro-
16 priations including all uncommitted, committed, and unob-
17 ligated funds in each program and activity within 60 days
18 of enactment of this Act.

19 EXTENSION OF GRAZING PERMITS

20 SEC. 415. The terms and conditions of section 325
21 of Public Law 108–108 (117 Stat. 1307), regarding graz-
22 ing permits issued by the Forest Service on any lands not
23 subject to administration under section 402 of the Federal
24 Lands Policy and Management Act (43 U.S.C. 1752),
25 shall remain in effect for fiscal year 2023.

1 horse or burro (as defined in section 2 of Public Law 92–
2 195 (commonly known as the “Wild Free-Roaming Horses
3 and Burros Act”) (16 U.S.C. 1332)).

4 (d) A Federal, State, or local government agency re-
5 ceiving an excess wild horse or burro pursuant to sub-
6 section (a) shall not—

7 (1) destroy the horse or burro in a manner that
8 results in the destruction of the horse or burro into
9 a commercial product;

10 (2) sell or otherwise transfer the horse or burro
11 in a manner that results in the destruction of the
12 horse or burro for processing into a commercial
13 product; or

14 (3) euthanize the horse or burro, except on the
15 recommendation of a licensed veterinarian in a case
16 of severe injury, illness, or advanced age.

17 (e) Amounts appropriated by this Act shall not be
18 available for—

19 (1) the destruction of any healthy, unadopted,
20 and wild horse or burro under the jurisdiction of the
21 Secretary concerned (including a contractor); or

22 (2) the sale of a wild horse or burro that results
23 in the destruction of the wild horse or burro for
24 processing into a commercial product.

1 FOREST SERVICE FACILITY REALIGNMENT AND
2 ENHANCEMENT AUTHORIZATION EXTENSION

3 SEC. 418. Section 503(f) of Public Law 109–54 (16
4 U.S.C. 580d note) shall be applied by substituting “Sep-
5 tember 30, 2023” for “September 30, 2019”.

6 USE OF AMERICAN IRON AND STEEL

7 SEC. 419. (a)(1) None of the funds made available
8 by a State water pollution control revolving fund as au-
9 thorized by section 1452 of the Safe Drinking Water Act
10 (42 U.S.C. 300j–12) shall be used for a project for the
11 construction, alteration, maintenance, or repair of a public
12 water system or treatment works unless all of the iron and
13 steel products used in the project are produced in the
14 United States.

15 (2) In this section, the term “iron and steel” products
16 means the following products made primarily of iron or
17 steel: lined or unlined pipes and fittings, manhole covers
18 and other municipal castings, hydrants, tanks, flanges,
19 pipe clamps and restraints, valves, structural steel, rein-
20 forced precast concrete, and construction materials.

21 (b) Subsection (a) shall not apply in any case or cat-
22 egory of cases in which the Administrator of the Environ-
23 mental Protection Agency (in this section referred to as
24 the “Administrator”) finds that—

1 (1) applying subsection (a) would be incon-
2 sistent with the public interest;

3 (2) iron and steel products are not produced in
4 the United States in sufficient and reasonably avail-
5 able quantities and of a satisfactory quality; or

6 (3) inclusion of iron and steel products pro-
7 duced in the United States will increase the cost of
8 the overall project by more than 25 percent.

9 (c) If the Administrator receives a request for a waiv-
10 er under this section, the Administrator shall make avail-
11 able to the public on an informal basis a copy of the re-
12 quest and information available to the Administrator con-
13 cerning the request, and shall allow for informal public
14 input on the request for at least 15 days prior to making
15 a finding based on the request. The Administrator shall
16 make the request and accompanying information available
17 by electronic means, including on the official public Inter-
18 net Web site of the Environmental Protection Agency.

19 (d) This section shall be applied in a manner con-
20 sistent with United States obligations under international
21 agreements.

22 (e) The Administrator may retain up to 0.25 percent
23 of the funds appropriated in this Act for the Clean and
24 Drinking Water State Revolving Funds for carrying out

1 the provisions described in subsection (a)(1) for manage-
2 ment and oversight of the requirements of this section.

3 LOCAL COOPERATOR TRAINING AGREEMENTS AND TRANS-
4 FERS OF EXCESS EQUIPMENT AND SUPPLIES FOR
5 WILDFIRES

6 SEC. 420. The Secretary of the Interior is authorized
7 to enter into grants and cooperative agreements with vol-
8 unteer fire departments, rural fire departments, rangeland
9 fire protection associations, and similar organizations to
10 provide for wildland fire training and equipment, including
11 supplies and communication devices. Notwithstanding sec-
12 tion 121(c) of title 40, United States Code, or section 521
13 of title 40, United States Code, the Secretary is further
14 authorized to transfer title to excess Department of the
15 Interior firefighting equipment no longer needed to carry
16 out the functions of the Department's wildland fire man-
17 agement program to such organizations.

18 RECREATION FEES

19 SEC. 421. Section 810 of the Federal Lands Recre-
20 ation Enhancement Act (16 U.S.C. 6809) shall be applied
21 by substituting "October 1, 2024" for "September 30,
22 2019".

23 REPROGRAMMING GUIDELINES

24 SEC. 422. None of the funds made available in this
25 Act, in this and prior fiscal years, may be reprogrammed

1 without the advance approval of the House and Senate
2 Committees on Appropriations in accordance with the re-
3 programming procedures contained in the explanatory
4 statement described in section 4 (in the matter preceding
5 division A of this consolidated Act).

6 LOCAL CONTRACTORS

7 SEC. 423. Section 412 of division E of Public Law
8 112–74 shall be applied by substituting “fiscal year 2023”
9 for “fiscal year 2019”.

10 SHASTA-TRINITY MARINA FEE AUTHORITY

11 AUTHORIZATION EXTENSION

12 SEC. 424. Section 422 of division F of Public Law
13 110–161 (121 Stat 1844), as amended, shall be applied
14 by substituting “fiscal year 2023” for “fiscal year 2019”.

15 INTERPRETIVE ASSOCIATION AUTHORIZATION EXTENSION

16 SEC. 425. Section 426 of division G of Public Law
17 113–76 (16 U.S.C. 565a–1 note) shall be applied by sub-
18 stituting “September 30, 2023” for “September 30,
19 2019”.

20 PUERTO RICO SCHOOLING AUTHORIZATION EXTENSION

21 SEC. 426. The authority provided by the 19th un-
22 numbered paragraph under heading “Administrative Pro-
23 visions, Forest Service” in title III of Public Law 109–
24 54, as amended, shall be applied by substituting “fiscal
25 year 2023” for “fiscal year 2019”.

1 FOREST BOTANICAL PRODUCTS FEE COLLECTION
2 AUTHORIZATION EXTENSION

3 SEC. 427. Section 339 of the Department of the Inte-
4 rior and Related Agencies Appropriations Act, 2000 (as
5 enacted into law by Public Law 106–113; 16 U.S.C. 528
6 note), as amended by section 335(6) of Public Law 108–
7 108 and section 432 of Public Law 113–76, shall be ap-
8 plied by substituting “fiscal year 2023” for “fiscal year
9 2019”.

10 CHACO CANYON

11 SEC. 428. None of the funds made available by this
12 Act may be used to accept a nomination for oil and gas
13 leasing under 43 CFR 3120.3 et seq., or to offer for oil
14 and gas leasing, any Federal lands within the withdrawal
15 area identified on the map of the Chaco Culture National
16 Historical Park prepared by the Bureau of Land Manage-
17 ment and dated April 2, 2019, prior to the completion of
18 the cultural resources investigation identified in the ex-
19 planatory statement described in section 4 in the matter
20 preceding division A of the Consolidated Appropriations
21 Act, 2021 (Public Law 116–260).

22 TRIBAL LEASES

23 SEC. 429. (a) Notwithstanding any other provision
24 of law, in the case of any lease under section 105(l) of
25 the Indian Self-Determination and Education Assistance

1 Act (25 U.S.C. 5324(l)), the initial lease term shall com-
2 mence no earlier than the date of receipt of the lease pro-
3 posal.

4 (b) The Secretaries of the Interior and Health and
5 Human Services shall, jointly or separately, during fiscal
6 year 2023 consult with tribes and tribal organizations
7 through public solicitation and other means regarding the
8 requirements for leases under section 105(l) of the Indian
9 Self-Determination and Education Assistance Act (25
10 U.S.C. 5324(l)) on how to implement a consistent and
11 transparent process for the payment of such leases.

12 FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

13 SEC. 430. The authority provided under the heading
14 “Forest Ecosystem Health and Recovery Fund” in title
15 I of Public Law 111–88, as amended by section 117 of
16 division F of Public Law 113–235, shall be applied by sub-
17 stituting “fiscal year 2023” for “fiscal year 2020” each
18 place it appears.

19 ALLOCATION OF PROJECTS, NATIONAL PARKS AND PUB-
20 LIC LAND LEGACY RESTORATION FUND AND LAND
21 AND WATER CONSERVATION FUND

22 SEC. 431. (a)(1) Within 45 days of enactment of this
23 Act, the Secretary of the Interior shall allocate amounts
24 made available from the National Parks and Public Land
25 Legacy Restoration Fund for fiscal year 2023 pursuant

1 to subsection (c) of section 200402 of title 54, United
2 States Code, and as provided in subsection (e) of such sec-
3 tion of such title, to the agencies of the Department of
4 the Interior and the Department of Agriculture specified,
5 in the amounts specified, for the stations and unit names
6 specified, and for the projects and activities specified in
7 the table titled “Allocation of Funds: National Parks and
8 Public Land Legacy Restoration Fund Fiscal Year 2023”
9 in the explanatory statement described in section 4 (in the
10 matter preceding division A of this consolidated Act).

11 (2) Within 45 days of enactment of this Act, the Sec-
12 retary of the Interior and the Secretary of Agriculture,
13 as appropriate, shall allocate amounts made available for
14 expenditure from the Land and Water Conservation Fund
15 for fiscal year 2023 pursuant to subsection (a) of section
16 200303 of title 54, United States Code, to the agencies
17 and accounts specified, in the amounts specified, and for
18 the projects and activities specified in the table titled “Al-
19 location of Funds: Land and Water Conservation Fund
20 Fiscal Year 2023” in the explanatory statement described
21 in section 4 (in the matter preceding division A of this
22 consolidated Act).

23 (b) Except as otherwise provided by subsection (c)
24 of this section, neither the President nor his designee may
25 allocate any amounts that are made available for any fiscal

1 year under subsection (c) of section 200402 of title 54,
2 United States Code, or subsection (a) of section 200303
3 of title 54, United States Code, other than in amounts
4 and for projects and activities that are allocated by sub-
5 sections (a)(1) and (a)(2) of this section: *Provided*, That
6 in any fiscal year, the matter preceding this proviso shall
7 not apply to the allocation of amounts for continuing ad-
8 ministration of programs allocated funds from the Na-
9 tional Parks and Public Land Legacy Restoration Fund
10 or the Land and Water Conservation Fund, which may
11 be allocated only in amounts that are no more than the
12 allocation for such purposes in subsections (a)(1) and
13 (a)(2) of this section.

14 (c) The Secretary of the Interior and the Secretary
15 of Agriculture may reallocate amounts from each agency's
16 "Contingency Fund" line in the table titled "Allocation
17 of Funds: National Parks and Public Land Legacy Res-
18 toration Fund Fiscal Year 2023" to any project funded
19 by the National Parks and Public Land Legacy Restora-
20 tion Fund within the same agency, from any fiscal year,
21 that experienced a funding deficiency due to unforeseen
22 cost overruns, in accordance with the following require-
23 ments:

1 (1) “Contingency Fund” amounts may only be
2 reallocated if there is a risk to project completion re-
3 sulting from unforeseen cost overruns;

4 (2) “Contingency Fund” amounts may only be
5 reallocated for cost of adjustments and changes
6 within the original scope of effort for projects fund-
7 ed by the National Parks and Public Land Legacy
8 Restoration Fund; and

9 (3) The Secretary of the Interior or the Sec-
10 retary of Agriculture must provide written notifica-
11 tion to the Committees on Appropriations 30 days
12 before taking any actions authorized by this sub-
13 section if the amount reallocated from the “Contin-
14 gency Fund” line for a project is projected to be 10
15 percent or greater than the following, as applicable:

16 (A) The amount allocated to that project
17 in the table titled “Allocation of Funds: Na-
18 tional Parks and Public Land Legacy Restora-
19 tion Fund Fiscal Year 2023” in the explanatory
20 statement described in section 4 (in the matter
21 preceding division A of this consolidated Act);
22 or

23 (B) The initial estimate in the most recent
24 report submitted, prior to enactment of this
25 Act, to the Committees on Appropriations pur-

1 suant to section 431(e) of division G of the
2 Consolidated Appropriations Act, 2022 (Public
3 Law 117–103).

4 (d)(1) Concurrent with the annual budget submission
5 of the President for fiscal year 2024, the Secretary of the
6 Interior and the Secretary of Agriculture shall each sub-
7 mit to the Committees on Appropriations of the House
8 of Representatives and the Senate project data sheets for
9 the projects in the “Submission of Annual List of Projects
10 to Congress” required by section 200402(h) of title 54,
11 United States Code: *Provided*, That the “Submission of
12 Annual List of Projects to Congress” must include a
13 “Contingency Fund” line for each agency within the allo-
14 cations defined in subsection (e) of section 200402 of title
15 54, United States Code: *Provided further*, That in the
16 event amounts allocated by this Act or any prior Act for
17 the National Parks and Public Land Legacy Restoration
18 Fund are no longer needed to complete a specified project,
19 such amounts may be reallocated in such submission to
20 that agency’s “Contingency Fund” line: *Provided further*,
21 That any proposals to change the scope of or terminate
22 a previously approved project must be clearly identified
23 in such submission.

24 (2)(A) Concurrent with the annual budget submission
25 of the President for fiscal year 2024, the Secretary of the

1 Interior and the Secretary of Agriculture shall each sub-
2 mit to the Committees on Appropriations of the House
3 of Representatives and the Senate a list of supplementary
4 allocations for Federal land acquisition and Forest Legacy
5 Projects at the National Park Service, the U.S. Fish and
6 Wildlife Service, the Bureau of Land Management, and
7 the U.S. Forest Service that are in addition to the “Sub-
8 mission of Cost Estimates” required by section
9 200303(c)(1) of title 54, United States Code, that are
10 prioritized and detailed by account, program, and project,
11 and that total no less than half the full amount allocated
12 to each account for that land management Agency under
13 the allocations submitted under section 200303(c)(1) of
14 title 54, United States Code: *Provided*, That in the event
15 amounts allocated by this Act or any prior Act pursuant
16 to subsection (a) of section 200303 of title 54, United
17 States Code are no longer needed because a project has
18 been completed or can no longer be executed, such
19 amounts must be clearly identified if proposed for realloca-
20 tion in the annual budget submission.

21 (B) The Federal land acquisition and Forest Legacy
22 projects in the “Submission of Cost Estimates” required
23 by section 200303(c)(1) of title 54, United States Code,
24 and on the list of supplementary allocations required by
25 subparagraph (A) shall be comprised only of projects for

1 which a willing seller has been identified and for which
2 an appraisal or market research has been initiated.

3 (C) Concurrent with the annual budget submission
4 of the President for fiscal year 2024, the Secretary of the
5 Interior and the Secretary of Agriculture shall each sub-
6 mit to the Committees on Appropriations of the House
7 of Representatives and the Senate project data sheets in
8 the same format and containing the same level of detailed
9 information that is found on such sheets in the Budget
10 Justifications annually submitted by the Department of
11 the Interior with the President's Budget for the projects
12 in the "Submission of Cost Estimates" required by section
13 200303(c)(1) of title 54, United States Code, and in the
14 same format and containing the same level of detailed in-
15 formation that is found on such sheets submitted to the
16 Committees pursuant to section 427 of division D of the
17 Further Consolidated Appropriations Act, 2020 (Public
18 Law 116-94) for the list of supplementary allocations re-
19 quired by subparagraph (A).

20 (e) The Department of the Interior and the Depart-
21 ment of Agriculture shall provide the Committees on Ap-
22 propriations of the House of Representatives and Senate
23 quarterly reports on the status of balances of projects and
24 activities funded by the National Parks and Public Land
25 Legacy Restoration Fund for amounts allocated pursuant

1 to subsection (a)(1) of this section and the status of bal-
2 ances of projects and activities funded by the Land and
3 Water Conservation Fund for amounts allocated pursuant
4 to subsection (a)(2) of this section, including all uncom-
5 mitted, committed, and unobligated funds, and, for
6 amounts allocated pursuant to subsection (a)(1) of this
7 section, National Parks and Public Land Legacy Restora-
8 tion Fund amounts reallocated pursuant to subsection (c)
9 of this section.

10 POLICIES RELATING TO BIOMASS ENERGY

11 SEC. 432. To support the key role that forests in the
12 United States can play in addressing the energy needs of
13 the United States, the Secretary of Energy, the Secretary
14 of Agriculture, and the Administrator of the Environ-
15 mental Protection Agency shall, consistent with their mis-
16 sions, jointly—

17 (1) ensure that Federal policy relating to forest
18 bioenergy—

19 (A) is consistent across all Federal depart-
20 ments and agencies; and

21 (B) recognizes the full benefits of the use
22 of forest biomass for energy, conservation, and
23 responsible forest management; and

1 (2) establish clear and simple policies for the
2 use of forest biomass as an energy solution, includ-
3 ing policies that—

4 (A) reflect the carbon neutrality of forest
5 bioenergy and recognize biomass as a renewable
6 energy source, provided the use of forest bio-
7 mass for energy production does not cause con-
8 version of forests to non-forest use;

9 (B) encourage private investment through-
10 out the forest biomass supply chain, including
11 in—

12 (i) working forests;

13 (ii) harvesting operations;

14 (iii) forest improvement operations;

15 (iv) forest bioenergy production;

16 (v) wood products manufacturing; or

17 (vi) paper manufacturing;

18 (C) encourage forest management to im-
19 prove forest health; and

20 (D) recognize State initiatives to produce
21 and use forest biomass.

22 SMALL REMOTE INCINERATORS

23 SEC. 433. None of the funds made available in this
24 Act may be used to implement or enforce the regulation
25 issued on March 21, 2011 at 40 CFR part 60 subparts

1 TRANSFER AUTHORITY TO FEDERAL HIGHWAY ADMINIS-
2 TRATION FOR THE NATIONAL PARKS AND PUBLIC
3 LAND LEGACY RESTORATION FUND

4 SEC. 435. Funds made available or allocated in this
5 Act to the Department of the Interior or the Department
6 of Agriculture that are subject to the allocations and limi-
7 tations in 54 U.S.C. 200402(e) and prohibitions in 54
8 U.S.C. 200402(f) may be further allocated or reallocated
9 to the Federal Highway Administration for transportation
10 projects of the covered agencies defined in 54 U.S.C.
11 200401(2).

12 PROHIBITION ON USE OF FUNDS

13 SEC. 436. Notwithstanding any other provision of
14 law, none of the funds made available in this Act or any
15 other Act may be used to promulgate or implement any
16 regulation requiring the issuance of permits under title V
17 of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon
18 dioxide, nitrous oxide, water vapor, or methane emissions
19 resulting from biological processes associated with live-
20 stock production.

21 GREENHOUSE GAS REPORTING RESTRICTIONS

22 SEC. 437. Notwithstanding any other provision of
23 law, none of the funds made available in this or any other
24 Act may be used to implement any provision in a rule,

1 if that provision requires mandatory reporting of green-
2 house gas emissions from manure management systems.

3 FUNDING PROHIBITION

4 SEC. 438. None of the funds made available by this
5 or any other Act may be used to regulate the lead content
6 of ammunition, ammunition components, or fishing tackle
7 under the Toxic Substances Control Act (15 U.S.C. 2601
8 et seq.) or any other law.

9 ROAD CONSTRUCTION

10 SEC. 439. Section 8206(a)(4)(B)(i) of the Agricul-
11 tural Act of 2014 (16 U.S.C. 2113a(a)(4)(B)(i)) is
12 amended by inserting “or Bureau of Land Management
13 managed” after “National Forest System”.

14 FIREFIGHTER PAY CAP

15 SEC. 440. Section 1701 of division B of the Extend-
16 ing Government Funding and Delivering Emergency As-
17 sistance Act (5 U.S.C. 5547 note), as amended by Public
18 Law 117–103, is further amended—

19 (1) in subsection (a)(1), by striking the last
20 sentence and inserting “Any Services during a given
21 calendar year that generate payments payable in the
22 subsequent calendar year shall be disregarded in ap-
23 plying this subsection”; and

24 (2) in subsections (a), (b), and (c) by inserting
25 “or 2023” after “or 2022” each place it appears.

1 FOREST SERVICE INTEREST BEARING ACCOUNT

2 SEC. 441. (a) INVESTMENT AUTHORITY.—Any mon-
3 ies covered into the Treasury under section 7 of the Act
4 of June 20, 1958 (Public Law 85–464; 16 U.S.C. 579c),
5 including all monies that were previously collected by the
6 United States in a forfeiture, judgment, compromise, or
7 settlement, shall be invested by the Secretary of the Treas-
8 ury in interest bearing obligations of the United States
9 to the extent the amounts are not, in the judgment of the
10 Secretary of the Treasury, required to meet current with-
11 drawals.

12 (b) AVAILABILITY OF FUNDS.—Any interest earned
13 under subsection (a) shall be available in the same manner
14 as the monies covered into the Treasury under section 7
15 of the Act of June 20, 1958 (Public Law 85–464; 16
16 U.S.C. 579c) to cover the costs to the United States speci-
17 fied in section 7 of that Act.

18 (c) USE OF FUNDS.—Any portion of the monies re-
19 ceived or earned under subsection (a) in excess of the
20 amount expended in performing the work necessitated by
21 the action which led to their receipt may be used to cover
22 the other work specified in section 7 of the Act of June
23 20, 1958 (Public Law 85–464; 16 U.S.C. 579c).

24 (d) EFFECTIVE DATE.—This section shall apply with
25 respect to fiscal year 2023 and each succeeding fiscal year.

1 TECHNICAL CORRECTION

2 SEC. 442. In the table entitled “Interior and Environ-
3 ment Incorporation of Community Project Funding Items/
4 Congressionally Directed Spending Items” in the explana-
5 tory statement described in section 4 in the matter pre-
6 ceding division A of Public Law 117–103 and in the table
7 under the heading “Disclosure of Earmarks and Congres-
8 sionally Directed Spending Items” in such explanatory
9 statement, the project relating to “City of Metlakatla for
10 Solid Waste Multi Use Portable Shredder” is deemed to
11 be amended by striking “City of Metlakatla for Solid
12 Waste Multi Use Portable Shredder” and inserting
13 “Metlakatla Indian Community for Solid Waste Multi Use
14 Portable Shredder”.

15 HAZARDOUS SUBSTANCE SUPERFUND

16 SEC. 443. (a) Section 613 of title VI of division J
17 of Public Law 117–58 is repealed.

18 (b) For this fiscal year and each fiscal year there-
19 after, such sums as are available in the Hazardous Sub-
20 stance Superfund established under section 9507 of the
21 Internal Revenue Code of 1986 at the end of the preceding
22 fiscal year from taxes received in the Treasury under sub-
23 section (b)(1) of such section shall be available, without
24 further appropriation, to remain available until expended,
25 to be used to carry out the Comprehensive Environmental

1 Response, Compensation, and Liability Act of 1980 (42
2 U.S.C. 9601 et seq.): *Provided*, That the amount provided
3 by this subsection is designated by the Congress as being
4 for an emergency requirement pursuant to section
5 4001(a)(1) of S. Con. Res. 14 (117th Congress), the con-
6 current resolution on the budget for fiscal year 2022, and
7 section 1(e) of H. Res. 1151 (117th Congress), as en-
8 grossed in the House of Representatives on June 8, 2022.

9 (c) Expenditures made pursuant to section 613 of
10 title VI of division J of Public Law 117–58 shall be
11 charged to the appropriation in subsection (b).

12 GOLDEN GATE NATIONAL RECREATION AREA

13 SEC. 444. Section 3 of Public Law 92–592 (16
14 U.S.C. 460cc–2) is amended by adding at the end the fol-
15 lowing:

16 “(j) AUTHORITY TO GRANT EASEMENTS AND
17 RIGHTS-OF-WAY PERMIT.—

18 “(1) IN GENERAL.—The Secretary of the Inte-
19 rior may grant, to any State or local government, an
20 easement or right-of-way permit over Federal lands
21 within Golden Gate National Recreation Area for op-
22 eration and maintenance of projects for control and
23 prevention of flooding and shoreline erosion and as-
24 sociated structures for continued public access.

1 “(2) CHARGES AND REIMBURSEMENTS OF
2 COSTS.—The Secretary may grant such an easement
3 or right-of-way permit without charge for the value
4 of the use so conveyed, except for reimbursement of
5 costs incurred by the United States for processing
6 the application therefore and managing such use.
7 Amounts received as such reimbursement shall be
8 credited to the relevant appropriation account.”.

9 ALASKA NATIVE REGIONAL HEALTH ENTITIES

10 AUTHORIZATION EXTENSION

11 SEC. 445. Section 424(a) of title IV of division G of
12 the Consolidated Appropriations Act, 2014 (Public Law
13 113–76) shall be applied by substituting “October 1,
14 2023” for “December 24, 2022”.

15 This division may be cited as the “Department of the
16 Interior, Environment, and Related Agencies Appropria-
17 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,
12 plus reimbursements, shall be available. Of the amounts
13 provided:

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
19 and training activities, of which \$173,649,000
20 shall be available for the period July 1, 2023
21 through June 30, 2024, and of which
22 \$712,000,000 shall be available for the period
23 October 1, 2023 through June 30, 2024;

1 (B) \$948,130,000 for youth activities,
2 which shall be available for the period April 1,
3 2023 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
9 period 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
13 section 127(b)(1)(B)(ii) of such Act: *Provided fur-*
14 *ther*, That notwithstanding the requirements of
15 WIOA, outlying areas may submit a single applica-
16 tion for a consolidated grant that awards funds that
17 would otherwise be available to such areas to carry
18 out the activities described in subtitle B of title I of
19 the WIOA: *Provided further*, That such application
20 shall be submitted to the Secretary of Labor (re-
21 ferred to in this title as “Secretary”), at such time,
22 in such manner, and containing such information as
23 the Secretary may require: *Provided further*, That
24 outlying areas awarded a consolidated grant de-
25 scribed in the preceding provisos may use the funds

1 for any of the programs and activities authorized
2 under such subtitle B of title I of the WIOA subject
3 to approval of the application and such reporting re-
4 quirements issued by the Secretary; and

5 (2) for national programs, \$1,211,579,000 as
6 follows:

7 (A) \$325,859,000 for the dislocated work-
8 ers 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
17 where there have been worker dislocations
18 across multiple sectors or across multiple local
19 areas and such workers remain dislocated; co-
20 ordinate the State workforce development plan
21 with emerging economic development needs; and
22 train such eligible dislocated workers: *Provided*
23 *further*, That funds provided to carry out sec-
24 tions 168(b) and 169(c) of the WIOA may be
25 used for technical assistance and demonstration

1 projects, respectively, that provide assistance to
2 new entrants in the workforce and incumbent
3 workers: *Provided further*, That notwithstanding
4 section 168(b) of the WIOA, of the funds pro-
5 vided under this subparagraph, the Secretary
6 may reserve not more than 10 percent of such
7 funds to provide technical assistance and carry
8 out additional activities related to the transition
9 to the WIOA: *Provided further*, That of the
10 funds provided under this subparagraph,
11 \$115,000,000 shall be for training and employ-
12 ment assistance under sections 168(b), 169(c)
13 (notwithstanding the 10 percent limitation in
14 such section) and 170 of the WIOA as follows:

15 (i) \$50,000,000 shall be for workers
16 in the Appalachian region, as defined by
17 40 U.S.C. 14102(a)(1), workers in the
18 Lower Mississippi, as defined in section
19 4(2) of the Delta Development Act (Public
20 Law 100–460, 102 Stat. 2246; 7 U.S.C.
21 2009aa(2)), and workers in the region
22 served by the Northern Border Regional
23 Commission, as defined by 40 U.S.C.
24 15733; and

1 (ii) \$65,000,000 shall be for the pur-
2 pose of developing, offering, or improving
3 educational or career training programs at
4 community colleges, defined as public insti-
5 tutions of higher education, as described in
6 section 101(a) of the Higher Education
7 Act of 1965 and at which the associate's
8 degree is primarily the highest degree
9 awarded, with other eligible institutions of
10 higher education, as defined in section
11 101(a) of the Higher Education Act of
12 1965, eligible to participate through con-
13 sortia, with community colleges as the lead
14 grantee: *Provided*, That the Secretary shall
15 follow the requirements for the program in
16 House Report 116-62: *Provided further*,
17 That any grant funds used for apprentice-
18 ships shall be used to support only appren-
19 ticeship programs registered under the Na-
20 tional Apprenticeship Act and as referred
21 to in section 3(7)(B) of the WIOA;

22 (B) \$60,000,000 for Native American pro-
23 grams under section 166 of the WIOA, which
24 shall be available for the period July 1, 2023
25 through June 30, 2024;

1 (C) \$97,396,000 for migrant and seasonal
2 farmworker programs under section 167 of the
3 WIOA, including \$90,134,000 for formula
4 grants (of which not less than 70 percent shall
5 be for employment and training services),
6 \$6,591,000 for migrant and seasonal housing
7 (of which not less than 70 percent shall be for
8 permanent housing), and \$671,000 for other
9 discretionary purposes, which shall be available
10 for the period April 1, 2023 through June 30,
11 2024: *Provided*, That notwithstanding any
12 other provision of law or related regulation, the
13 Department of Labor shall take no action lim-
14 iting the number or proportion of eligible par-
15 ticipants receiving related assistance services or
16 discouraging grantees from providing such serv-
17 ices: *Provided further*, That notwithstanding the
18 definition of “eligible seasonal farmworker” in
19 section 167(i)(3)(A) of the WIOA relating to an
20 individual being “low-income”, an individual is
21 eligible for migrant and seasonal farmworker
22 programs under section 167 of the WIOA under
23 that definition if, in addition to meeting the re-
24 quirements of clauses (i) and (ii) of section
25 167(i)(3)(A), such individual is a member of a

1 family with a total family income equal to or
2 less than 150 percent of the poverty line;

3 (D) \$105,000,000 for YouthBuild activi-
4 ties as described in section 171 of the WIOA,
5 which shall be available for the period April 1,
6 2023 through June 30, 2024;

7 (E) \$115,000,000 for ex-offender activi-
8 ties, under the authority of section 169 of the
9 WIOA, which shall be available for the period
10 April 1, 2023 through June 30, 2024: *Provided,*
11 That of this amount, \$30,000,000 shall be for
12 competitive grants to national and regional
13 intermediaries for activities that prepare for
14 employment young adults with criminal legal
15 histories, young adults who have been justice
16 system-involved, or young adults who have
17 dropped out of school or other educational pro-
18 grams, with a priority for projects serving high-
19 crime, high-poverty areas;

20 (F) \$6,000,000 for the Workforce Data
21 Quality Initiative, under the authority of section
22 169 of the WIOA, which shall be available for
23 the period July 1, 2023 through June 30,
24 2024;

1 (G) \$285,000,000 to expand opportunities
2 through apprenticeships only registered under
3 the National Apprenticeship Act and as referred
4 to in section 3(7)(B) of the WIOA, to be avail-
5 able to the Secretary to carry out activities
6 through grants, cooperative agreements, con-
7 tracts and other arrangements, with States and
8 other appropriate entities, including equity
9 intermediaries and business and labor industry
10 partner intermediaries, which shall be available
11 for the period July 1, 2023 through June 30,
12 2024; and

13 (H) \$217,324,000 for carrying out Dem-
14 onstration and Pilot projects under section
15 169(c) of the WIOA, which shall be available
16 for the period April 1, 2023 through June 30,
17 2024, in addition to funds available for such ac-
18 tivities under subparagraph (A) for the
19 projects, and in the amounts, specified in the
20 table titled “Community Project Funding/Con-
21 gressionally Directed Spending” included for
22 this division in the explanatory statement de-
23 scribed in section 4 (in the matter preceding di-
24 vision A of this consolidated Act): *Provided*,
25 That such funds may be used for projects that

1 are related to the employment and training
2 needs of dislocated workers, other adults, or
3 youth: *Provided further*, That the 10 percent
4 funding limitation under such section of the
5 WIOA shall not apply to such funds: *Provided*
6 *further*, That section 169(b)(6)(C) of the WIOA
7 shall not apply to such funds: *Provided further*,
8 That sections 102 and 107 of this Act shall not
9 apply to such funds.

10 JOB CORPS
11 (INCLUDING TRANSFER OF FUNDS)

12 To carry out subtitle C of title I of the WIOA, includ-
13 ing Federal administrative expenses, the purchase and
14 hire of passenger motor vehicles, the construction, alter-
15 ation, and repairs of buildings and other facilities, and the
16 purchase of real property for training centers as author-
17 ized by the WIOA, \$1,760,155,000, plus reimbursements,
18 as follows:

19 (1) \$1,603,325,000 for Job Corps Operations,
20 which shall be available for the period July 1, 2023
21 through June 30, 2024;

22 (2) \$123,000,000 for construction, rehabilita-
23 tion and acquisition of Job Corps Centers, which
24 shall be available for the period July 1, 2023
25 through June 30, 2026, and which may include the

1 acquisition, maintenance, and repair of major items
2 of equipment: *Provided*, That the Secretary may
3 transfer up to 15 percent of such funds to meet the
4 operational needs of such centers or to achieve ad-
5 ministrative efficiencies: *Provided further*, That any
6 funds transferred pursuant to the preceding proviso
7 shall not be available for obligation after June 30,
8 2023: *Provided further*, That the Committees on Ap-
9 propriations of the House of Representatives and the
10 Senate are notified at least 15 days in advance of
11 any transfer; and

12 (3) \$33,830,000 for necessary expenses of Job
13 Corps, which shall be available for obligation for the
14 period October 1, 2022 through September 30,
15 2023:

16 *Provided*, That no funds from any other appropriation
17 shall be used to provide meal services at or for Job Corps
18 Centers.

19 COMMUNITY SERVICE EMPLOYMENT FOR OLDER
20 AMERICANS

21 To carry out title V of the Older Americans Act of
22 1965 (referred to in this Act as “OAA”), \$405,000,000,
23 which shall be available for the period April 1, 2023
24 through June 30, 2024, and may be recaptured and reobli-
25 gated in accordance with section 517(c) of the OAA.

1 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

2 For payments during fiscal year 2023 of trade ad-
3 justment benefit payments and allowances under part I
4 of subchapter B of chapter 2 of title II of the Trade Act
5 of 1974, and section 246 of that Act; and for training,
6 employment and case management services, allowances for
7 job search and relocation, and related State administrative
8 expenses under part II of subchapter B of chapter 2 of
9 title II of the Trade Act of 1974, and including benefit
10 payments, allowances, training, employment and case
11 management services, and related State administration
12 provided pursuant to section 231(a) of the Trade Adjust-
13 ment Assistance Extension Act of 2011, sections 405(a)
14 and 406 of the Trade Preferences Extension Act of 2015,
15 and section 285(a) of the Trade Act of 1974, as amended,
16 \$494,400,000 together with such amounts as may be nec-
17 essary to be charged to the subsequent appropriation for
18 payments for any period subsequent to September 15,
19 2023: *Provided*, That notwithstanding section 502 of this
20 Act, any part of the appropriation provided under this
21 heading may remain available for obligation beyond the
22 current fiscal year pursuant to the authorities of section
23 245(c) of the Trade Act of 1974 (19 U.S.C. 2317(c)).

1 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
2 SERVICE OPERATIONS
3 (INCLUDING TRANSFER OF FUNDS)

4 For authorized administrative expenses,
5 \$84,066,000, together with not to exceed \$3,925,084,000
6 which may be expended from the Employment Security
7 Administration Account in the Unemployment Trust Fund
8 (“the Trust Fund”), of which—

9 (1) \$3,134,635,000 from the Trust Fund is for
10 grants to States for the administration of State un-
11 employment insurance laws as authorized under title
12 III of the Social Security Act (including not less
13 than \$375,000,000 to carry out reemployment serv-
14 ices and eligibility assessments under section 306 of
15 such Act, any claimants of regular compensation, as
16 defined in such section, including those who are
17 profiled as most likely to exhaust their benefits, may
18 be eligible for such services and assessments: *Pro-*
19 *vided*, That of such amount, \$117,000,000 is speci-
20 fied for grants under section 306 of the Social Secu-
21 rity Act and is provided to meet the terms of a con-
22 current resolution on the budget in the Senate and
23 section 1(j)(2) of H. Res. 1151 (117th Congress), as
24 engrossed in the House of Representatives on June
25 8, 2022, and \$258,000,000 is additional new budget

1 authority specified for purposes of a concurrent res-
2 olution on the budget in the Senate and section 1(j)
3 of such House resolution; and \$9,000,000 for con-
4 tinued support of the Unemployment Insurance In-
5 tegrity Center of Excellence), the administration of
6 unemployment insurance for Federal employees and
7 for ex-service members as authorized under 5 U.S.C.
8 8501–8523, and the administration of trade read-
9 justment allowances, reemployment trade adjustment
10 assistance, and alternative trade adjustment assist-
11 ance under the Trade Act of 1974 and under section
12 231(a) of the Trade Adjustment Assistance Exten-
13 sion Act of 2011, sections 405(a) and 406 of the
14 Trade Preferences Extension Act of 2015, and sec-
15 tion 285(a) of the Trade Act of 1974, as amended,
16 and shall be available for obligation by the States
17 through December 31, 2023, except that funds used
18 for automation shall be available for Federal obliga-
19 tion through December 31, 2023, and for State obli-
20 gation through September 30, 2025, or, if the auto-
21 mation is being carried out through consortia of
22 States, for State obligation through September 30,
23 2029, and for expenditure through September 30,
24 2030, and funds for competitive grants awarded to
25 States for improved operations and to conduct in-

1 person reemployment and eligibility assessments and
2 unemployment insurance improper payment reviews
3 and provide reemployment services and referrals to
4 training, as appropriate, shall be available for Fed-
5 eral obligation through December 31, 2023 (except
6 that funds for outcome payments pursuant to sec-
7 tion 306(f)(2) of the Social Security Act shall be
8 available for Federal obligation through March 31,
9 2024), and for obligation by the States through Sep-
10 tember 30, 2025, and funds for the Unemployment
11 Insurance Integrity Center of Excellence shall be
12 available for obligation by the State through Sep-
13 tember 30, 2024, and funds used for unemployment
14 insurance workloads experienced through September
15 30, 2023 shall be available for Federal obligation
16 through December 31, 2023;

17 (2) \$23,000,000 from the Trust Fund is for na-
18 tional activities necessary to support the administra-
19 tion of the Federal-State unemployment insurance
20 system;

21 (3) \$658,639,000 from the Trust Fund, to-
22 gether with \$21,413,000 from the General Fund of
23 the Treasury, is for grants to States in accordance
24 with section 6 of the Wagner-Peyser Act, and shall

1 be available for Federal obligation for the period
2 July 1, 2023 through June 30, 2024;

3 (4) \$25,000,000 from the Trust Fund is for na-
4 tional activities of the Employment Service, includ-
5 ing administration of the work opportunity tax cred-
6 it under section 51 of the Internal Revenue Code of
7 1986 (including assisting States in adopting or mod-
8 ernizing information technology for use in the proc-
9 essing of certification requests), and the provision of
10 technical assistance and staff training under the
11 Wagner-Peyser Act;

12 (5) \$83,810,000 from the Trust Fund is for the
13 administration of foreign labor certifications and re-
14 lated activities under the Immigration and Nation-
15 ality Act and related laws, of which \$60,528,000
16 shall be available for the Federal administration of
17 such activities, and \$23,282,000 shall be available
18 for grants to States for the administration of such
19 activities; and

20 (6) \$62,653,000 from the General Fund is to
21 provide workforce information, national electronic
22 tools, and one-stop system building under the Wag-
23 ner-Peyser Act and shall be available for Federal ob-
24 ligation for the period July 1, 2023 through June
25 30, 2024, of which up to \$9,800,000 may be used

1 to carry out research and demonstration projects re-
2 lated to testing effective ways to promote greater
3 labor force participation of people with disabilities:
4 *Provided*, That the Secretary may transfer amounts
5 made available for research and demonstration
6 projects under this paragraph to the “Office of Dis-
7 ability Employment Policy” account for such pur-
8 poses:

9 *Provided*, That to the extent that the Average Weekly In-
10 sured Unemployment (“AWIU”) for fiscal year 2023 is
11 projected by the Department of Labor to exceed
12 1,778,000, an additional \$28,600,000 from the Trust
13 Fund shall be available for obligation for every 100,000
14 increase in the AWIU level (including a pro rata amount
15 for any increment less than 100,000) to carry out title
16 III of the Social Security Act: *Provided further*, That
17 funds appropriated in this Act that are allotted to a State
18 to carry out activities under title III of the Social Security
19 Act may be used by such State to assist other States in
20 carrying out activities under such title III if the other
21 States include areas that have suffered a major disaster
22 declared by the President under the Robert T. Stafford
23 Disaster Relief and Emergency Assistance Act: *Provided*
24 *further*, That the Secretary may use funds appropriated
25 for grants to States under title III of the Social Security

1 Act to make payments on behalf of States for the use of
2 the National Directory of New Hires under section
3 453(j)(8) of such Act: *Provided further*, That the Sec-
4 retary may use funds appropriated for grants to States
5 under title III of the Social Security Act to make pay-
6 ments on behalf of States to the entity operating the State
7 Information Data Exchange System: *Provided further*,
8 That funds appropriated in this Act which are used to es-
9 tablish a national one-stop career center system, or which
10 are used to support the national activities of the Federal-
11 State unemployment insurance, employment service, or
12 immigration programs, may be obligated in contracts,
13 grants, or agreements with States and non-State entities:
14 *Provided further*, That States awarded competitive grants
15 for improved operations under title III of the Social Secu-
16 rity Act, or awarded grants to support the national activi-
17 ties of the Federal-State unemployment insurance system,
18 may award subgrants to other States and non-State enti-
19 ties under such grants, subject to the conditions applicable
20 to the grants: *Provided further*, That funds appropriated
21 under this Act for activities authorized under title III of
22 the Social Security Act and the Wagner-Peyser Act may
23 be used by States to fund integrated Unemployment In-
24 surance and Employment Service automation efforts, not-
25 withstanding cost allocation principles prescribed under

1 the final rule entitled “Uniform Administrative Require-
2 ments, Cost Principles, and Audit Requirements for Fed-
3 eral Awards” at part 200 of title 2, Code of Federal Regu-
4 lations: *Provided further*, That the Secretary, at the re-
5 quest of a State participating in a consortium with other
6 States, may reallocate funds allotted to such State under title
7 III of the Social Security Act to other States participating
8 in the consortium or to the entity operating the Unemploy-
9 ment Insurance Information Technology Support Center
10 in order to carry out activities that benefit the administra-
11 tion of the unemployment compensation law of the State
12 making the request: *Provided further*, That the Secretary
13 may collect fees for the costs associated with additional
14 data collection, analyses, and reporting services relating
15 to the National Agricultural Workers Survey requested by
16 State and local governments, public and private institu-
17 tions of higher education, and nonprofit organizations and
18 may utilize such sums, in accordance with the provisions
19 of 29 U.S.C. 9a, for the National Agricultural Workers
20 Survey infrastructure, methodology, and data to meet the
21 information collection and reporting needs of such entities,
22 which shall be credited to this appropriation and shall re-
23 main available until September 30, 2024, for such pur-
24 poses.

1 2024, for the procurement of expert witnesses for enforce-
2 ment litigation.

3 PENSION BENEFIT GUARANTY CORPORATION

4 PENSION BENEFIT GUARANTY CORPORATION FUND

5 The Pension Benefit Guaranty Corporation (“Cor-
6 poration”) is authorized to make such expenditures, in-
7 cluding financial assistance authorized by subtitle E of
8 title IV of the Employee Retirement Income Security Act
9 of 1974, within limits of funds and borrowing authority
10 available to the Corporation, and in accord with law, and
11 to make such contracts and commitments without regard
12 to fiscal year limitations, as provided by 31 U.S.C. 9104,
13 as may be necessary in carrying out the program, includ-
14 ing associated administrative expenses, through Sep-
15 tember 30, 2023, for the Corporation: *Provided*, That
16 none of the funds available to the Corporation for fiscal
17 year 2023 shall be available for obligations for administra-
18 tive expenses in excess of \$493,314,000: *Provided further*,
19 That to the extent that the number of new plan partici-
20 pants in plans terminated by the Corporation exceeds
21 100,000 in fiscal year 2023, an amount not to exceed an
22 additional \$9,200,000 shall be available through Sep-
23 tember 30, 2027, for obligations for administrative ex-
24 penses for every 20,000 additional terminated partici-
25 pants: *Provided further*, That obligations in excess of the

1 amounts provided for administrative expenses in this para-
2 graph may be incurred and shall be available through Sep-
3 tember 30, 2027 for obligation for unforeseen and extraor-
4 dinary pre-termination or termination expenses or extraor-
5 dinary multiemployer program related expenses after ap-
6 proval by the Office of Management and Budget and noti-
7 fication of the Committees on Appropriations of the House
8 of Representatives and the Senate: *Provided further*, That
9 an additional amount shall be available for obligation
10 through September 30, 2027 to the extent the Corpora-
11 tion's costs exceed \$250,000 for the provision of credit or
12 identity monitoring to affected individuals upon suffering
13 a security incident or privacy breach, not to exceed an ad-
14 ditional \$100 per affected individual.

15 WAGE AND HOUR DIVISION

16 SALARIES AND EXPENSES

17 For necessary expenses for the Wage and Hour Divi-
18 sion, including reimbursement to State, Federal, and local
19 agencies and their employees for inspection services ren-
20 dered, \$260,000,000.

21 OFFICE OF LABOR-MANAGEMENT STANDARDS

22 SALARIES AND EXPENSES

23 For necessary expenses for the Office of Labor-Man-
24 agement Standards, \$48,515,000.

959

1 OFFICE OF FEDERAL CONTRACT COMPLIANCE

2 PROGRAMS

3 SALARIES AND EXPENSES

4 For necessary expenses for the Office of Federal Con-
5 tract Compliance Programs, \$110,976,000.

6 OFFICE OF WORKERS' COMPENSATION PROGRAMS

7 SALARIES AND EXPENSES

8 For necessary expenses for the Office of Workers'
9 Compensation Programs, \$120,500,000, together with
10 \$2,205,000 which may be expended from the Special Fund
11 in accordance with sections 39(c), 44(d), and 44(j) of the
12 Longshore and Harbor Workers' Compensation Act.

13 SPECIAL BENEFITS

14 (INCLUDING TRANSFER OF FUNDS)

15 For the payment of compensation, benefits, and ex-
16 penses (except administrative expenses not otherwise au-
17 thorized) accruing during the current or any prior fiscal
18 year authorized by 5 U.S.C. 81; continuation of benefits
19 as provided for under the heading "Civilian War Benefits"
20 in the Federal Security Agency Appropriation Act, 1947;
21 the Employees' Compensation Commission Appropriation
22 Act, 1944; section 5(f) of the War Claims Act (50 U.S.C.
23 App. 2012); obligations incurred under the War Hazards
24 Compensation Act (42 U.S.C. 1701 et seq.); and 50 per-
25 cent of the additional compensation and benefits required

1 by section 10(h) of the Longshore and Harbor Workers'
2 Compensation Act, \$250,000,000, together with such
3 amounts as may be necessary to be charged to the subse-
4 quent year appropriation for the payment of compensation
5 and other benefits for any period subsequent to August
6 15 of the current year, for deposit into and to assume
7 the attributes of the Employees' Compensation Fund es-
8 tablished under 5 U.S.C. 8147(a): *Provided*, That
9 amounts appropriated may be used under 5 U.S.C. 8104
10 by the Secretary to reimburse an employer, who is not the
11 employer at the time of injury, for portions of the salary
12 of a re-employed, disabled beneficiary: *Provided further*,
13 That balances of reimbursements unobligated on Sep-
14 tember 30, 2022, shall remain available until expended for
15 the payment of compensation, benefits, and expenses: *Pro-*
16 *vided further*, That in addition there shall be transferred
17 to this appropriation from the Postal Service and from
18 any other corporation or instrumentality required under
19 5 U.S.C. 8147(c) to pay an amount for its fair share of
20 the cost of administration, such sums as the Secretary de-
21 termines to be the cost of administration for employees
22 of such fair share entities through September 30, 2023:
23 *Provided further*, That of those funds transferred to this
24 account from the fair share entities to pay the cost of ad-
25 ministration of the Federal Employees' Compensation Act,

1 \$81,752,000 shall be made available to the Secretary as
2 follows:

3 (1) For enhancement and maintenance of auto-
4 mated data processing systems operations and tele-
5 communications systems, \$27,727,000;

6 (2) For automated workload processing oper-
7 ations, including document imaging, centralized mail
8 intake, and medical bill processing, \$26,125,000;

9 (3) For periodic roll disability management and
10 medical review, \$26,126,000;

11 (4) For program integrity, \$1,744,000; and

12 (5) The remaining funds shall be paid into the
13 Treasury as miscellaneous receipts:

14 *Provided further*, That the Secretary may require that any
15 person filing a notice of injury or a claim for benefits
16 under 5 U.S.C. 81, or the Longshore and Harbor Work-
17 ers' Compensation Act, provide as part of such notice and
18 claim, such identifying information (including Social Secu-
19 rity account number) as such regulations may prescribe.

20 SPECIAL BENEFITS FOR DISABLED COAL MINERS

21 For carrying out title IV of the Federal Mine Safety
22 and Health Act of 1977, as amended by Public Law 107-
23 275, \$36,031,000, to remain available until expended.

24 For making after July 31 of the current fiscal year,
25 benefit payments to individuals under title IV of such Act,

1 for costs incurred in the current fiscal year, such amounts
2 as may be necessary.

3 For making benefit payments under title IV for the
4 first quarter of fiscal year 2024, \$10,250,000, to remain
5 available until expended.

6 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

7 OCCUPATIONAL ILLNESS COMPENSATION FUND

8 For necessary expenses to administer the Energy
9 Employees Occupational Illness Compensation Program
10 Act, \$64,564,000, to remain available until expended: *Pro-*
11 *vided*, That the Secretary may require that any person fil-
12 ing a claim for benefits under the Act provide as part of
13 such claim such identifying information (including Social
14 Security account number) as may be prescribed.

15 BLACK LUNG DISABILITY TRUST FUND

16 (INCLUDING TRANSFER OF FUNDS)

17 Such sums as may be necessary from the Black Lung
18 Disability Trust Fund (the “Fund”), to remain available
19 until expended, for payment of all benefits authorized by
20 section 9501(d)(1), (2), (6), and (7) of the Internal Rev-
21 enue Code of 1986; and repayment of, and payment of
22 interest on advances, as authorized by section 9501(d)(4)
23 of that Act. In addition, the following amounts may be
24 expended from the Fund for fiscal year 2023 for expenses
25 of operation and administration of the Black Lung Bene-

1 fits program, as authorized by section 9501(d)(5): not to
2 exceed \$42,194,000 for transfer to the Office of Workers'
3 Compensation Programs, "Salaries and Expenses"; not to
4 exceed \$38,407,000 for transfer to Departmental Manage-
5 ment, "Salaries and Expenses"; not to exceed \$353,000
6 for transfer to Departmental Management, "Office of In-
7 spector General"; and not to exceed \$356,000 for pay-
8 ments into miscellaneous receipts for the expenses of the
9 Department of the Treasury.

10 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

11 SALARIES AND EXPENSES

12 For necessary expenses for the Occupational Safety
13 and Health Administration, \$632,309,000, including not
14 to exceed \$120,000,000 which shall be the maximum
15 amount available for grants to States under section 23(g)
16 of the Occupational Safety and Health Act (the "Act"),
17 which grants shall be no less than 50 percent of the costs
18 of State occupational safety and health programs required
19 to be incurred under plans approved by the Secretary
20 under section 18 of the Act; and, in addition, notwith-
21 standing 31 U.S.C. 3302, the Occupational Safety and
22 Health Administration may retain up to \$499,000 per fis-
23 cal year of training institute course tuition and fees, other-
24 wise authorized by law to be collected, and may utilize
25 such sums for occupational safety and health training and

1 education: *Provided*, That notwithstanding 31 U.S.C.
2 3302, the Secretary is authorized, during the fiscal year
3 ending September 30, 2023, to collect and retain fees for
4 services provided to Nationally Recognized Testing Lab-
5 oratories, and may utilize such sums, in accordance with
6 the provisions of 29 U.S.C. 9a, to administer national and
7 international laboratory recognition programs that ensure
8 the safety of equipment and products used by workers in
9 the workplace: *Provided further*, That none of the funds
10 appropriated under this paragraph shall be obligated or
11 expended to prescribe, issue, administer, or enforce any
12 standard, rule, regulation, or order under the Act which
13 is applicable to any person who is engaged in a farming
14 operation which does not maintain a temporary labor
15 camp and employs 10 or fewer employees: *Provided fur-*
16 *ther*, That no funds appropriated under this paragraph
17 shall be obligated or expended to administer or enforce
18 any standard, rule, regulation, or order under the Act with
19 respect to any employer of 10 or fewer employees who is
20 included within a category having a Days Away, Re-
21 stricted, or Transferred (“DART”) occupational injury
22 and illness rate, at the most precise industrial classifica-
23 tion code for which such data are published, less than the
24 national average rate as such rates are most recently pub-
25 lished by the Secretary, acting through the Bureau of

1 Labor Statistics, in accordance with section 24 of the Act,
2 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 cita-
8 tion for violations found during such inspection, and
9 to assess a penalty for violations which are not cor-
10 rected within a reasonable abatement period and for
11 any willful violations found;

12 (3) to take any action authorized by the Act
13 with respect to imminent dangers;

14 (4) to take any action authorized by the Act
15 with respect to health hazards;

16 (5) to take any action authorized by the Act
17 with respect to a report of an employment accident
18 which is fatal to one or more employees or which re-
19 sults in hospitalization of two or more employees,
20 and to take any action pursuant to such investiga-
21 tion authorized by the Act; and

22 (6) to take any action authorized by the Act
23 with respect to complaints of discrimination against
24 employees for exercising rights under the Act:

1 *Provided further*, That the foregoing proviso shall not
2 apply to any person who is engaged in a farming operation
3 which does not maintain a temporary labor camp and em-
4 ploys 10 or fewer employees: *Provided further*, That
5 \$12,787,000 shall be available for Susan Harwood train-
6 ing grants, of which not more than \$6,500,000 is for
7 Susan Harwood Training Capacity Building Develop-
8 mental grants, for program activities starting not later
9 than September 30, 2023 and lasting for a period of 12
10 months: *Provided further*, That not less than \$3,500,000
11 shall be for Voluntary Protection Programs.

12 MINE SAFETY AND HEALTH ADMINISTRATION

13 SALARIES AND EXPENSES

14 For necessary expenses for the Mine Safety and
15 Health Administration, \$387,816,000, including purchase
16 and bestowal of certificates and trophies in connection
17 with mine rescue and first-aid work, and the hire of pas-
18 senger motor vehicles, including up to \$2,000,000 for
19 mine rescue and recovery activities and not less than
20 \$10,537,000 for State assistance grants: *Provided*, That
21 notwithstanding 31 U.S.C. 3302, not to exceed \$750,000
22 may be collected by the National Mine Health and Safety
23 Academy for room, board, tuition, and the sale of training
24 materials, otherwise authorized by law to be collected, to
25 be available for mine safety and health education and

1 training activities: *Provided further*, That notwithstanding
2 31 U.S.C. 3302, the Mine Safety and Health Administra-
3 tion is authorized to collect and retain up to \$2,499,000
4 from fees collected for the approval and certification of
5 equipment, materials, and explosives for use in mines, and
6 may utilize such sums for such activities: *Provided further*,
7 That the Secretary is authorized to accept lands, build-
8 ings, equipment, and other contributions from public and
9 private sources and to prosecute projects in cooperation
10 with other agencies, Federal, State, or private: *Provided*
11 *further*, That the Mine Safety and Health Administration
12 is authorized to promote health and safety education and
13 training in the mining community through cooperative
14 programs with States, industry, and safety associations:
15 *Provided further*, That the Secretary is authorized to rec-
16 ognize the Joseph A. Holmes Safety Association as a prin-
17 cipal safety association and, notwithstanding any other
18 provision of law, may provide funds and, with or without
19 reimbursement, personnel, including service of Mine Safe-
20 ty and Health Administration officials as officers in local
21 chapters or in the national organization: *Provided further*,
22 That any funds available to the Department of Labor may
23 be used, with the approval of the Secretary, to provide
24 for the costs of mine rescue and survival operations in the
25 event of a major disaster.

1 BUREAU OF LABOR STATISTICS

2 SALARIES AND EXPENSES

3 For necessary expenses for the Bureau of Labor Sta-
4 tistics, including advances or reimbursements to State,
5 Federal, and local agencies and their employees for serv-
6 ices rendered, \$629,952,000, together with not to exceed
7 \$68,000,000 which may be expended from the Employ-
8 ment Security Administration account in the Unemploy-
9 ment Trust Fund.

10 OFFICE OF DISABILITY EMPLOYMENT POLICY

11 SALARIES AND EXPENSES

12 (INCLUDING TRANSFER OF FUNDS)

13 For necessary expenses for the Office of Disability
14 Employment Policy to provide leadership, develop policy
15 and initiatives, and award grants furthering the objective
16 of eliminating barriers to the training and employment of
17 people with disabilities, \$43,000,000, of which not less
18 than \$9,000,000 shall be for research and demonstration
19 projects related to testing effective ways to promote great-
20 er labor force participation of people with disabilities: *Pro-*
21 *vided*, That the Secretary may transfer amounts made
22 available under this heading for research and demonstra-
23 tion projects to the “State Unemployment Insurance and
24 Employment Service Operations” account for such pur-
25 poses.

1 DEPARTMENTAL MANAGEMENT

2 SALARIES AND EXPENSES

3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses for Departmental Manage-
5 ment, including the hire of three passenger motor vehicles,
6 \$391,889,000, together with not to exceed \$308,000,
7 which may be expended from the Employment Security
8 Administration account in the Unemployment Trust
9 Fund: *Provided*, That \$81,725,000 for the Bureau of
10 International Labor Affairs shall be available for obliga-
11 tion through December 31, 2023: *Provided further*, That
12 funds available to the Bureau of International Labor Af-
13 fairs may be used to administer or operate international
14 labor activities, bilateral and multilateral technical assist-
15 ance, and microfinance programs, by or through contracts,
16 grants, subgrants and other arrangements: *Provided fur-*
17 *ther*, That not less than \$30,175,000 shall be for programs
18 to combat exploitative child labor internationally and not
19 less than \$30,175,000 shall be used to implement model
20 programs that address worker rights issues through tech-
21 nical assistance in countries with which the United States
22 has free trade agreements or trade preference programs:
23 *Provided further*, That \$8,281,000 shall be used for pro-
24 gram evaluation and shall be available for obligation
25 through September 30, 2024: *Provided further*, That funds

1 available for program evaluation may be used to admin-
2 ister grants for the purpose of evaluation: *Provided fur-*
3 *ther*, That grants made for the purpose of evaluation shall
4 be awarded through fair and open competition: *Provided*
5 *further*, That funds available for program evaluation may
6 be transferred to any other appropriate account in the De-
7 partment for such purpose: *Provided further*, That the
8 Committees on Appropriations of the House of Represent-
9 atives and the Senate are notified at least 15 days in ad-
10 vance of any transfer: *Provided further*, That the funds
11 available to the Women's Bureau may be used for grants
12 to serve and promote the interests of women in the work-
13 force: *Provided further*, That of the amounts made avail-
14 able to the Women's Bureau, not less than \$5,000,000
15 shall be used for grants authorized by the Women in Ap-
16 prenticeship and Nontraditional Occupations 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,
22 of 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' em-
2 ployment representatives under section 4104(b) of
3 such title, and for the expenses described in section
4 4102A(b)(5)(C), which shall be available for expend-
5 iture by the States through September 30, 2025,
6 and not to exceed 3 percent for the necessary Fed-
7 eral expenditures for data systems and contract sup-
8 port to allow for the tracking of participant and per-
9 formance information: *Provided*, That, in addition,
10 such funds may be used to support such specialists
11 and representatives in the provision of services to
12 transitioning members of the Armed Forces who
13 have participated in the Transition Assistance Pro-
14 gram and have been identified as in need of inten-
15 sive services, to members of the Armed Forces who
16 are wounded, ill, or injured and receiving treatment
17 in military treatment facilities or warrior transition
18 units, and to the spouses or other family caregivers
19 of such 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
24 of chapters 41, 42, and 43 of title 38, and sections
25 2021, 2021A and 2023 of title 38, United States

1 Code: *Provided*, That, up to \$500,000 may be used
2 to carry out the Hire VETS Act (division O of Pub-
3 lic Law 115–31); and

4 (4) \$3,414,000 is for the National Veterans'
5 Employment and Training Services Institute under
6 38 U.S.C. 4109:

7 *Provided*, That the Secretary may reallocate among the
8 appropriations 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 home-
13 less veterans and veterans at risk of homelessness who are
14 transitioning from certain institutions under sections
15 2021, 2021A, and 2023 of title 38, United States Code:

16 *Provided*, That notwithstanding subsections (c)(3) and (d)
17 of section 2023, the Secretary may award grants through
18 September 30, 2023, to provide services under such sec-
19 tion: *Provided further*, That services provided under sec-
20 tions 2021 or under 2021A may include, in addition to
21 services to homeless veterans described in section
22 2002(a)(1), services to veterans who were homeless at
23 some point within the 60 days prior to program entry or
24 veterans who are at risk of homelessness within the next
25 60 days, and that services provided under section 2023

1 may include, in addition to services to the individuals de-
2 scribed in subsection (e) of such section, services to vet-
3 erans recently released from incarceration who are at risk
4 of homelessness: *Provided further*, That notwithstanding
5 paragraph (3) under this heading, funds appropriated in
6 this paragraph may be used for data systems and contract
7 support to allow for the tracking of participant and per-
8 formance information: *Provided further*, That notwith-
9 standing sections 2021(e)(2) and 2021A(f)(2) of title 38,
10 United States Code, such funds shall be available for ex-
11 penditure pursuant to 31 U.S.C. 1553.

12 In addition, fees may be assessed and deposited in
13 the HIRE Vets Medallion Award Fund pursuant to sec-
14 tion 5(b) of the HIRE Vets Act, and such amounts shall
15 be available to the Secretary to carry out the HIRE Vets
16 Medallion Award Program, as authorized by such Act, and
17 shall remain available until expended: *Provided*, That such
18 sums shall be in addition to any other funds available for
19 such purposes, including funds available under paragraph
20 (3) of this heading: *Provided further*, That section 2(d)
21 of division O of the Consolidated Appropriations Act, 2017
22 (Public Law 115–31; 38 U.S.C. 4100 note) shall not
23 apply.

1 IT MODERNIZATION

2 For necessary expenses for Department of Labor cen-
3 tralized infrastructure technology investment activities re-
4 lated to support systems and modernization, \$34,269,000,
5 which shall be available through September 30, 2024.

6 OFFICE OF INSPECTOR GENERAL

7 For salaries and expenses of the Office of Inspector
8 General in carrying out the provisions of the Inspector
9 General Act of 1978, \$91,187,000, together with not to
10 exceed \$5,841,000 which may be expended from the Em-
11 ployment Security Administration account in the Unem-
12 ployment Trust Fund: *Provided*, That not more than
13 \$2,000,000 of the amount provided under this heading
14 may be available until expended.

15 GENERAL PROVISIONS

16 SEC. 101. None of the funds appropriated by this Act
17 for the Job Corps shall be used to pay the salary and bo-
18 nuses of an individual, either as direct costs or any prora-
19 tion as an indirect cost, at a rate in excess of Executive
20 Level II.

21 (TRANSFER OF FUNDS)

22 SEC. 102. Not to exceed 1 percent of any discre-
23 tionary funds (pursuant to the Balanced Budget and
24 Emergency Deficit Control Act of 1985) which are appro-
25 priated for the current fiscal year for the Department of

1 Labor in this Act may be transferred between a program,
2 project, or activity, but no such program, project, or activ-
3 ity shall be increased by more than 3 percent by any such
4 transfer: *Provided*, That the transfer authority granted by
5 this section shall not be used to create any new program
6 or to fund any project or activity for which no funds are
7 provided in this Act: *Provided further*, That the Commit-
8 tees on Appropriations of the House of Representatives
9 and the Senate are notified at least 15 days in advance
10 of any transfer.

11 SEC. 103. In accordance with Executive Order
12 13126, none of the funds appropriated or otherwise made
13 available pursuant to this Act shall be obligated or ex-
14 pended for the procurement of goods mined, produced,
15 manufactured, or harvested or services rendered, in whole
16 or in part, by forced or indentured child labor in industries
17 and host countries already identified by the United States
18 Department of Labor prior to enactment of this Act.

19 SEC. 104. Except as otherwise provided in this sec-
20 tion, none of the funds made available to the Department
21 of Labor for grants under section 414(c) of the American
22 Competitiveness and Workforce Improvement Act of 1998
23 (29 U.S.C. 2916a) may be used for any purpose other
24 than competitive grants for training individuals who are
25 older than 16 years of age and are not currently enrolled

1 rectly or through a set-aside, for technical assistance serv-
2 ices to grantees to “Program Administration” when it is
3 determined that those services will be more efficiently per-
4 formed by Federal employees: *Provided*, That this section
5 shall not apply to section 171 of the WIOA.

6 (b) Notwithstanding section 102, the Secretary may
7 transfer not more than 0.5 percent of each discretionary
8 appropriation made available to the Employment and
9 Training Administration by this Act to “Program Admin-
10 istration” in order to carry out program integrity activities
11 relating to any of the programs or activities that are fund-
12 ed under any such discretionary appropriations: *Provided*,
13 That notwithstanding section 102 and the preceding pro-
14 viso, the Secretary may transfer not more than 0.5 percent
15 of funds made available in paragraphs (1) and (2) of the
16 “Office of Job Corps” account to paragraph (3) of such
17 account to carry out program integrity activities related
18 to the Job Corps program: *Provided further*, That funds
19 transferred under this subsection shall be available to the
20 Secretary to carry out program integrity activities directly
21 or through grants, cooperative agreements, contracts and
22 other arrangements with States and other appropriate en-
23 tities: *Provided further*, That funds transferred under the
24 authority provided by this subsection shall be available for
25 obligation through September 30, 2024.

1 (TRANSFER OF FUNDS)

2 SEC. 107. (a) The Secretary may reserve not more
3 than 0.75 percent from each appropriation made available
4 in this Act identified in subsection (b) in order to carry
5 out evaluations of any of the programs or activities that
6 are funded under such accounts. Any funds reserved under
7 this section shall be transferred to “Departmental Man-
8 agement” for use by the Office of the Chief Evaluation
9 Officer within the Department of Labor, and shall be
10 available for obligation through September 30, 2024: *Pro-*
11 *vided*, That such funds shall only be available if the Chief
12 Evaluation Officer of the Department of Labor submits
13 a plan to the Committees on Appropriations of the House
14 of Representatives and the Senate describing the evalua-
15 tions to be carried out 15 days in advance of any transfer.

16 (b) The accounts referred to in subsection (a) are:
17 “Training and Employment Services”, “Job Corps”,
18 “Community Service Employment for Older Americans”,
19 “State Unemployment Insurance and Employment Service
20 Operations”, “Employee Benefits Security Administra-
21 tion”, “Office of Workers’ Compensation Programs”,
22 “Wage and Hour Division”, “Office of Federal Contract
23 Compliance Programs”, “Office of Labor Management
24 Standards”, “Occupational Safety and Health Adminis-
25 tration”, “Mine Safety and Health Administration”, “Of-

1 fice of Disability Employment Policy”, funding made
2 available to the “Bureau of International Labor Affairs”
3 and “Women’s Bureau” within the “Departmental Man-
4 agement, Salaries and Expenses” account, and “Veterans’
5 Employment and Training”.

6 SEC. 108. (a) Section 7 of the Fair Labor Standards
7 Act of 1938 (29 U.S.C. 207) shall be applied as if the
8 following text is part of such section:

9 “(s)(1) The provisions of this section shall not apply
10 for a period of 2 years after the occurrence of a major
11 disaster to any employee—

12 “(A) employed to adjust or evaluate claims re-
13 sulting from or relating to such major disaster, by
14 an employer not engaged, directly or through an af-
15 filiate, in underwriting, selling, or marketing prop-
16 erty, casualty, or liability insurance policies or con-
17 tracts;

18 “(B) who receives from such employer on aver-
19 age weekly compensation of not less than \$591.00
20 per week or any minimum weekly amount estab-
21 lished by the Secretary, whichever is greater, for the
22 number of weeks such employee is engaged in any
23 of the activities described in subparagraph (C); and

24 “(C) whose duties include any of the following:

1 “(i) interviewing insured individuals, indi-
2 viduals who suffered injuries or other damages
3 or losses arising from or relating to a disaster,
4 witnesses, or physicians;

5 “(ii) inspecting property damage or review-
6 ing factual information to prepare damage esti-
7 mates;

8 “(iii) evaluating and making recommenda-
9 tions regarding coverage or compensability of
10 claims or determining liability or value aspects
11 of claims;

12 “(iv) negotiating settlements; or

13 “(v) making recommendations regarding
14 litigation.

15 “(2) The exemption in this subsection shall not affect
16 the exemption provided by section 13(a)(1).

17 “(3) For purposes of this subsection—

18 “(A) the term ‘major disaster’ means any dis-
19 aster or catastrophe declared or designated by any
20 State or Federal agency or department;

21 “(B) the term ‘employee employed to adjust or
22 evaluate claims resulting from or relating to such
23 major disaster’ means an individual who timely se-
24 cured or secures a license required by applicable law
25 to engage in and perform the activities described in

1 clauses (i) through (v) of paragraph (1)(C) relating
2 to a major disaster, and is employed by an employer
3 that maintains worker compensation insurance cov-
4 erage or protection for its employees, if required by
5 applicable law, and withholds applicable Federal,
6 State, and local income and payroll taxes from the
7 wages, salaries and any benefits of such employees;
8 and

9 “(C) the term ‘affiliate’ means a company that,
10 by reason of ownership or control of 25 percent or
11 more of the outstanding shares of any class of voting
12 securities of one or more companies, directly or indi-
13 rectly, controls, is controlled by, or is under common
14 control with, another company.”.

15 (b) This section shall be effective on the date of en-
16 actment of this Act.

17 SEC. 109. (a) FLEXIBILITY WITH RESPECT TO THE
18 CROSSING OF H-2B NONIMMIGRANTS WORKING IN THE
19 SEAFOOD INDUSTRY.—

20 (1) IN GENERAL.—Subject to paragraph (2), if
21 a petition for H-2B nonimmigrants filed by an em-
22 ployer in the seafood industry is granted, the em-
23 ployer may bring the nonimmigrants described in
24 the petition into the United States at any time dur-
25 ing the 120-day period beginning on the start date

1 for which the employer is seeking the services of the
2 nonimmigrants without filing another petition.

3 (2) REQUIREMENTS FOR CROSSINGS AFTER
4 90TH DAY.—An employer in the seafood industry
5 may not bring H–2B nonimmigrants into the United
6 States after the date that is 90 days after the start
7 date for which the employer is seeking the services
8 of the nonimmigrants unless the employer—

9 (A) completes a new assessment of the
10 local labor market by—

11 (i) listing job orders in local news-
12 papers on 2 separate Sundays; and

13 (ii) posting the job opportunity on the
14 appropriate Department of Labor Elec-
15 tronic Job Registry and at the employer’s
16 place of employment; and

17 (B) offers the job to an equally or better
18 qualified United States worker who—

19 (i) applies for the job; and

20 (ii) will be available at the time and
21 place of need.

22 (3) EXEMPTION FROM RULES WITH RESPECT
23 TO STAGGERING.—The Secretary of Labor shall not
24 consider an employer in the seafood industry who
25 brings H–2B nonimmigrants into the United States

1 during the 120-day period specified in paragraph (1)
2 to be staggering the date of need in violation of sec-
3 tion 655.20(d) of title 20, Code of Federal Regula-
4 tions, or any other applicable provision of law.

5 (b) H-2B NONIMMIGRANTS DEFINED.—In this sec-
6 tion, the term “H-2B nonimmigrants” means aliens ad-
7 mitted to the United States pursuant to section
8 101(a)(15)(H)(ii)(B) of the Immigration and Nationality
9 Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)).

10 SEC. 110. The determination of prevailing wage for
11 the purposes of the H-2B program shall be the greater
12 of—(1) the actual wage level paid by the employer to other
13 employees with similar experience and qualifications for
14 such position in the same location; or (2) the prevailing
15 wage level for the occupational classification of the posi-
16 tion in the geographic area in which the H-2B non-
17 immigrant will be employed, based on the best information
18 available at the time of filing the petition. In the deter-
19 mination of prevailing wage for the purposes of the H-
20 2B program, the Secretary shall accept private wage sur-
21 veys even in instances where Occupational Employment
22 Statistics survey data are available unless the Secretary
23 determines that the methodology and data in the provided
24 survey are not statistically supported.

1 SEC. 111. None of the funds in this Act shall be used
2 to enforce the definition of corresponding employment
3 found in 20 CFR 655.5 or the three-fourths guarantee
4 rule definition found in 20 CFR 655.20, or any references
5 thereto. Further, for the purpose of regulating admission
6 of temporary workers under the H-2B program, the defi-
7 nition of temporary need shall be that provided in 8 CFR
8 214.2(h)(6)(ii)(B).

9 SEC. 112. Notwithstanding any other provision of
10 law, the Secretary may furnish through grants, coopera-
11 tive agreements, contracts, and other arrangements, up to
12 \$2,000,000 of excess personal property, at a value deter-
13 mined by the Secretary, to apprenticeship programs for
14 the purpose of training apprentices in those programs.

15 SEC. 113. (a) The Act entitled “An Act to create a
16 Department of Labor”, approved March 4, 1913 (37 Stat.
17 736, chapter 141) shall be applied as if the following text
18 is part of such Act:

19 **“SEC. 12. SECURITY DETAIL.**

20 “(a) IN GENERAL.—The Secretary of Labor is au-
21 thorized to employ law enforcement officers or special
22 agents to—

23 “(1) provide protection for the Secretary of
24 Labor during the workday of the Secretary and dur-
25 ing any activity that is preliminary or postliminary

1 to the performance of official duties by the Sec-
2 retary;

3 “(2) provide protection, incidental to the protec-
4 tion provided to the Secretary, to a member of the
5 immediate family of the Secretary who is partici-
6 pating in an activity or event relating to the official
7 duties of the Secretary;

8 “(3) provide continuous protection to the Sec-
9 retary (including during periods not described in
10 paragraph (1)) and to the members of the imme-
11 diate family of the Secretary if there is a unique and
12 articulable threat of physical harm, in accordance
13 with guidelines established by the Secretary; and

14 “(4) provide protection to the Deputy Secretary
15 of Labor or another senior officer representing the
16 Secretary of Labor at a public event if there is a
17 unique and articulable threat of physical harm, in
18 accordance with guidelines established by the Sec-
19 retary.

20 “(b) AUTHORITIES.—The Secretary of Labor may
21 authorize a law enforcement officer or special agent em-
22 ployed under subsection (a), for the purpose of performing
23 the duties authorized under subsection (a), to—

24 “(1) carry firearms;

1 “(2) make arrests without a warrant for any of-
2 fense against the United States committed in the
3 presence of such officer or special agent;

4 “(3) perform protective intelligence work, in-
5 cluding identifying and mitigating potential threats
6 and conducting advance work to review security mat-
7 ters relating to sites and events;

8 “(4) coordinate with local law enforcement
9 agencies; and

10 “(5) initiate criminal and other investigations
11 into potential threats to the security of the Sec-
12 retary, in coordination with the Inspector General of
13 the Department of Labor.

14 “(c) COMPLIANCE WITH GUIDELINES.—A law en-
15 forcement officer or special agent employed under sub-
16 section (a) shall exercise any authority provided under this
17 section in accordance with any—

18 “(1) guidelines issued by the Attorney General;
19 and

20 “(2) guidelines prescribed by the Secretary of
21 Labor.”.

22 (b) This section shall be effective on the date of en-
23 actment of this Act.

24 SEC. 114. The Secretary is authorized to dispose of
25 or divest, by any means the Secretary determines appro-

1 piate, including an agreement or partnership to construct
2 a new Job Corps center, all or a portion of the real prop-
3 erty on which the Treasure Island Job Corps Center is
4 situated. Any sale or other disposition, to include any as-
5 sociated construction project, will not be subject to any
6 requirement of any Federal law or regulation relating to
7 the disposition of Federal real property or relating to Fed-
8 eral procurement, including but not limited to subchapter
9 III of chapter 5 of title 40 of the United States Code,
10 subchapter V of chapter 119 of title 42 of the United
11 States Code, and chapter 33 of division C of subtitle I
12 of title 41 of the United States Code. The net proceeds
13 of such a sale shall be transferred to the Secretary, which
14 shall be available until expended to carry out the Job
15 Corps Program on Treasure Island.

16 SEC. 115. None of the funds made available by this
17 Act may be used to—

18 (1) alter or terminate the Interagency Agree-
19 ment between the United States Department of
20 Labor and the United States Department of Agri-
21 culture; or

22 (2) close any of the Civilian Conservation Cen-
23 ters, except if such closure is necessary to prevent
24 the endangerment of the health and safety of the
25 students, the capacity of the program is retained,

989

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 respect to primary health care and the Native Hawaiian Health Care Act of 1988, \$1,858,772,000: Provided,*
8 *That no more than \$1,000,000 shall be available until expended for carrying out the provisions of section 224(o) of the PHS Act: Provided further,* That no more than
9 *\$120,000,000 shall be available until expended for carrying out subsections (g) through (n) and (q) of section 224 of the PHS Act, and for expenses incurred by the*
10 *Department of Health and Human Services (referred to in this Act as “HHS”) pertaining to administrative claims*
11 *made under such law.*

12 HEALTH WORKFORCE

13 For carrying out titles III, VII, and VIII of the PHS
14 Act with respect to the health workforce, sections 1128E
15 and 1921 of the Social Security Act, and the Health Care
16 Quality Improvement Act of 1986, \$1,390,376,000: *Pro-*
17 *vided,* That section 751(j)(2) of the PHS Act and the pro-
18 *portional funding amounts in paragraphs (1) through (4)*

1 of section 756(f) of the PHS Act shall not apply to funds
2 made available under this heading: *Provided further*, That
3 for any program operating under section 751 of the PHS
4 Act on or before January 1, 2009, the Secretary of Health
5 and Human Services (referred to in this title as the “Sec-
6 retary”) may hereafter waive any of the requirements con-
7 tained in sections 751(d)(2)(A) and 751(d)(2)(B) of such
8 Act for the full project period of a grant under such sec-
9 tion: *Provided further*, That section 756(c) of the PHS Act
10 shall apply to paragraphs (1) through (4) of section
11 756(a) of such Act: *Provided further*, That no funds shall
12 be available for section 340G–1 of the PHS Act: *Provided*
13 *further*, That fees collected for the disclosure of informa-
14 tion under section 427(b) of the Health Care Quality Im-
15 provement Act of 1986 and sections 1128E(d)(2) and
16 1921 of the Social Security Act shall be sufficient to re-
17 cover the full costs of operating the programs authorized
18 by such sections and shall remain available until expended
19 for the National Practitioner Data Bank: *Provided further*,
20 That funds transferred to this account to carry out section
21 846 and subpart 3 of part D of title III of the PHS Act
22 may be used to make prior year adjustments to awards
23 made under such section and subpart: *Provided further*,
24 That \$125,600,000 shall remain available until expended
25 for the purposes of providing primary health services, as-

1 signing National Health Service Corps (“NHSC”) partici-
2 pants to expand the delivery of substance use disorder
3 treatment services, notwithstanding the assignment prior-
4 ities and limitations under sections 333(a)(1)(D), 333(b),
5 and 333A(a)(1)(B)(ii) of the PHS Act, and making pay-
6 ments under the NHSC Loan Repayment Program under
7 section 338B of such Act: *Provided further*, That, within
8 the amount made available in the previous proviso,
9 \$15,600,000 shall remain available until expended for the
10 purposes of making payments under the NHSC Loan Re-
11 payment Program under section 338B of the PHS Act
12 to individuals participating in such program who provide
13 primary health services in Indian Health Service facilities,
14 Tribally-Operated 638 Health Programs, and Urban In-
15 dian Health Programs (as those terms are defined by the
16 Secretary), notwithstanding the assignment priorities and
17 limitations under section 333(b) of such Act: *Provided fur-*
18 *ther*, That for purposes of the previous two provisos, sec-
19 tion 331(a)(3)(D) of the PHS Act shall be applied as if
20 the term “primary health services” includes clinical sub-
21 stance use disorder treatment services, including those
22 provided by masters level, licensed substance use disorder
23 treatment counselors: *Provided further*, That of the funds
24 made available under this heading, \$6,000,000 shall be
25 available to make grants to establish, expand, or maintain

1 optional community-based nurse practitioner fellowship
2 programs that are accredited or in the accreditation pro-
3 cess, with a preference for those in Federally Qualified
4 Health Centers, for practicing postgraduate nurse practi-
5 tioners in primary care or behavioral health: *Provided fur-*
6 *ther*, That of the funds made available under this heading,
7 \$10,000,000 shall remain available until expended for ac-
8 tivities under section 775 of the PHS Act: *Provided fur-*
9 *ther*, That the United States may recover liquidated dam-
10 ages in an amount determined by the formula under sec-
11 tion 338E(c)(1) of the PHS Act if an individual either
12 fails to begin or complete the service obligated by a con-
13 tract under section 775(b) of the PHS Act: *Provided fur-*
14 *ther*, That for purposes of section 775(c)(1) of the PHS
15 Act, the Secretary may include other mental and behav-
16 ioral health disciplines as the Secretary deems appro-
17 priate: *Provided further*, That the Secretary may termi-
18 nate a contract entered into under section 775 of the PHS
19 Act in the same manner articulated in section 206 of this
20 title for fiscal year 2023 contracts entered into under sec-
21 tion 338B of the PHS Act.

22 Of the funds made available under this heading,
23 \$60,000,000 shall remain available until expended for
24 grants to public institutions of higher education to expand
25 or support graduate education for physicians provided by

1 such institutions, including funding for infrastructure de-
2 velopment, maintenance, equipment, and minor renova-
3 tions or alterations: *Provided*, That, in awarding such
4 grants, the Secretary shall give priority to public institu-
5 tions of higher education located in States with a projected
6 primary care provider shortage in 2025, as determined by
7 the Secretary: *Provided further*, That grants so awarded
8 are limited to such public institutions of higher education
9 in States in the top quintile of States with a projected
10 primary care provider shortage in 2025, as determined by
11 the Secretary: *Provided further*, That the minimum
12 amount of a grant so awarded to such an institution shall
13 be not less than \$1,000,000 per year: *Provided further*,
14 That such a grant may be awarded for a period not to
15 exceed 5 years: *Provided further*, That such a grant award-
16 ed with respect to a year to such an institution shall be
17 subject to a matching requirement of non-Federal funds
18 in an amount that is not less than 10 percent of the total
19 amount of Federal funds provided in the grant to such
20 institution with respect to such year.

21 MATERNAL AND CHILD HEALTH

22 For carrying out titles III, XI, XII, and XIX of the
23 PHS Act with respect to maternal and child health and
24 title V of the Social Security Act, \$1,171,430,000: *Pro-*
25 *vided*, That notwithstanding sections 502(a)(1) and

1 502(b)(1) of the Social Security Act, not more than
2 \$219,116,000 shall be available for carrying out special
3 projects of regional and national significance pursuant to
4 section 501(a)(2) of such Act and \$10,276,000 shall be
5 available for projects described in subparagraphs (A)
6 through (F) of section 501(a)(3) of such Act.

7 RYAN WHITE HIV/AIDS PROGRAM

8 For carrying out title XXVI of the PHS Act with
9 respect to the Ryan White HIV/AIDS program,
10 \$2,571,041,000, of which \$2,045,630,000 shall remain
11 available to the Secretary through September 30, 2025,
12 for parts A and B of title XXVI of the PHS Act, and
13 of which not less than \$900,313,000 shall be for State
14 AIDS Drug Assistance Programs under the authority of
15 section 2616 or 311(c) of such Act; and of which
16 \$165,000,000, to remain available until expended, shall be
17 available to the Secretary for carrying out a program of
18 grants and contracts under title XXVI or section 311(c)
19 of such Act focused on ending the nationwide HIV/AIDS
20 epidemic, with any grants issued under such section
21 311(c) administered in conjunction with title XXVI of the
22 PHS Act, including the limitation on administrative ex-
23 penses.

1 HEALTH SYSTEMS

2 For carrying out titles III and XII of the PHS Act
3 with respect to health care systems, and the Stem Cell
4 Therapeutic and Research Act of 2005, \$99,009,000, of
5 which \$122,000 shall be available until expended for facili-
6 ties-related expenses of the National Hansen's Disease
7 Program.

8 RURAL HEALTH

9 For carrying out titles III and IV of the PHS Act
10 with respect to rural health, section 427(a) of the Federal
11 Coal Mine Health and Safety Act of 1969, and sections
12 711 and 1820 of the Social Security Act, \$352,407,000,
13 of which \$64,277,000 from general revenues, notwith-
14 standing section 1820(j) of the Social Security Act, shall
15 be available for carrying out the Medicare rural hospital
16 flexibility grants program: *Provided*, That of the funds
17 made available under this heading for Medicare rural hos-
18 pital flexibility grants, \$20,942,000 shall be available for
19 the Small Rural Hospital Improvement Grant Program
20 for quality improvement and adoption of health informa-
21 tion technology, no less than \$5,000,000 shall be available
22 to award grants to public or non-profit private entities for
23 the Rural Emergency Hospital Technical Assistance Pro-
24 gram, and up to \$1,000,000 shall be to carry out section
25 1820(g)(6) of the Social Security Act, with funds provided

1 for grants under section 1820(g)(6) available for the pur-
2 chase and implementation of telehealth services and other
3 efforts to improve health care coordination for rural vet-
4 erans between rural providers and the Department of Vet-
5 erans Affairs: *Provided further*, That notwithstanding sec-
6 tion 338J(k) of the PHS Act, \$12,500,000 shall be avail-
7 able for State Offices of Rural Health: *Provided further*,
8 That \$12,500,000 shall remain available through Sep-
9 tember 30, 2025, to support the Rural Residency Develop-
10 ment Program: *Provided further*, That \$145,000,000 shall
11 be for the Rural Communities Opioids Response Program.

12

FAMILY PLANNING

13 For carrying out the program under title X of the
14 PHS Act to provide for voluntary family planning
15 projects, \$286,479,000: *Provided*, That amounts provided
16 to said projects under such title shall not be expended for
17 abortions, that all pregnancy counseling shall be nondirec-
18 tive, and that such amounts shall not be expended for any
19 activity (including the publication or distribution of lit-
20 erature) that in any way tends to promote public support
21 or opposition to any legislative proposal or candidate for
22 public office.

23

HRSA-WIDE ACTIVITIES AND PROGRAM SUPPORT

24

For carrying out title III of the Public Health Service
25 Act and for cross-cutting activities and program support

1 for activities funded in other appropriations included in
2 this Act for the Health Resources and Services Adminis-
3 tration, \$1,735,769,000, of which \$38,050,000 shall be
4 for expenses necessary for the Office for the Advancement
5 of Telehealth, including grants, contracts, and cooperative
6 agreements for the advancement of telehealth activities:
7 *Provided*, That funds made available under this heading
8 may be used to supplement program support funding pro-
9 vided under the headings “Primary Health Care”,
10 “Health Workforce”, “Maternal and Child Health”,
11 “Ryan White HIV/AIDS Program”, “Health Systems”,
12 and “Rural Health”: *Provided further*, That of the amount
13 made available under this heading, \$1,521,681,000 shall
14 be used for the projects financing the construction and
15 renovation (including equipment) of health care and other
16 facilities, and for the projects financing one-time grants
17 that support health-related activities, including training
18 and information technology, and in the amounts specified
19 in the table titled “Community Project Funding/Congres-
20 sionally Directed Spending” included for this division in
21 the explanatory statement described in section 4 (in the
22 matter preceding division A of this consolidated Act): *Pro-*
23 *vided further*, That none of the funds made available for
24 projects described in the preceding proviso shall be subject
25 to section 241 of the PHS Act or section 205 of this Act.

1 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

2 For payments from the Vaccine Injury Compensation
3 Program Trust Fund (the “Trust Fund”), such sums as
4 may be necessary for claims associated with vaccine-re-
5 lated injury or death with respect to vaccines administered
6 after September 30, 1988, pursuant to subtitle 2 of title
7 XXI of the PHS Act, to remain available until expended:
8 *Provided*, That for necessary administrative expenses, not
9 to exceed \$15,200,000 shall be available from the Trust
10 Fund to the Secretary.

11 COVERED COUNTERMEASURES PROCESS FUND

12 For carrying out section 319F–4 of the PHS Act,
13 \$7,000,000, to remain available until expended.

14 CENTERS FOR DISEASE CONTROL AND PREVENTION

15 IMMUNIZATION AND RESPIRATORY DISEASES

16 For carrying out titles II, III, XVII, and XXI, and
17 section 2821 of the PHS Act, titles II and IV of the Immi-
18 gration and Nationality Act, and section 501 of the Ref-
19 ugee Education Assistance Act, with respect to immuniza-
20 tion and respiratory diseases, \$499,941,000.

21 HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED

22 DISEASES, AND TUBERCULOSIS PREVENTION

23 For carrying out titles II, III, XVII, and XXIII of
24 the PHS Act with respect to HIV/AIDS, viral hepatitis,

1 sexually transmitted diseases, and tuberculosis prevention,
2 \$1,391,056,000.

3 EMERGING AND ZOOONOTIC INFECTIOUS DISEASES

4 For carrying out titles II, III, and XVII, and section
5 2821 of the PHS Act, titles II and IV of the Immigration
6 and Nationality Act, and section 501 of the Refugee Edu-
7 cation Assistance Act, with respect to emerging and
8 zoonotic infectious diseases, \$698,772,000: *Provided*, That
9 of the amounts made available under this heading, up to
10 \$1,000,000 shall remain available until expended to pay
11 for the transportation, medical care, treatment, and other
12 related costs of persons quarantined or isolated under
13 Federal or State quarantine law.

14 CHRONIC DISEASE PREVENTION AND HEALTH

15 PROMOTION

16 For carrying out titles II, III, XI, XV, XVII, and
17 XIX of the PHS Act with respect to chronic disease pre-
18 vention and health promotion, \$1,175,464,000: *Provided*,
19 That funds made available under this heading may be
20 available for making grants under section 1509 of the
21 PHS Act for not less than 21 States, tribes, or tribal orga-
22 nizations: *Provided further*, That of the funds made avail-
23 able under this heading, \$16,500,000 shall be available to
24 continue and expand community specific extension and
25 outreach programs to combat obesity in counties with the

1000

1 highest levels of obesity: *Provided further*, That the pro-
2 portional funding requirements under section 1503(a) of
3 the PHS Act shall not apply to funds made available
4 under this heading.

5 BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES,
6 DISABILITIES AND HEALTH

7 For carrying out titles II, III, XI, and XVII of the
8 PHS Act with respect to birth defects, developmental dis-
9 abilities, disabilities and health, \$205,560,000.

10 PUBLIC HEALTH SCIENTIFIC SERVICES

11 For carrying out titles II, III, and XVII of the PHS
12 Act with respect to health statistics, surveillance, health
13 informatics, and workforce development, \$754,497,000.

14 ENVIRONMENTAL HEALTH

15 For carrying out titles II, III, and XVII of the PHS
16 Act with respect to environmental health, \$229,850,000:
17 *Provided*, That of the amounts appropriated under this
18 heading up to \$4,000,000 may remain available until ex-
19 pended for carrying out the Vessel Sanitation Program,
20 in addition to user fee collections available for such pur-
21 pose: *Provided further*, That the Committees on Appro-
22 priations of the House of Representatives and the Senate
23 are notified at least 15 days in advance of any use of funds
24 pursuant to the preceding proviso.

1001

1 INJURY PREVENTION AND CONTROL

2 For carrying out titles II, III, and XVII of the PHS
3 Act with respect to injury prevention and control,
4 \$761,379,000.

5 NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND
6 HEALTH

7 For carrying out titles II, III, and XVII of the PHS
8 Act, sections 101, 102, 103, 201, 202, 203, 301, and 501
9 of the Federal Mine Safety and Health Act, section 13
10 of the Mine Improvement and New Emergency Response
11 Act, and sections 20, 21, and 22 of the Occupational Safe-
12 ty and Health Act, with respect to occupational safety and
13 health, \$362,800,000.

14 ENERGY EMPLOYEES OCCUPATIONAL ILLNESS
15 COMPENSATION PROGRAM

16 For necessary expenses to administer the Energy
17 Employees Occupational Illness Compensation Program
18 Act, \$55,358,000, to remain available until expended: *Pro-*
19 *vided*, That this amount shall be available consistent with
20 the provision regarding administrative expenses in section
21 151(b) of division B, title I of Public Law 106–554.

22 GLOBAL HEALTH

23 For carrying out titles II, III, and XVII of the PHS
24 Act with respect to global health, \$692,843,000, of which:
25 (1) \$128,921,000 shall remain available through Sep-

1002

1 tember 30, 2024 for international HIV/AIDS; and (2)
2 \$293,200,000 shall remain available through September
3 30, 2025 for global public health protection: *Provided*,
4 That funds may be used for purchase and insurance of
5 official motor vehicles in foreign countries.

6 PUBLIC HEALTH PREPAREDNESS AND RESPONSE

7 For carrying out titles II, III, and XVII of the PHS
8 Act with respect to public health preparedness and re-
9 sponse, and for expenses necessary to support activities
10 related to countering potential biological, nuclear, radio-
11 logical, and chemical threats to civilian populations,
12 \$883,200,000: *Provided*, That the Director of the Centers
13 for Disease Control and Prevention (referred to in this
14 title as “CDC”) or the Administrator of the Agency for
15 Toxic Substances and Disease Registry may detail staff
16 without reimbursement to support an activation of the
17 CDC Emergency Operations Center, so long as the Direc-
18 tor or Administrator, as applicable, provides a notice to
19 the Committees on Appropriations of the House of Rep-
20 resentatives and the Senate within 15 days of the use of
21 this authority, a full report within 30 days after use of
22 this authority which includes the number of staff and
23 funding level broken down by the originating center and
24 number of days detailed, and an update of such report

1003

1 every 180 days until staff are no longer on detail without
2 reimbursement to the CDC Emergency Operations Center.

3 BUILDINGS AND FACILITIES

4 (INCLUDING TRANSFER OF FUNDS)

5 For acquisition of real property, equipment, construc-
6 tion, installation, demolition, and renovation of facilities,
7 \$40,000,000, which shall remain available until September
8 30, 2027: *Provided*, That funds made available to this ac-
9 count 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 shall be available to make improvements
12 on non-federally owned property, provided that any im-
13 provements that are not adjacent to federally owned prop-
14 erty do not exceed \$2,500,000, and that the primary ben-
15 efit of such improvements accrues to CDC: *Provided fur-*
16 *ther*, That funds previously set-aside by CDC for repair
17 and upgrade of the Lake Lynn Experimental Mine and
18 Laboratory shall be used to acquire a replacement mine
19 safety research facility: *Provided further*, That funds made
20 available to this account in this or any prior Act that are
21 available for the acquisition of real property or for con-
22 struction or improvement of facilities in conjunction with
23 the new replacement mine safety research facility shall be
24 available to make improvements on non-federally owned
25 property, provided that any improvements that are not ad-

1004

1 jacent to federally owned property do not exceed
2 \$5,000,000: *Provided further*, That in addition, the prior
3 year unobligated balance of any amounts assigned to
4 former employees in accounts of CDC made available for
5 Individual Learning Accounts shall be credited to and
6 merged with the amounts made available under this head-
7 ing to support the replacement of the mine safety research
8 facility.

9 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

10 (INCLUDING TRANSFER OF FUNDS)

11 For carrying out titles II, III, XVII and XIX, and
12 section 2821 of the PHS Act and for cross-cutting activi-
13 ties and program support for activities funded in other
14 appropriations included in this Act for the Centers for
15 Disease Control and Prevention, \$563,570,000, of which:
16 (1) \$350,000,000 shall remain available through Sep-
17 tember 30, 2024, for public health infrastructure and ca-
18 pacity; and (2) \$50,000,000 shall remain available
19 through September 30, 2024 for forecasting epidemics
20 and outbreak analytics: *Provided*, That paragraphs (1)
21 through (3) of subsection (b) of section 2821 of the PHS
22 Act shall not apply to funds appropriated under this head-
23 ing and in all other accounts of the CDC: *Provided further*,
24 That of the amounts made available under this heading,
25 \$35,000,000, to remain available until expended, shall be

1005

1 available to the Director of the CDC for deposit in the
2 Infectious Diseases Rapid Response Reserve Fund estab-
3 lished by section 231 of division B of Public Law 115–
4 245: *Provided further*, That funds appropriated under this
5 heading may be used to support a contract for the oper-
6 ation and maintenance of an aircraft in direct support of
7 activities throughout CDC to ensure the agency is pre-
8 pared to address public health preparedness emergencies:
9 *Provided further*, That employees of CDC or the Public
10 Health Service, both civilian and commissioned officers,
11 detailed to States, municipalities, or other organizations
12 under authority of section 214 of the PHS Act, or in over-
13 seas assignments, shall be treated as non-Federal employ-
14 ees for reporting purposes only and shall not be included
15 within any personnel ceiling applicable to the Agency,
16 Service, or HHS during the period of detail or assignment:
17 *Provided further*, That CDC may use up to \$10,000 from
18 amounts appropriated to CDC in this Act for official re-
19 ception and representation expenses when specifically ap-
20 proved by the Director of CDC: *Provided further*, That in
21 addition, such sums as may be derived from authorized
22 user fees, which shall be credited to the appropriation
23 charged with the cost thereof: *Provided further*, That with
24 respect to the previous proviso, authorized user fees from
25 the Vessel Sanitation Program and the Respirator Certifi-

1006

1 cation Program shall be available through September 30,
2 2024.

3 NATIONAL INSTITUTES OF HEALTH

4 NATIONAL CANCER INSTITUTE

5 For carrying out section 301 and title IV of the PHS
6 Act with respect to cancer, \$7,104,159,000, of which up
7 to \$30,000,000 may be used for facilities repairs and im-
8 provements at the National Cancer Institute—Frederick
9 Federally Funded Research and Development Center in
10 Frederick, Maryland.

11 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

12 For carrying out section 301 and title IV of the PHS
13 Act with respect to cardiovascular, lung, and blood dis-
14 eases, and blood and blood products, \$3,982,345,000.

15 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL

16 RESEARCH

17 For carrying out section 301 and title IV of the PHS
18 Act with respect to dental and craniofacial diseases,
19 \$520,163,000.

20 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND

21 KIDNEY DISEASES

22 For carrying out section 301 and title IV of the PHS
23 Act with respect to diabetes and digestive and kidney dis-
24 ease, \$2,300,721,000.

1007

1 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
2 AND STROKE

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to neurological disorders and stroke,
5 \$2,588,925,000.

6 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
7 DISEASES

8 For carrying out section 301 and title IV of the PHS
9 Act with respect to allergy and infectious diseases,
10 \$6,562,279,000.

11 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

12 For carrying out section 301 and title IV of the PHS
13 Act with respect to general medical sciences,
14 \$3,239,679,000, of which \$1,412,482,000 shall be from
15 funds available under section 241 of the PHS Act: *Pro-*
16 *vided*, That not less than \$425,956,000 is provided for the
17 Institutional Development Awards program.

18 EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF
19 CHILD HEALTH AND HUMAN DEVELOPMENT

20 For carrying out section 301 and title IV of the PHS
21 Act with respect to child health and human development,
22 \$1,749,078,000.

1008

1 NATIONAL EYE INSTITUTE

2 For carrying out section 301 and title IV of the PHS
3 Act with respect to eye diseases and visual disorders,
4 \$896,549,000.

5 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
6 SCIENCES

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to environmental health sciences,
9 \$913,979,000.

10 NATIONAL INSTITUTE ON AGING

11 For carrying out section 301 and title IV of the PHS
12 Act with respect to aging, \$4,407,623,000.

13 NATIONAL INSTITUTE OF ARTHRITIS AND
14 MUSCULOSKELETAL AND SKIN DISEASES

15 For carrying out section 301 and title IV of the PHS
16 Act with respect to arthritis and musculoskeletal and skin
17 diseases, \$685,465,000.

18 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
19 COMMUNICATION DISORDERS

20 For carrying out section 301 and title IV of the PHS
21 Act with respect to deafness and other communication dis-
22 orders, \$534,333,000.

23 NATIONAL INSTITUTE OF NURSING RESEARCH

24 For carrying out section 301 and title IV of the PHS
25 Act with respect to nursing research, \$197,693,000.

1009

1 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
2 ALCOHOLISM

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to alcohol abuse and alcoholism,
5 \$595,318,000.

6 NATIONAL INSTITUTE ON DRUG ABUSE

7 For carrying out section 301 and title IV of the PHS
8 Act with respect to drug abuse, \$1,662,695,000.

9 NATIONAL INSTITUTE OF MENTAL HEALTH

10 For carrying out section 301 and title IV of the PHS
11 Act with respect to mental health, \$2,112,843,000.

12 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

13 For carrying out section 301 and title IV of the PHS
14 Act with respect to human genome research,
15 \$663,200,000.

16 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
17 BIOENGINEERING

18 For carrying out section 301 and title IV of the PHS
19 Act with respect to biomedical imaging and bioengineering
20 research, \$440,627,000.

21 NATIONAL CENTER FOR COMPLEMENTARY AND
22 INTEGRATIVE HEALTH

23 For carrying out section 301 and title IV of the PHS
24 Act with respect to complementary and integrative health,
25 \$170,384,000.

1010

1 NATIONAL INSTITUTE ON MINORITY HEALTH AND
2 HEALTH DISPARITIES

3 For carrying out section 301 and title IV of the PHS
4 Act with respect to minority health and health disparities
5 research, \$524,395,000.

6 JOHN E. FOGARTY INTERNATIONAL CENTER

7 For carrying out the activities of the John E. Fogarty
8 International Center (described in subpart 2 of part E of
9 title IV of the PHS Act), \$95,162,000.

10 NATIONAL LIBRARY OF MEDICINE

11 For carrying out section 301 and title IV of the PHS
12 Act with respect to health information communications,
13 \$497,548,000: *Provided*, That of the amounts available for
14 improvement of information systems, \$4,000,000 shall be
15 available until September 30, 2024: *Provided further*, That
16 in fiscal year 2023, the National Library of Medicine may
17 enter into personal services contracts for the provision of
18 services in facilities owned, operated, or constructed under
19 the jurisdiction of the National Institutes of Health (re-
20 ferred to in this title as “NIH”).

21 NATIONAL CENTER FOR ADVANCING TRANSLATIONAL
22 SCIENCES

23 For carrying out section 301 and title IV of the PHS
24 Act with respect to translational sciences, \$923,323,000:
25 *Provided*, That up to \$70,000,000 shall be available to im-

1011

1 plement section 480 of the PHS Act, relating to the Cures
2 Acceleration Network: *Provided further*, That at least
3 \$629,560,000 is provided to the Clinical and Translational
4 Sciences Awards program.

5 OFFICE OF THE DIRECTOR
6 (INCLUDING TRANSFER OF FUNDS)

7 For carrying out the responsibilities of the Office of
8 the Director, NIH, \$2,642,914,000: *Provided*, That fund-
9 ing shall be available for the purchase of not to exceed
10 29 passenger motor vehicles for replacement only: *Pro-*
11 *vided further*, That all funds credited to the NIH Manage-
12 ment Fund shall remain available for one fiscal year after
13 the fiscal year in which they are deposited: *Provided fur-*
14 *ther*, That \$180,000,000 shall be for the Environmental
15 Influences on Child Health Outcomes study: *Provided fur-*
16 *ther*, That \$722,401,000 shall be available for the Com-
17 mon Fund established under section 402A(c)(1) of the
18 PHS Act: *Provided further*, That of the funds provided,
19 \$10,000 shall be for official reception and representation
20 expenses when specifically approved by the Director of the
21 NIH: *Provided further*, That the Office of AIDS Research
22 within the Office of the Director of the NIH may spend
23 up to \$8,000,000 to make grants for construction or ren-
24 ovation of facilities as provided for in section
25 2354(a)(5)(B) of the PHS Act: *Provided further*, That

1012

1 \$80,000,000 shall be used to carry out section 404I of
2 the PHS Act (42 U.S.C. 283K), relating to biomedical and
3 behavioral research facilities: *Provided further*, That
4 \$5,000,000 shall be transferred to and merged with the
5 appropriation for the “Office of Inspector General” for
6 oversight of grant programs and operations of the NIH,
7 including agency efforts to ensure the integrity of its grant
8 application evaluation and selection processes, and shall
9 be in addition to funds otherwise made available for over-
10 sight of the NIH: *Provided further*, That the funds pro-
11 vided in the previous proviso may be transferred from one
12 specified activity to another with 15 days prior approval
13 of the Committees on Appropriations of the House of Rep-
14 resentatives and the Senate: *Provided further*, That the In-
15 spector General shall consult with the Committees on Ap-
16 propriations of the House of Representatives and the Sen-
17 ate before submitting to the Committees an audit plan for
18 fiscal years 2023 and 2024 no later than 30 days after
19 the date of enactment of this Act: *Provided further*, That
20 amounts made available under this heading are also avail-
21 able to establish, operate, and support the Research Policy
22 Board authorized by section 2034(f) of the 21st Century
23 Cures Act: *Provided further*, That the funds made avail-
24 able under this heading for the Office of Research on
25 Women’s Health shall also be available for making grants

1013

1 to serve and promote the interests of women in research,
2 and the Director of such Office may, in making such
3 grants, use the authorities available to NIH Institutes and
4 Centers.

5 In addition to other funds appropriated for the Com-
6 mon Fund established under section 402A(c) of the PHS
7 Act, \$12,600,000 is appropriated to the Common Fund
8 from the 10-year Pediatric Research Initiative Fund de-
9 scribed in section 9008 of the Internal Revenue Code of
10 1986 (26 U.S.C. 9008), for the purpose of carrying out
11 section 402(b)(7)(B)(ii) of the PHS Act (relating to pedi-
12 atric research), as authorized in the Gabriella Miller Kids
13 First Research Act.

14 BUILDINGS AND FACILITIES

15 For the study of, construction of, demolition of, ren-
16 ovation of, and acquisition of equipment for, facilities of
17 or used by NIH, including the acquisition of real property,
18 \$350,000,000, to remain available through September 30,
19 2027.

20 NIH INNOVATION ACCOUNT, CURES ACT

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses to carry out the purposes de-
23 scribed in section 1001(b)(4) of the 21st Century Cures
24 Act, in addition to amounts available for such purposes
25 in the appropriations provided to the NIH in this Act,

1014

1 \$1,085,000,000, to remain available until expended: *Pro-*
2 *vided*, That such amounts are appropriated pursuant to
3 section 1001(b)(3) of such Act, are to be derived from
4 amounts transferred under section 1001(b)(2)(A) of such
5 Act, and may be transferred by the Director of the Na-
6 tional Institutes of Health to other accounts of the Na-
7 tional Institutes of Health solely for the purposes provided
8 in such Act: *Provided further*, That upon a determination
9 by the Director that funds transferred pursuant to the
10 previous proviso are not necessary for the purposes pro-
11 vided, such amounts may be transferred back to the Ac-
12 count: *Provided further*, That the transfer authority pro-
13 vided under this heading is in addition to any other trans-
14 fer authority provided by law.

15 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

16 ADMINISTRATION

17 MENTAL HEALTH

18 For carrying out titles III, V, and XIX of the PHS
19 Act with respect to mental health, the Protection and Ad-
20 vocacy for Individuals with Mental Illness Act, and the
21 SUPPORT for Patients and Communities Act,
22 \$2,693,507,000: *Provided*, That of the funds made avail-
23 able under this heading, \$93,887,000 shall be for the Na-
24 tional Child Traumatic Stress Initiative: *Provided further*,
25 That notwithstanding section 520A(f)(2) of the PHS Act,

1015

1 no funds appropriated for carrying out section 520A shall
2 be available for carrying out section 1971 of the PHS Act:
3 *Provided further*, That in addition to amounts provided
4 herein, \$21,039,000 shall be available under section 241
5 of the PHS Act to carry out subpart I of part B of title
6 XIX of the PHS Act to fund section 1920(b) technical
7 assistance, national data, data collection and evaluation
8 activities, and further that the total available under this
9 Act for section 1920(b) activities shall not exceed 5 per-
10 cent of the amounts appropriated for subpart I of part
11 B of title XIX: *Provided further*, That of the funds made
12 available under this heading for subpart I of part B of
13 title XIX of the PHS Act, at least 5 percent shall be avail-
14 able to support evidence-based crisis systems: *Provided*
15 *further*, That up to 10 percent of the amounts made avail-
16 able to carry out the Children’s Mental Health Services
17 program may be used to carry out demonstration grants
18 or contracts for early interventions with persons not more
19 than 25 years of age at clinical high risk of developing
20 a first episode of psychosis: *Provided further*, That section
21 520E(b)(2) of the PHS Act shall not apply to funds ap-
22 propriated in this Act for fiscal year 2023: *Provided fur-*
23 *ther*, That \$385,000,000 shall be available until Sep-
24 tember 30, 2025 for grants to communities and commu-
25 nity organizations who meet criteria for Certified Commu-

1 cating the amount made available in the preceding proviso,
2 the Secretary shall ensure that the formula avoids a sig-
3 nificant cliff between States with similar overdose mor-
4 tality rates to prevent unusually large funding changes in
5 States when compared to prior year allocations: *Provided*
6 *further*, That of the amounts provided for State Opioid
7 Response Grants not more than 2 percent shall be avail-
8 able for Federal administrative expenses, training, tech-
9 nical assistance, and evaluation: *Provided further*, That of
10 the amount not reserved by the previous four provisos, the
11 Secretary shall make allocations to States, territories, and
12 the District of Columbia according to a formula using na-
13 tional survey results that the Secretary determines are the
14 most objective and reliable measure of drug use and drug-
15 related deaths: *Provided further*, That the Secretary shall
16 submit the formula methodology to the Committees on Ap-
17 propriations of the House of Representatives and the Sen-
18 ate not less than 21 days prior to publishing a Funding
19 Opportunity Announcement: *Provided further*, That pre-
20 vention and treatment activities funded through such
21 grants may include education, treatment (including the
22 provision of medication), behavioral health services for in-
23 dividuals in treatment programs, referral to treatment
24 services, recovery support, and medical screening associ-
25 ated with such treatment: *Provided further*, That each

1018

1 State, as well as the District of Columbia, shall receive
2 not less than \$4,000,000: *Provided further*, That in addi-
3 tion to amounts provided herein, the following amounts
4 shall be available under section 241 of the PHS Act: (1)
5 \$79,200,000 to carry out subpart II of part B of title XIX
6 of the PHS Act to fund section 1935(b) technical assist-
7 ance, national data, data collection and evaluation activi-
8 ties, and further that the total available under this Act
9 for section 1935(b) activities shall not exceed 5 percent
10 of the amounts appropriated for subpart II of part B of
11 title XIX; and (2) \$2,000,000 to evaluate substance abuse
12 treatment programs: *Provided further*, That none of the
13 funds provided for section 1921 of the PHS Act or State
14 Opioid Response Grants shall be subject to section 241
15 of such Act.

16 SUBSTANCE ABUSE PREVENTION

17 For carrying out titles III and V of the PHS Act
18 with respect to substance abuse prevention, \$236,879,000.

19 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

20 For program support and cross-cutting activities that
21 supplement activities funded under the headings “Mental
22 Health”, “Substance Abuse Treatment”, and “Substance
23 Abuse Prevention” in carrying out titles III, V, and XIX
24 of the PHS Act and the Protection and Advocacy for Indi-
25 viduals with Mental Illness Act in the Substance Abuse

1 and Mental Health Services Administration,
2 \$301,932,000: *Provided*, That of the amount made avail-
3 able under this heading, \$160,777,000 shall be used for
4 the projects, and in the amounts, specified in the table
5 titled “Community Project Funding/Congressionally Di-
6 rected Spending” included for this division in the explana-
7 tory statement described in section 4 (in the matter pre-
8 ceding division A of this consolidated Act): *Provided fur-*
9 *ther*, That none of the funds made available for projects
10 described in the preceding proviso shall be subject to sec-
11 tion 241 of the PHS Act or section 205 of this Act: *Pro-*
12 *vided further*, That in addition to amounts provided here-
13 in, \$31,428,000 shall be available under section 241 of
14 the PHS Act to supplement funds available to carry out
15 national surveys on drug abuse and mental health, to col-
16 lect and analyze program data, and to conduct public
17 awareness and technical assistance activities: *Provided fur-*
18 *ther*, That, in addition, fees may be collected for the costs
19 of publications, data, data tabulations, and data analysis
20 completed under title V of the PHS Act and provided to
21 a public or private entity upon request, which shall be
22 credited to this appropriation and shall remain available
23 until expended for such purposes: *Provided further*, That
24 amounts made available in this Act for carrying out sec-
25 tion 501(o) of the PHS Act shall remain available through

1020

1 September 30, 2024: *Provided further*, That funds made
2 available under this heading (other than amounts specified
3 in the first proviso under this heading) may be used to
4 supplement program support funding provided under the
5 headings “Mental Health”, “Substance Abuse Treat-
6 ment”, and “Substance Abuse Prevention”.

7 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY
8 HEALTHCARE RESEARCH AND QUALITY

9 For carrying out titles III and IX of the PHS Act,
10 part A of title XI of the Social Security Act, and section
11 1013 of the Medicare Prescription Drug, Improvement,
12 and Modernization Act of 2003, \$373,500,000: *Provided*,
13 That section 947(c) of the PHS Act shall not apply in
14 fiscal year 2023: *Provided further*, That in addition,
15 amounts received from Freedom of Information Act fees,
16 reimbursable and interagency agreements, and the sale of
17 data shall be credited to this appropriation and shall re-
18 main available until September 30, 2024.

19 CENTERS FOR MEDICARE & MEDICAID SERVICES
20 GRANTS TO STATES FOR MEDICAID

21 For carrying out, except as otherwise provided, titles
22 XI and XIX of the Social Security Act, \$367,357,090,000,
23 to remain available until expended.

24 In addition, for carrying out such titles after May 31,
25 2023, for the last quarter of fiscal year 2023 for unantici-

1021

1 pated costs incurred for the current fiscal year, such sums
2 as may be necessary, to remain available until expended.

3 In addition, for carrying out such titles for the first
4 quarter of fiscal year 2024, \$197,580,474,000, to remain
5 available until expended.

6 Payment under such title XIX may be made for any
7 quarter with respect to a State plan or plan amendment
8 in effect during such quarter, if submitted in or prior to
9 such quarter and approved in that or any subsequent
10 quarter.

11 PAYMENTS TO THE HEALTH CARE TRUST FUNDS

12 For payment to the Federal Hospital Insurance
13 Trust Fund and the Federal Supplementary Medical In-
14 surance Trust Fund, as provided under sections 217(g),
15 1844, and 1860D–16 of the Social Security Act, sections
16 103(c) and 111(d) of the Social Security Amendments of
17 1965, section 278(d)(3) of Public Law 97–248, and for
18 administrative expenses incurred pursuant to section
19 201(g) of the Social Security Act, \$548,130,000,000.

20 In addition, for making matching payments under
21 section 1844 and benefit payments under section 1860D–
22 16 of the Social Security Act that were not anticipated
23 in budget estimates, such sums as may be necessary.

1022

1 PROGRAM MANAGEMENT

2 For carrying out, except as otherwise provided, titles
3 XI, XVIII, XIX, and XXI of the Social Security Act, titles
4 XIII and XXVII of the PHS Act, the Clinical Laboratory
5 Improvement Amendments of 1988, and other responsibil-
6 ities of the Centers for Medicare & Medicaid Services, not
7 to exceed \$3,669,744,000 to be transferred from the Fed-
8 eral Hospital Insurance Trust Fund and the Federal Sup-
9 plementary Medical Insurance Trust Fund, as authorized
10 by section 201(g) of the Social Security Act; together with
11 all funds collected in accordance with section 353 of the
12 PHS Act and section 1857(e)(2) of the Social Security
13 Act, funds retained by the Secretary pursuant to section
14 1893(h) of the Social Security Act, and such sums as may
15 be collected from authorized user fees and the sale of data,
16 which shall be credited to this account and remain avail-
17 able until expended: *Provided*, That all funds derived in
18 accordance with 31 U.S.C. 9701 from organizations estab-
19 lished under title XIII of the PHS Act shall be credited
20 to and available for carrying out the purposes of this ap-
21 propriation: *Provided further*, That the Secretary is di-
22 rected to collect fees in fiscal year 2023 from Medicare
23 Advantage organizations pursuant to section 1857(e)(2)
24 of the Social Security Act and from eligible organizations
25 with risk-sharing contracts under section 1876 of that Act

1023

1 pursuant to section 1876(k)(4)(D) of that Act: *Provided*
2 *further*, That of the amount made available under this
3 heading, \$397,334,000 shall remain available until Sep-
4 tember 30, 2024, and shall be available for the Survey
5 and Certification Program: *Provided further*, That
6 amounts available under this heading to support quality
7 improvement organizations (as defined in section 1152 of
8 the Social Security Act) shall not exceed the amount spe-
9 cifically provided for such purpose under this heading in
10 division H of the Consolidated Appropriations Act, 2018
11 (Public Law 115–141).

12 HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

13 In addition to amounts otherwise available for pro-
14 gram integrity and program management, \$893,000,000,
15 to remain available through September 30, 2024, to be
16 transferred from the Federal Hospital Insurance Trust
17 Fund and the Federal Supplementary Medical Insurance
18 Trust Fund, as authorized by section 201(g) of the Social
19 Security Act, of which \$665,648,000 shall be for the Cen-
20 ters for Medicare & Medicaid Services program integrity
21 activities, of which \$105,145,000 shall be for the Depart-
22 ment of Health and Human Services Office of Inspector
23 General to carry out fraud and abuse activities authorized
24 by section 1817(k)(3) of such Act, and of which
25 \$122,207,000 shall be for the Department of Justice to

1024

1 carry out fraud and abuse activities authorized by section
2 1817(k)(3) of such Act: *Provided*, That the report re-
3 quired by section 1817(k)(5) of the Social Security Act
4 for fiscal year 2023 shall include measures of the oper-
5 ational efficiency and impact on fraud, waste, and abuse
6 in the Medicare, Medicaid, and CHIP programs for the
7 funds provided by this appropriation: *Provided further*,
8 That of the amount provided under this heading,
9 \$317,000,000 is provided to meet the terms of a concur-
10 rent resolution on the budget in the Senate, and
11 \$576,000,000 is additional new budget authority specified
12 for purposes of a concurrent resolution on the budget in
13 the Senate and section 1(h) of H. Res. 1151 (117th Con-
14 gress), as engrossed in the House of Representatives on
15 June 8, 2022 for additional health care fraud and abuse
16 control activities: *Provided further*, That the Secretary
17 shall provide not less than \$35,000,000 from amounts
18 made available under this heading and amounts made
19 available for fiscal year 2023 under section 1817(k)(3)(A)
20 of the Social Security Act for the Senior Medicare Patrol
21 program to combat health care fraud and abuse.

1025

1 ADMINISTRATION FOR CHILDREN AND FAMILIES

2 PAYMENTS TO STATES FOR CHILD SUPPORT

3 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

4 For carrying out, except as otherwise provided, titles
5 I, IV–D, X, XI, XIV, and XVI of the Social Security Act
6 and the Act of July 5, 1960, \$2,883,000,000, to remain
7 available until expended; and for such purposes for the
8 first quarter of fiscal year 2024, \$1,300,000,000, to re-
9 main available until expended.

10 For carrying out, after May 31 of the current fiscal
11 year, except as otherwise provided, titles I, IV–D, X, XI,
12 XIV, and XVI of the Social Security Act and the Act of
13 July 5, 1960, for the last 3 months of the current fiscal
14 year for unanticipated costs, incurred for the current fiscal
15 year, such sums as may be necessary.

16 LOW INCOME HOME ENERGY ASSISTANCE

17 For making payments under subsections (b) and (d)
18 of section 2602 of the Low-Income Home Energy Assist-
19 ance Act of 1981 (42 U.S.C. 8621 et seq.),
20 \$1,500,000,000: *Provided*, That notwithstanding section
21 2609A(a) of such Act, not more than \$9,600,000 may be
22 reserved by the Secretary for technical assistance, train-
23 ing, and monitoring of program activities for compliance
24 with internal controls, policies and procedures, and to sup-
25 plement funding otherwise available for necessary admin-

1026

1 istrative expenses to carry out such Act, and the Secretary
2 may, in addition to the authorities provided in section
3 2609A(a)(1), use such funds through contracts with pri-
4 vate entities that do not qualify as nonprofit organiza-
5 tions: *Provided further*, That all but \$884,848,000 of the
6 amount appropriated under this heading in this Act and
7 in the second paragraph under this heading in the Dis-
8 aster Relief Supplemental Appropriations Act, 2023 shall
9 be allocated as though the total appropriation for such
10 payments for fiscal year 2023 was less than
11 \$1,975,000,000: *Provided further*, That, after applying all
12 applicable provisions of section 2604 of such Act and the
13 previous proviso, each State or territory that would other-
14 wise receive an allocation, from the amount appropriated
15 under this heading in this Act together with the amount
16 appropriated in the second paragraph under this heading
17 in the Disaster Relief Supplemental Appropriations Act,
18 2023, that is less than 97 percent of the amount that it
19 received under this heading for fiscal year 2022 from
20 amounts appropriated in Public Law 117–103 shall have
21 its allocation increased to that 97 percent level, with the
22 portions of other States’ and territories’ allocations that
23 would exceed 100 percent of the amounts they respectively
24 received in such fashion for fiscal year 2022 being ratably
25 reduced.

1027

1 REFUGEE AND ENTRANT ASSISTANCE
2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses for refugee and entrant as-
4 sistance activities authorized by section 414 of the Immi-
5 gration and Nationality Act and section 501 of the Ref-
6 ugee Education Assistance Act of 1980, and for carrying
7 out section 462 of the Homeland Security Act of 2002,
8 section 235 of the William Wilberforce Trafficking Victims
9 Protection Reauthorization Act of 2008, the Trafficking
10 Victims Protection Act of 2000 (“TVPA”), and the Tor-
11 ture Victims Relief Act of 1998, \$6,427,214,000, of which
12 \$6,377,459,000 shall remain available through September
13 30, 2025 for carrying out such sections 414, 501, 462,
14 and 235: *Provided*, That amounts available under this
15 heading to carry out the TVPA shall also be available for
16 research and evaluation with respect to activities under
17 such Act: *Provided further*, That the limitation in section
18 205 of this Act regarding transfers increasing any appro-
19 priation shall apply to transfers to appropriations under
20 this heading by substituting “15 percent” for “3 percent”:
21 *Provided further*, That the contribution of funds require-
22 ment under section 235(e)(6)(C)(iii) of the William Wil-
23 berforce Trafficking Victims Protection Reauthorization
24 Act of 2008 shall not apply to funds made available under
25 this heading: *Provided further*, That for any month in fis-

1 cal year 2023 that the number of unaccompanied children
2 referred to the Department of Health and Human Serv-
3 ices pursuant to section 462 of the Homeland Security Act
4 of 2002 and section 235 of the William Wilberforce Traf-
5 ficking Victims Protection Reauthorization Act of 2008
6 exceeds 13,000, as determined by the Secretary of Health
7 and Human Services, an additional \$27,000,000, to re-
8 main available until September 30, 2024, shall be made
9 available for obligation for every 500 unaccompanied chil-
10 dren above that level (including a pro rata amount for any
11 increment less than 500), for carrying out such sections
12 462 and 235.

13 PAYMENTS TO STATES FOR THE CHILD CARE AND
14 DEVELOPMENT BLOCK GRANT

15 For carrying out the Child Care and Development
16 Block Grant Act of 1990 (“CCDBG Act”),
17 \$8,021,387,000 shall be used to supplement, not supplant
18 State general revenue funds for child care assistance for
19 low-income families: *Provided*, That technical assistance
20 under section 658I(a)(3) of such Act may be provided di-
21 rectly, or through the use of contracts, grants, cooperative
22 agreements, or interagency agreements: *Provided further*,
23 That all funds made available to carry out section 418
24 of the Social Security Act (42 U.S.C. 618), including
25 funds appropriated for that purpose in such section 418

1029

1 or any other provision of law, shall be subject to the res-
2 ervation of funds authority in paragraphs (4) and (5) of
3 section 658O(a) of the CCDBG Act: *Provided further*,
4 That in addition to the amounts required to be reserved
5 by the Secretary under section 658O(a)(2)(A) of such Act,
6 \$214,960,000 shall be for Indian tribes and tribal organi-
7 zations: *Provided further*, That of the amounts made avail-
8 able under this heading, the Secretary may reserve up to
9 0.5 percent for Federal administrative expenses.

10 SOCIAL SERVICES BLOCK GRANT

11 For making grants to States pursuant to section
12 2002 of the Social Security Act, \$1,700,000,000: *Pro-*
13 *vided*, That notwithstanding subparagraph (B) of section
14 404(d)(2) of such Act, the applicable percent specified
15 under such subparagraph for a State to carry out State
16 programs pursuant to title XX-A of such Act shall be 10
17 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,
21 the Every Student Succeeds Act, the Child Abuse Preven-
22 tion and Treatment Act, sections 303 and 313 of the
23 Family Violence Prevention and Services Act, the Native
24 American Programs Act of 1974, title II of the Child
25 Abuse Prevention and Treatment and Adoption Reform

1 Act of 1978 (adoption opportunities), part B–1 of title IV
2 and sections 429, 473A, 477(i), 1110, 1114A, and 1115
3 of the Social Security Act, and the Community Services
4 Block Grant Act (“CSBG Act”); and for necessary admin-
5 istrative expenses to carry out titles I, IV, V, X, XI, XIV,
6 XVI, and XX–A of the Social Security Act, the Act of
7 July 5, 1960, and the Low-Income Home Energy Assist-
8 ance Act of 1981, \$14,618,437,000, of which
9 \$75,000,000, to remain available through September 30,
10 2024, shall be for grants to States for adoption and legal
11 guardianship incentive payments, as defined by section
12 473A of the Social Security Act and may be made for
13 adoptions and legal guardianships completed before Sep-
14 tember 30, 2023: *Provided*, That \$11,996,820,000 shall
15 be for making payments under the Head Start Act, includ-
16 ing for Early Head Start–Child Care Partnerships, and,
17 of which, notwithstanding section 640 of such Act:

18 (1) \$596,000,000 shall be available for a cost
19 of living adjustment, and with respect to any con-
20 tinuing appropriations act, funding available for a
21 cost of living adjustment shall not be construed as
22 an authority or condition under this Act;

23 (2) \$25,000,000 shall be available for allocation
24 by the Secretary to supplement activities described
25 in paragraphs (7)(B) and (9) of section 641(c) of

1 the Head Start Act under the Designation Renewal
2 System, established under the authority of sections
3 641(c)(7), 645A(b)(12), and 645A(d) of such Act,
4 and such funds shall not be included in the calcula-
5 tion of “base grant” in subsequent fiscal years, as
6 such term is used in section 640(a)(7)(A) of such
7 Act;

8 (3) \$262,000,000 shall be available for quality
9 improvement consistent with section 640(a)(5) of
10 such Act except that any amount of the funds may
11 be used on any of the activities in such section, of
12 which not less than \$13,000,000 shall be available
13 to migrant and seasonal Head Start programs for
14 such activities, in addition to funds made available
15 for migrant and seasonal Head Start programs
16 under any other provision of section 640(a) of such
17 Act;

18 (4) \$100,000,000, in addition to funds other-
19 wise available for such purposes under section 640
20 of the Head Start Act, shall be available through
21 September 30, 2024, for awards to eligible entities
22 for Head Start and Early Head Start programs and
23 to entities defined as eligible under section 645A(d)
24 of such Act for high quality infant and toddler care
25 through Early Head Start–Child Care Partnerships,

1 and for training and technical assistance for such
2 activities: *Provided*, That of the funds made avail-
3 able in this paragraph, up to \$21,000,000 shall be
4 available to the Secretary for the administrative
5 costs of carrying out this paragraph;

6 (5) \$8,000,000 shall be available for the Tribal
7 Colleges and Universities Head Start Partnership
8 Program consistent with section 648(g) of such Act;
9 and

10 (6) \$21,000,000 shall be available to supple-
11 ment funding otherwise available for research, eval-
12 uation, and Federal administrative costs:

13 *Provided further*, That the Secretary may reduce the res-
14 ervation of funds under section 640(a)(2)(C) of such Act
15 in lieu of reducing the reservation of funds under sections
16 640(a)(2)(B), 640(a)(2)(D), and 640(a)(2)(E) of such
17 Act: *Provided further*, That \$315,000,000 shall be avail-
18 able until December 31, 2023 for carrying out sections
19 9212 and 9213 of the Every Student Succeeds Act: *Pro-*
20 *vided further*, That up to 3 percent of the funds in the
21 preceding proviso shall be available for technical assist-
22 ance and evaluation related to grants awarded under such
23 section 9212: *Provided further*, That \$804,383,000 shall
24 be for making payments under the CSBG Act: *Provided*
25 *further*, That for services furnished under the CSBG Act

1 with funds made available for such purpose in this fiscal
2 year and in fiscal year 2022, States may apply the last
3 sentence of section 673(2) of the CSBG Act by sub-
4 stituting “200 percent” for “125 percent”: *Provided fur-*
5 *ther*, That \$34,383,000 shall be for section 680 of the
6 CSBG Act, of which not less than \$22,383,000 shall be
7 for section 680(a)(2) and not less than \$12,000,000 shall
8 be for section 680(a)(3)(B) of such Act: *Provided further*,
9 That, notwithstanding section 675C(a)(3) of the CSBG
10 Act, to the extent Community Services Block Grant funds
11 are distributed as grant funds by a State to an eligible
12 entity as provided under such Act, and have not been ex-
13 pended by such entity, they shall remain with such entity
14 for carryover into the next fiscal year for expenditure by
15 such entity consistent with program purposes: *Provided*
16 *further*, That the Secretary shall establish procedures re-
17 garding the disposition of intangible assets and program
18 income that permit such assets acquired with, and pro-
19 gram income derived from, grant funds authorized under
20 section 680 of the CSBG Act to become the sole property
21 of such grantees after a period of not more than 12 years
22 after the end of the grant period for any activity consistent
23 with section 680(a)(2)(A) of the CSBG Act: *Provided fur-*
24 *ther*, That intangible assets in the form of loans, equity
25 investments and other debt instruments, and program in-

1034

1 come may be used by grantees for any eligible purpose
2 consistent with section 680(a)(2)(A) of the CSBG Act:
3 *Provided further,* That these procedures shall apply to
4 such grant funds made available after November 29, 1999:
5 *Provided further,* That funds appropriated for section
6 680(a)(2) of the CSBG Act shall be available for financing
7 construction and rehabilitation and loans or investments
8 in private business enterprises owned by community devel-
9 opment corporations: *Provided further,* That
10 \$240,000,000 shall be for carrying out section 303(a) of
11 the Family Violence Prevention and Services Act, of which
12 \$7,000,000 shall be allocated notwithstanding section
13 303(a)(2) of such Act for carrying out section 309 of such
14 Act: *Provided further,* That the percentages specified in
15 section 112(a)(2) of the Child Abuse Prevention and
16 Treatment Act shall not apply to funds appropriated
17 under this heading: *Provided further,* That \$1,864,000
18 shall be for a human services case management system
19 for federally declared disasters, to include a comprehensive
20 national case management contract and Federal costs of
21 administering the system: *Provided further,* That up to
22 \$2,000,000 shall be for improving the Public Assistance
23 Reporting Information System, including grants to States
24 to support data collection for a study of the system's effec-
25 tiveness: *Provided further,* That \$107,848,000 shall be

1 used for the projects, and in the amounts, specified in the
2 table titled “Community Project Funding/Congressionally
3 Directed Spending” included for this division in the ex-
4 planatory statement described in section 4 (in the matter
5 preceding division A of this consolidated Act): *Provided*
6 *further*, That none of the funds made available for projects
7 described in the preceding proviso shall be subject to sec-
8 tion 241 of the PHS Act or section 205 of this Act.

9 PROMOTING SAFE AND STABLE FAMILIES

10 For carrying out, except as otherwise provided, sec-
11 tion 436 of the Social Security Act, \$345,000,000 and,
12 for carrying out, except as otherwise provided, section 437
13 of such Act, \$86,515,000: *Provided*, That of the funds
14 available to carry out section 437, \$59,765,000 shall be
15 allocated consistent with subsections (b) through (d) of
16 such section: *Provided further*, That of the funds available
17 to carry out section 437, to assist in meeting the require-
18 ments described in section 471(e)(4)(C), \$20,000,000
19 shall be for grants to each State, territory, and Indian
20 tribe operating title IV–E plans for developing, enhancing,
21 or evaluating kinship navigator programs, as described in
22 section 427(a)(1) of such Act and \$6,750,000, in addition
23 to funds otherwise appropriated in section 476 for such
24 purposes, shall be for the Family First Clearinghouse and
25 to support evaluation and technical assistance relating to

1 the evaluation of child and family services: *Provided fur-*
2 *ther*, That section 437(b)(1) shall be applied to amounts
3 in the previous proviso by substituting “5 percent” for
4 “3.3 percent”, and notwithstanding section 436(b)(1),
5 such reserved amounts may be used for identifying, estab-
6 lishing, and disseminating practices to meet the criteria
7 specified in section 471(e)(4)(C): *Provided further*, That
8 the reservation in section 437(b)(2) and the limitations
9 in section 437(d) shall not apply to funds specified in the
10 second proviso: *Provided further*, That the minimum grant
11 award for kinship navigator programs in the case of States
12 and territories shall be \$200,000, and, in the case of
13 tribes, shall be \$25,000.

14 PAYMENTS FOR FOSTER CARE AND PERMANENCY

15 For carrying out, except as otherwise provided, title
16 IV–E of the Social Security Act, \$7,606,000,000.

17 For carrying out, except as otherwise provided, title
18 IV–E of the Social Security Act, for the first quarter of
19 fiscal year 2024, \$3,200,000,000.

20 For carrying out, after May 31 of the current fiscal
21 year, except as otherwise provided, section 474 of title IV–
22 E of the Social Security Act, for the last 3 months of the
23 current fiscal year for unanticipated costs, incurred for the
24 current fiscal year, such sums as may be necessary.

1037

1 ADMINISTRATION FOR COMMUNITY LIVING
2 AGING AND DISABILITY SERVICES PROGRAMS
3 (INCLUDING TRANSFER OF FUNDS)

4 For carrying out, to the extent not otherwise pro-
5 vided, the Older Americans Act of 1965 (“OAA”), the
6 RAISE Family Caregivers Act, the Supporting Grand-
7 parents Raising Grandchildren Act, titles III and XXIX
8 of the PHS Act, sections 1252 and 1253 of the PHS Act,
9 section 119 of the Medicare Improvements for Patients
10 and Providers Act of 2008, title XX–B of the Social Secu-
11 rity Act, the Developmental Disabilities Assistance and
12 Bill of Rights Act of 2000, parts 2 and 5 of subtitle D
13 of title II of the Help America Vote Act of 2002, the As-
14 sistive Technology Act of 1998, titles II and VII (and sec-
15 tion 14 with respect to such titles) of the Rehabilitation
16 Act of 1973, and for Department-wide coordination of pol-
17 icy and program activities that assist individuals with dis-
18 abilities, \$2,482,545,000, together with \$55,242,000 to be
19 transferred from the Federal Hospital Insurance Trust
20 Fund and the Federal Supplementary Medical Insurance
21 Trust Fund to carry out section 4360 of the Omnibus
22 Budget Reconciliation Act of 1990: *Provided*, That of
23 amounts made available under this heading to carry out
24 sections 311, 331, and 336 of the OAA, up to one percent
25 of such amounts shall be available for developing and im-

1 plementing evidence-based practices for enhancing senior
2 nutrition, including medically-tailored meals: *Provided fur-*
3 *ther*, That notwithstanding any other provision of this Act,
4 funds made available under this heading to carry out sec-
5 tion 311 of the OAA may be transferred to the Secretary
6 of Agriculture in accordance with such section: *Provided*
7 *further*, That up to 5 percent of the funds provided for
8 adult protective services grants under section 2042 of title
9 XX of the Social Security Act may be used to make grants
10 to Tribes and tribal organizations: *Provided further*, That
11 \$2,000,000 shall be for competitive grants to support al-
12 ternative financing programs that provide for the purchase
13 of assistive technology devices, such as a low-interest loan
14 fund; an interest buy-down program; a revolving loan
15 fund; a loan guarantee; or an insurance program: *Provided*
16 *further*, That applicants shall provide an assurance that,
17 and information describing the manner in which, the alter-
18 native financing program will expand and emphasize con-
19 sumer choice and control: *Provided further*, That State
20 agencies and community-based disability organizations
21 that are directed by and operated for individuals with dis-
22 abilities shall be eligible to compete: *Provided further*, That
23 none of the funds made available under this heading may
24 be used by an eligible system (as defined in section 102
25 of the Protection and Advocacy for Individuals with Men-

1 tal Illness Act (42 U.S.C. 10802)) to continue to pursue
2 any legal action in a Federal or State court on behalf of
3 an individual or group of individuals with a developmental
4 disability (as defined in section 102(8)(A) of the Develop-
5 mental Disabilities and Assistance and Bill of Rights Act
6 of 2000 (20 U.S.C. 15002(8)(A)) that is attributable to
7 a mental impairment (or a combination of mental and
8 physical impairments), that has as the requested remedy
9 the closure of State operated intermediate care facilities
10 for people with intellectual or developmental disabilities,
11 unless reasonable public notice of the action has been pro-
12 vided to such individuals (or, in the case of mental inca-
13 pacitation, the legal guardians who have been specifically
14 awarded authority by the courts to make healthcare and
15 residential decisions on behalf of such individuals) who are
16 affected by such action, within 90 days of instituting such
17 legal action, which informs such individuals (or such legal
18 guardians) of their legal rights and how to exercise such
19 rights consistent with current Federal Rules of Civil Pro-
20 cedure: *Provided further*, That the limitations in the imme-
21 diately preceding proviso shall not apply in the case of an
22 individual who is neither competent to consent nor has a
23 legal guardian, nor shall the proviso apply in the case of
24 individuals who are a ward of the State or subject to pub-
25 lic guardianship: *Provided further*, That of the amount

1040

1 made available under this heading, \$41,644,000 shall be
2 used for the projects, and in the amounts, specified in the
3 table titled “Community Project Funding/Congressionally
4 Directed Spending” included for this division in the ex-
5 planatory statement described in section 4 (in the matter
6 preceding division A of this consolidated Act): *Provided*
7 *further*, That none of the funds made available for projects
8 described in the preceding proviso shall be subject to sec-
9 tion 241 of the PHS Act or section 205 of this Act.

10 OFFICE OF THE SECRETARY

11 GENERAL DEPARTMENTAL MANAGEMENT

12 For necessary expenses, not otherwise provided, for
13 general departmental management, including hire of six
14 passenger motor vehicles, and for carrying out titles III,
15 XVII, XXI, and section 229 of the PHS Act, the United
16 States-Mexico Border Health Commission Act, and re-
17 search studies under section 1110 of the Social Security
18 Act, \$537,144,000, together with \$64,828,000 from the
19 amounts available under section 241 of the PHS Act to
20 carry out national health or human services research and
21 evaluation activities: *Provided*, That of this amount,
22 \$60,000,000 shall be for minority AIDS prevention and
23 treatment activities: *Provided further*, That of the funds
24 made available under this heading, \$101,000,000 shall be
25 for making competitive contracts and grants to public and

1 private entities to fund medically accurate and age appro-
2 priate programs that reduce teen pregnancy and for the
3 Federal costs associated with administering and evalu-
4 ating such contracts and grants, of which not more than
5 10 percent of the available funds shall be for training and
6 technical assistance, evaluation, outreach, and additional
7 program support activities, and of the remaining amount
8 75 percent shall be for replicating programs that have
9 been proven effective through rigorous evaluation to re-
10 duce teenage pregnancy, behavioral risk factors underlying
11 teenage pregnancy, or other associated risk factors, and
12 25 percent shall be available for research and demonstra-
13 tion grants to develop, replicate, refine, and test additional
14 models and innovative strategies for preventing teenage
15 pregnancy: *Provided further*, That of the amounts provided
16 under this heading from amounts available under section
17 241 of the PHS Act, \$6,800,000 shall be available to carry
18 out evaluations (including longitudinal evaluations) of
19 teenage pregnancy prevention approaches: *Provided fur-*
20 *ther*, That of the funds made available under this heading,
21 \$35,000,000 shall be for making competitive grants which
22 exclusively implement education in sexual risk avoidance
23 (defined as voluntarily refraining from non-marital sexual
24 activity): *Provided further*, That funding for such competi-
25 tive grants for sexual risk avoidance shall use medically

1 accurate information referenced to peer-reviewed publica-
2 tions by educational, scientific, governmental, or health or-
3 ganizations; implement an evidence-based approach inte-
4 grating research findings with practical implementation
5 that aligns with the needs and desired outcomes for the
6 intended audience; and teach the benefits associated with
7 self-regulation, success sequencing for poverty prevention,
8 healthy relationships, goal setting, and resisting sexual co-
9 ercion, dating violence, and other youth risk behaviors
10 such as underage drinking or illicit drug use without nor-
11 malizing teen sexual activity: *Provided further*, That no
12 more than 10 percent of the funding for such competitive
13 grants for sexual risk avoidance shall be available for tech-
14 nical assistance and administrative costs of such pro-
15 grams: *Provided further*, That funds provided in this Act
16 for embryo adoption activities may be used to provide to
17 individuals adopting embryos, through grants and other
18 mechanisms, medical and administrative services deemed
19 necessary for such adoptions: *Provided further*, That such
20 services shall be provided consistent with 42 CFR
21 59.5(a)(4): *Provided further*, That of the funds made
22 available under this heading, \$5,000,000 shall be for car-
23 rying out prize competitions sponsored by the Office of
24 the Secretary to accelerate innovation in the prevention,
25 diagnosis, and treatment of kidney diseases (as authorized

1043

1 by section 24 of the Stevenson-Wydler Technology Innova-
2 tion Act of 1980 (15 U.S.C. 3719)).

3 MEDICARE HEARINGS AND APPEALS

4 For expenses necessary for Medicare hearings and
5 appeals in the Office of the Secretary, \$196,000,000 shall
6 remain available until September 30, 2024, to be trans-
7 ferred in appropriate part from the Federal Hospital In-
8 surance Trust Fund and the Federal Supplementary Med-
9 ical Insurance Trust Fund.

10 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH

11 INFORMATION TECHNOLOGY

12 For expenses necessary for the Office of the National
13 Coordinator for Health Information Technology, including
14 grants, contracts, and cooperative agreements for the de-
15 velopment and advancement of interoperable health infor-
16 mation technology, \$66,238,000 shall be from amounts
17 made available under section 241 of the PHS Act.

18 OFFICE OF INSPECTOR GENERAL

19 For expenses necessary for the Office of Inspector
20 General, including the hire of passenger motor vehicles for
21 investigations, in carrying out the provisions of the Inspec-
22 tor General Act of 1978, \$87,000,000: *Provided*, That of
23 such amount, necessary sums shall be available for pro-
24 viding protective services to the Secretary and inves-
25 tigating non-payment of child support cases for which non-

1044

1 payment is a Federal offense under 18 U.S.C. 228: *Pro-*
2 *vided further*, That of the amount appropriated under this
3 heading, necessary sums shall be available for carrying out
4 activities authorized under section 3022 of the PHS Act
5 (42 U.S.C. 300jj-52).

6 OFFICE FOR CIVIL RIGHTS

7 For expenses necessary for the Office for Civil
8 Rights, \$39,798,000.

9 RETIREMENT PAY AND MEDICAL BENEFITS FOR
10 COMMISSIONED OFFICERS

11 For retirement pay and medical benefits of Public
12 Health Service Commissioned Officers as authorized by
13 law, for payments under the Retired Serviceman's Family
14 Protection Plan and Survivor Benefit Plan, and for med-
15 ical care of dependents and retired personnel under the
16 Dependents' Medical Care Act, such amounts as may be
17 required during the current fiscal year.

18 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

19 FUND

20 For expenses necessary to support activities related
21 to countering potential biological, nuclear, radiological,
22 chemical, and cybersecurity threats to civilian populations,
23 and for other public health emergencies, \$1,647,569,000,
24 of which \$950,000,000 shall remain available through
25 September 30, 2024, for expenses necessary to support

1 advanced research and development pursuant to section
2 319L of the PHS Act and other administrative expenses
3 of the Biomedical Advanced Research and Development
4 Authority: *Provided*, That funds provided under this head-
5 ing for the purpose of acquisition of security counter-
6 measures shall be in addition to any other funds available
7 for such purpose: *Provided further*, That products pur-
8 chased with funds provided under this heading may, at
9 the discretion of the Secretary, be deposited in the Stra-
10 tegic National Stockpile pursuant to section 319F-2 of
11 the PHS Act: *Provided further*, That \$5,000,000 of the
12 amounts made available to support emergency operations
13 shall remain available through September 30, 2025: *Pro-*
14 *vided further*, That \$75,000,000 of the amounts made
15 available to support coordination of the development, pro-
16 duction, and distribution of vaccines, therapeutics, and
17 other medical countermeasures shall remain available
18 through September 30, 2024.

19 For expenses necessary for procuring security coun-
20 termeasures (as defined in section 319F-2(c)(1)(B) of the
21 PHS Act), \$820,000,000, to remain available until ex-
22 pended.

23 For expenses necessary to carry out section 319F-
24 2(a) of the PHS Act, \$965,000,000, to remain available
25 until expended.

1046

1 For an additional amount for expenses necessary to
2 prepare for or respond to an influenza pandemic,
3 \$335,000,000; of which \$300,000,000 shall be available
4 until expended, for activities including the development
5 and purchase of vaccine, antivirals, necessary medical sup-
6 plies, diagnostics, and other surveillance tools: *Provided*,
7 That notwithstanding section 496(b) of the PHS Act,
8 funds may be used for the construction or renovation of
9 privately owned facilities for the production of pandemic
10 influenza vaccines and other biologics, if the Secretary
11 finds such construction or renovation necessary to secure
12 sufficient supplies of such vaccines or biologics.

13 ADVANCED RESEARCH PROJECTS AGENCY FOR HEALTH
14 (INCLUDING TRANSFER OF FUNDS)

15 For carrying out section 301 and title IV of the PHS
16 Act with respect to advanced research projects for health,
17 \$1,500,000,000, to remain available through September
18 30, 2025: *Provided*, That the President shall appoint in
19 the Department of Health and Human Services a director
20 of advanced research projects for health (Director): *Pro-*
21 *vided further*, That funds may be used to make or rescind
22 appointments of scientific, medical, and professional per-
23 sonnel without regard to any provision in title 5 governing
24 appointments under the civil service laws: *Provided fur-*
25 *ther*, That funds may be used to fix the compensation of

1 such personnel at a rate to be determined by the Director,
2 up to the amount of annual compensation (excluding ex-
3 penses) specified in section 102 of title 3, United States
4 Code: *Provided further*, That the Director may use funds
5 made available under this heading to make awards in the
6 form of grants, contracts, cooperative agreements, and
7 cash prizes, and enter into other transactions (as defined
8 in section 319L(a)(3) of the PHS Act): *Provided further*,
9 That activities supported with funds provided under this
10 heading shall not be subject to the requirements of sec-
11 tions 406(a)(3)(A)(ii) or 492 of the PHS Act: *Provided*
12 *further*, That the Secretary may transfer the Advanced Re-
13 search Projects Agency for Health, including the func-
14 tions, personnel, missions, activities, authorities, and
15 funds, within 30 days of enactment of this Act to any
16 agency or office of the Department of Health and Human
17 Services, including the National Institutes of Health: *Pro-*
18 *vided further*, That the Committees on Appropriations of
19 the House of Representatives and the Senate shall be noti-
20 fied at least 15 days in advance of any transfer pursuant
21 to the preceding proviso.

22 GENERAL PROVISIONS

23 SEC. 201. Funds appropriated in this title shall be
24 available for not to exceed \$50,000 for official reception

1 and representation expenses when specifically approved by
2 the Secretary.

3 SEC. 202. None of the funds appropriated in this title
4 shall be used to pay the salary of an individual, through
5 a grant or other extramural mechanism, at a rate in excess
6 of Executive Level II: *Provided*, That none of the funds
7 appropriated in this title shall be used to prevent the NIH
8 from paying up to 100 percent of the salary of an indi-
9 vidual at this rate.

10 SEC. 203. None of the funds appropriated in this Act
11 may be expended pursuant to section 241 of the PHS Act,
12 except for funds specifically provided for in this Act, or
13 for other taps and assessments made by any office located
14 in HHS, prior to the preparation and submission of a re-
15 port by the Secretary to the Committees on Appropria-
16 tions of the House of Representatives and the Senate de-
17 tailing the planned uses of such funds.

18 SEC. 204. Notwithstanding section 241(a) of the
19 PHS Act, such portion as the Secretary shall determine,
20 but not more than 2.5 percent, of any amounts appro-
21 priated for programs authorized under such Act shall be
22 made available for the evaluation (directly, or by grants
23 or contracts) and the implementation and effectiveness of
24 programs funded in this title.

1049

1 (TRANSFER OF FUNDS)

2 SEC. 205. Not to exceed 1 percent of any discre-
3 tionary funds (pursuant to the Balanced Budget and
4 Emergency Deficit Control Act of 1985) which are appro-
5 priated for the current fiscal year for HHS in this Act
6 may be transferred between appropriations, but no such
7 appropriation shall be increased by more than 3 percent
8 by any such transfer: *Provided*, That the transfer author-
9 ity granted by this section shall not be used to create any
10 new program or to fund any project or activity for which
11 no funds are provided in this Act: *Provided further*, That
12 the Committees on Appropriations of the House of Rep-
13 resentatives and the Senate are notified at least 15 days
14 in advance of any transfer.

15 SEC. 206. In lieu of the timeframe specified in section
16 338E(c)(2) of the PHS Act, terminations described in
17 such section may occur up to 60 days after the effective
18 date of a contract awarded in fiscal year 2023 under sec-
19 tion 338B of such Act, or at any time if the individual
20 who has been awarded such contract has not received
21 funds due under the contract.

22 SEC. 207. None of the funds appropriated in this Act
23 may be made available to any entity under title X of the
24 PHS Act unless the applicant for the award certifies to
25 the Secretary that it encourages family participation in

1 the decision of minors to seek family planning services and
2 that it provides counseling to minors on how to resist at-
3 tempts to coerce minors into engaging in sexual activities.

4 SEC. 208. Notwithstanding any other provision of
5 law, no provider of services under title X of the PHS Act
6 shall be exempt from any State law requiring notification
7 or the reporting of child abuse, child molestation, sexual
8 abuse, rape, or incest.

9 SEC. 209. None of the funds appropriated by this Act
10 (including funds appropriated to any trust fund) may be
11 used to carry out the Medicare Advantage program if the
12 Secretary denies participation in such program to an oth-
13 erwise eligible entity (including a Provider Sponsored Or-
14 ganization) because the entity informs the Secretary that
15 it will not provide, pay for, provide coverage of, or provide
16 referrals for abortions: *Provided*, That the Secretary shall
17 make appropriate prospective adjustments to the capita-
18 tion payment to such an entity (based on an actuarially
19 sound estimate of the expected costs of providing the serv-
20 ice to such entity's enrollees): *Provided further*, That noth-
21 ing in this section shall be construed to change the Medi-
22 care program's coverage for such services and a Medicare
23 Advantage organization described in this section shall be
24 responsible for informing enrollees where to obtain infor-
25 mation about all Medicare covered services.

1 SEC. 210. None of the funds made available in this
2 title may be used, in whole or in part, to advocate or pro-
3 mote gun control.

4 SEC. 211. The Secretary shall make available through
5 assignment not more than 60 employees of the Public
6 Health Service to assist in child survival activities and to
7 work in AIDS programs through and with funds provided
8 by the Agency for International Development, the United
9 Nations International Children's Emergency Fund or the
10 World Health Organization.

11 SEC. 212. In order for HHS to carry out inter-
12 national health activities, including HIV/AIDS and other
13 infectious disease, chronic and environmental disease, and
14 other health activities abroad during fiscal year 2023:

15 (1) The Secretary may exercise authority equiv-
16 alent to that available to the Secretary of State in
17 section 2(c) of the State Department Basic Authori-
18 ties Act of 1956. The Secretary shall consult with
19 the Secretary of State and relevant Chief of Mission
20 to ensure that the authority provided in this section
21 is exercised in a manner consistent with section 207
22 of the Foreign Service Act of 1980 and other appli-
23 cable statutes administered by the Department of
24 State.

1 (2) The Secretary is authorized to provide such
2 funds by advance or reimbursement to the Secretary
3 of State as may be necessary to pay the costs of ac-
4 quisition, lease, alteration, renovation, and manage-
5 ment of facilities outside of the United States for
6 the use of HHS. The Department of State shall co-
7 operate fully with the Secretary to ensure that HHS
8 has secure, safe, functional facilities that comply
9 with applicable regulation governing location, set-
10 back, and other facilities requirements and serve the
11 purposes established by this Act. The Secretary is
12 authorized, in consultation with the Secretary of
13 State, through grant or cooperative agreement, to
14 make available to public or nonprofit private institu-
15 tions or agencies in participating foreign countries,
16 funds to acquire, lease, alter, or renovate facilities in
17 those countries as necessary to conduct programs of
18 assistance for international health activities, includ-
19 ing activities relating to HIV/AIDS and other infec-
20 tious diseases, chronic and environmental diseases,
21 and other health activities abroad.

22 (3) The Secretary is authorized to provide to
23 personnel appointed or assigned by the Secretary to
24 serve abroad, allowances and benefits similar to
25 those provided under chapter 9 of title I of the For-

1054

1 (TRANSFER OF FUNDS)

2 SEC. 214. Of the amounts made available in this Act
3 for NIH, the amount for research related to the human
4 immunodeficiency virus, as jointly determined by the Di-
5 rector of NIH and the Director of the Office of AIDS Re-
6 search, shall be made available to the “Office of AIDS
7 Research” account. The Director of the Office of AIDS
8 Research shall transfer from such account amounts nec-
9 essary to carry out section 2353(d)(3) of the PHS Act.

10 SEC. 215. (a) AUTHORITY.—Notwithstanding any
11 other provision of law, the Director of NIH (“Director”)
12 may use funds authorized under section 402(b)(12) of the
13 PHS Act to enter into transactions (other than contracts,
14 cooperative agreements, or grants) to carry out research
15 identified pursuant to or research and activities described
16 in such section 402(b)(12).

17 (b) PEER REVIEW.—In entering into transactions
18 under subsection (a), the Director may utilize such peer
19 review procedures (including consultation with appropriate
20 scientific experts) as the Director determines to be appro-
21 priate to obtain assessments of scientific and technical
22 merit. Such procedures shall apply to such transactions
23 in lieu of the peer review and advisory council review pro-
24 cedures that would otherwise be required under sections

1055

1 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492,
2 and 494 of the PHS Act.

3 SEC. 216. Not to exceed \$100,000,000 of funds ap-
4 propriated by this Act to the institutes and centers of the
5 National Institutes of Health may be used for alteration,
6 repair, or improvement of facilities, as necessary for the
7 proper and efficient conduct of the activities authorized
8 herein, at not to exceed \$5,000,000 per project.

9 (TRANSFER OF FUNDS)

10 SEC. 217. Of the amounts made available for NIH,
11 1 percent of the amount made available for National Re-
12 search Service Awards (“NRSA”) shall be made available
13 to the Administrator of the Health Resources and Services
14 Administration to make NRSA awards for research in pri-
15 mary medical care to individuals affiliated with entities
16 who have received grants or contracts under sections 736,
17 739, or 747 of the PHS Act, and 1 percent of the amount
18 made available for NRSA shall be made available to the
19 Director of the Agency for Healthcare Research and Qual-
20 ity to make NRSA awards for health service research.

21 SEC. 218. (a) The Biomedical Advanced Research
22 and Development Authority (“BARDA”) may enter into
23 a contract, for more than one but no more than 10 pro-
24 gram years, for purchase of research services or of security
25 countermeasures, as that term is defined in section 319F–

1 2(c)(1)(B) of the PHS Act (42 U.S.C. 247d–6b(c)(1)(B)),
2 if—

3 (1) funds are available and obligated—

4 (A) for the full period of the contract or
5 for the first fiscal year in which the contract is
6 in effect; and

7 (B) for the estimated costs associated with
8 a necessary termination of the contract; and

9 (2) the Secretary determines that a multi-year
10 contract will serve the best interests of the Federal
11 Government by encouraging full and open competi-
12 tion or promoting economy in administration, per-
13 formance, and operation of BARDA’s programs.

14 (b) A contract entered into under this section—

15 (1) shall include a termination clause as de-
16 scribed by subsection (c) of section 3903 of title 41,
17 United States Code; and

18 (2) shall be subject to the congressional notice
19 requirement stated in subsection (d) of such section.

20 SEC. 219. (a) The Secretary shall publish in the fiscal
21 year 2024 budget justification and on Departmental Web
22 sites information concerning the employment of full-time
23 equivalent Federal employees or contractors for the pur-
24 poses of implementing, administering, enforcing, or other-
25 wise carrying out the provisions of the ACA, and the

1 amendments made by that Act, in the proposed fiscal year
2 and each fiscal year since the enactment of the ACA.

3 (b) With respect to employees or contractors sup-
4 ported by all funds appropriated for purposes of carrying
5 out the ACA (and the amendments made by that Act),
6 the Secretary shall include, at a minimum, the following
7 information:

8 (1) For each such fiscal year, the section of
9 such Act under which such funds were appropriated,
10 a statement indicating the program, project, or ac-
11 tivity receiving such funds, the Federal operating di-
12 vision or office that administers such program, and
13 the amount of funding received in discretionary or
14 mandatory appropriations.

15 (2) For each such fiscal year, the number of
16 full-time equivalent employees or contracted employ-
17 ees assigned to each authorized and funded provision
18 detailed in accordance with paragraph (1).

19 (c) In carrying out this section, the Secretary may
20 exclude from the report employees or contractors who—

21 (1) are supported through appropriations en-
22 acted in laws other than the ACA and work on pro-
23 grams that existed prior to the passage of the ACA;

1 (2) spend less than 50 percent of their time on
2 activities funded by or newly authorized in the ACA;
3 or

4 (3) work on contracts for which FTE reporting
5 is not a requirement of their contract, such as fixed-
6 price contracts.

7 SEC. 220. The Secretary shall publish, as part of the
8 fiscal year 2024 budget of the President submitted under
9 section 1105(a) of title 31, United States Code, informa-
10 tion that details the uses of all funds used by the Centers
11 for Medicare & Medicaid Services specifically for Health
12 Insurance Exchanges for each fiscal year since the enact-
13 ment of the ACA and the proposed uses for such funds
14 for fiscal year 2024. Such information shall include, for
15 each such fiscal year, the amount of funds used for each
16 activity specified under the heading “Health Insurance
17 Exchange Transparency” in the explanatory statement de-
18 scribed in section 4 (in the matter preceding division A
19 of this consolidated Act).

20 SEC. 221. None of the funds made available by this
21 Act from the Federal Hospital Insurance Trust Fund or
22 the Federal Supplemental Medical Insurance Trust Fund,
23 or transferred from other accounts funded by this Act to
24 the “Centers for Medicare & Medicaid Services—Program
25 Management” account, may be used for payments under

1 section 1342(b)(1) of Public Law 111–148 (relating to
2 risk corridors).

3 (TRANSFER OF FUNDS)

4 SEC. 222. (a) Within 45 days of enactment of this
5 Act, the Secretary shall transfer funds appropriated under
6 section 4002 of the ACA to the accounts specified, in the
7 amounts specified, and for the activities specified under
8 the heading “Prevention and Public Health Fund” in the
9 explanatory statement described in section 4 (in the mat-
10 ter preceding division A of this consolidated Act).

11 (b) Notwithstanding section 4002(c) of the ACA, the
12 Secretary may not further transfer these amounts.

13 (c) Funds transferred for activities authorized under
14 section 2821 of the PHS Act shall be made available with-
15 out reference to section 2821(b) of such Act.

16 SEC. 223. Effective during the period beginning on
17 November 1, 2015 and ending January 1, 2025, any pro-
18 vision of law that refers (including through cross-reference
19 to another provision of law) to the current recommenda-
20 tions of the United States Preventive Services Task Force
21 with respect to breast cancer screening, mammography,
22 and prevention shall be administered by the Secretary in-
23 volved as if—

24 (1) such reference to such current recommenda-
25 tions were a reference to the recommendations of

1060

1 such Task Force with respect to breast cancer
2 screening, mammography, and prevention last issued
3 before 2009; and

4 (2) such recommendations last issued before
5 2009 applied to any screening mammography modal-
6 ity under section 1861(jj) of the Social Security Act
7 (42 U.S.C. 1395x(jj)).

8 SEC. 224. In making Federal financial assistance, the
9 provisions relating to indirect costs in part 75 of title 45,
10 Code of Federal Regulations, including with respect to the
11 approval of deviations from negotiated rates, shall con-
12 tinue to apply to the National Institutes of Health to the
13 same extent and in the same manner as such provisions
14 were applied in the third quarter of fiscal year 2017. None
15 of the funds appropriated in this or prior Acts or otherwise
16 made available to the Department of Health and Human
17 Services or to any department or agency may be used to
18 develop or implement a modified approach to such provi-
19 sions, or to intentionally or substantially expand the fiscal
20 effect of the approval of such deviations from negotiated
21 rates beyond the proportional effect of such approvals in
22 such quarter.

23 (TRANSFER OF FUNDS)

24 SEC. 225. The NIH Director may transfer funds for
25 opioid addiction, opioid alternatives, stimulant misuse and

1 addiction, pain management, and addiction treatment to
2 other Institutes and Centers of the NIH to be used for
3 the same purpose 15 days after notifying the Committees
4 on Appropriations of the House of Representatives and the
5 Senate: *Provided*, That the transfer authority provided in
6 the previous proviso is in addition to any other transfer
7 authority provided by law.

8 SEC. 226. (a) The Secretary shall provide to the
9 Committees on Appropriations of the House of Represent-
10 atives and the Senate:

11 (1) Detailed monthly enrollment figures from
12 the Exchanges established under the Patient Protec-
13 tion and Affordable Care Act of 2010 pertaining to
14 enrollments during the open enrollment period; and

15 (2) Notification of any new or competitive grant
16 awards, including supplements, authorized under
17 section 330 of the Public Health Service Act.

18 (b) The Committees on Appropriations of the House
19 and Senate must be notified at least 2 business days in
20 advance of any public release of enrollment information
21 or the award of such grants.

22 SEC. 227. In addition to the amounts otherwise avail-
23 able for “Centers for Medicare & Medicaid Services, Pro-
24 gram Management”, the Secretary of Health and Human
25 Services may transfer up to \$455,000,000 to such account

1 from the Federal Hospital Insurance Trust Fund and the
2 Federal Supplementary Medical Insurance Trust Fund to
3 support program management activity related to the Medi-
4 care Program: *Provided*, That except for the foregoing
5 purpose, such funds may not be used to support any provi-
6 sion of Public Law 111–148 or Public Law 111–152 (or
7 any amendment made by either such Public Law) or to
8 supplant any other amounts within such account.

9 SEC. 228. The Department of Health and Human
10 Services shall provide the Committees on Appropriations
11 of the House of Representatives and Senate a biannual
12 report 30 days after enactment of this Act on staffing de-
13 scribed in the explanatory statement described in section
14 4 (in the matter preceding division A of this consolidated
15 Act).

16 SEC. 229. Funds appropriated in this Act that are
17 available for salaries and expenses of employees of the De-
18 partment of Health and Human Services shall also be
19 available to pay travel and related expenses of such an
20 employee or of a member of his or her family, when such
21 employee is assigned to duty, in the United States or in
22 a U.S. territory, during a period and in a location that
23 are the subject of a determination of a public health emer-
24 gency under section 319 of the Public Health Service Act
25 and such travel is necessary to obtain medical care for

1 an illness, injury, or medical condition that cannot be ade-
2 quately addressed in that location at that time. For pur-
3 poses of this section, the term “U.S. territory” means
4 Guam, the Commonwealth of Puerto Rico, the Northern
5 Mariana Islands, the Virgin Islands, American Samoa, or
6 the Trust Territory of the Pacific Islands.

7 SEC. 230. The Department of Health and Human
8 Services may accept donations from the private sector,
9 nongovernmental organizations, and other groups inde-
10 pendent of the Federal Government for the care of unac-
11 companied alien children (as defined in section 462(g)(2)
12 of the Homeland Security Act of 2002 (6 U.S.C.
13 279(g)(2))) in the care of the Office of Refugee Resettle-
14 ment of the Administration for Children and Families, in-
15 cluding medical goods and services, which may include
16 early childhood developmental screenings, school supplies,
17 toys, clothing, and any other items intended to promote
18 the wellbeing of such children.

19 SEC. 231. None of the funds made available in this
20 Act under the heading “Department of Health and
21 Human Services—Administration for Children and Fami-
22 lies—Refugee and Entrant Assistance” may be obligated
23 to a grantee or contractor to house unaccompanied alien
24 children (as such term is defined in section 462(g)(2) of
25 the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)))

1 in any facility that is not State-licensed for the care of
2 unaccompanied alien children, except in the case that the
3 Secretary determines that housing unaccompanied alien
4 children in such a facility is necessary on a temporary
5 basis due to an influx of such children or an emergency,
6 provided that—

7 (1) the terms of the grant or contract for the
8 operations of any such facility that remains in oper-
9 ation for more than six consecutive months shall re-
10 quire compliance with—

11 (A) the same requirements as licensed
12 placements, as listed in Exhibit 1 of the Flores
13 Settlement Agreement that the Secretary deter-
14 mines are applicable to non-State licensed facili-
15 ties; and

16 (B) staffing ratios of one (1) on-duty
17 Youth Care Worker for every eight (8) children
18 or youth during waking hours, one (1) on-duty
19 Youth Care Worker for every sixteen (16) chil-
20 dren or youth during sleeping hours, and clini-
21 cian ratios to children (including mental health
22 providers) as required in grantee cooperative
23 agreements;

24 (2) the Secretary may grant a 60-day waiver
25 for a contractor's or grantee's non-compliance with

1 paragraph (1) if the Secretary certifies and provides
2 a report to Congress on the contractor's or grantee's
3 good-faith efforts and progress towards compliance;

4 (3) not more than four consecutive waivers
5 under paragraph (2) may be granted to a contractor
6 or grantee with respect to a specific facility;

7 (4) ORR shall ensure full adherence to the
8 monitoring requirements set forth in section 5.5 of
9 its Policies and Procedures Guide as of May 15,
10 2019;

11 (5) for any such unlicensed facility in operation
12 for more than three consecutive months, ORR shall
13 conduct a minimum of one comprehensive moni-
14 toring visit during the first three months of oper-
15 ation, with quarterly monitoring visits thereafter;
16 and

17 (6) not later than 60 days after the date of en-
18 actment of this Act, ORR shall brief the Committees
19 on Appropriations of the House of Representatives
20 and the Senate outlining the requirements of ORR
21 for influx facilities including any requirement listed
22 in paragraph (1)(A) that the Secretary has deter-
23 mined are not applicable to non-State licensed facili-
24 ties.

1 SEC. 232. In addition to the existing Congressional
2 notification for formal site assessments of potential influx
3 facilities, the Secretary shall notify the Committees on Ap-
4 propriations of the House of Representatives and the Sen-
5 ate at least 15 days before operationalizing an unlicensed
6 facility, and shall (1) specify whether the facility is hard-
7 sided or soft-sided, and (2) provide analysis that indicates
8 that, in the absence of the influx facility, the likely out-
9 come is that unaccompanied alien children will remain in
10 the custody of the Department of Homeland Security for
11 longer than 72 hours or that unaccompanied alien children
12 will be otherwise placed in danger. Within 60 days of
13 bringing such a facility online, and monthly thereafter, the
14 Secretary shall provide to the Committees on Appropria-
15 tions of the House of Representatives and the Senate a
16 report detailing the total number of children in care at
17 the facility, the average length of stay and average length
18 of care of children at the facility, and, for any child that
19 has been at the facility for more than 60 days, their length
20 of stay and reason for delay in release.

21 SEC. 233. None of the funds made available in this
22 Act may be used to prevent a United States Senator or
23 Member of the House of Representatives from entering,
24 for the purpose of conducting oversight, any facility in the
25 United States used for the purpose of maintaining custody

1 of, or otherwise housing, unaccompanied alien children (as
2 defined in section 462(g)(2) of the Homeland Security Act
3 of 2002 (6 U.S.C. 279(g)(2))), provided that such Senator
4 or Member has coordinated the oversight visit with the
5 Office of Refugee Resettlement not less than two business
6 days in advance to ensure that such visit would not inter-
7 fere with the operations (including child welfare and child
8 safety operations) of such facility.

9 SEC. 234. Not later than 14 days after the date of
10 enactment of this Act, and monthly thereafter, the Sec-
11 retary shall submit to the Committees on Appropriations
12 of the House of Representatives and the Senate, and make
13 publicly available online, a report with respect to children
14 who were separated from their parents or legal guardians
15 by the Department of Homeland Security (DHS) (regard-
16 less of whether or not such separation was pursuant to
17 an option selected by the children, parents, or guardians),
18 subsequently classified as unaccompanied alien children,
19 and transferred to the care and custody of ORR during
20 the previous month. Each report shall contain the fol-
21 lowing information:

22 (1) the number and ages of children so sepa-
23 rated subsequent to apprehension at or between
24 ports of entry, to be reported by sector where sepa-
25 ration occurred; and

1069

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
8 in this Act as “HEA”), \$19,087,790,000, of which
9 \$8,159,490,000 shall become available on July 1, 2023,
10 and shall remain available through September 30, 2024,
11 and of which \$10,841,177,000 shall become available on
12 October 1, 2023, and shall remain available through Sep-
13 tember 30, 2024, for academic year 2023–2024: *Provided*,
14 That \$6,459,401,000 shall be for basic grants under sec-
15 tion 1124 of the ESEA: *Provided further*, That up to
16 \$5,000,000 of these funds shall be available to the Sec-
17 retary of Education (referred to in this title as “Sec-
18 retary”) on October 1, 2022, to obtain annually updated
19 local educational agency-level census poverty data from
20 the Bureau of the Census: *Provided further*, That
21 \$1,362,301,000 shall be for concentration grants under
22 section 1124A of the ESEA: *Provided further*, That
23 \$5,282,550,000 shall be for targeted grants under section
24 1125 of the ESEA: *Provided further*, That
25 \$5,282,550,000 shall be for education finance incentive

1070

1 grants under section 1125A of the ESEA: *Provided fur-*
2 *ther*, That \$224,000,000 shall be for carrying out subpart
3 2 of part B of title II: *Provided further*, That \$52,123,000
4 shall be for carrying out section 418A of the HEA.

5 IMPACT AID

6 For carrying out programs of financial assistance to
7 federally affected schools authorized by title VII of the
8 ESEA, \$1,618,112,000, of which \$1,468,242,000 shall be
9 for basic support payments under section 7003(b),
10 \$48,316,000 shall be for payments for children with dis-
11 abilities under section 7003(d), \$18,406,000, to remain
12 available through September 30, 2024, shall be for con-
13 struction under section 7007(b), \$78,313,000 shall be for
14 Federal property payments under section 7002, and
15 \$4,835,000, to remain available until expended, shall be
16 for facilities maintenance under section 7008: *Provided*,
17 That for purposes of computing the amount of a payment
18 for an eligible local educational agency under section
19 7003(a) for school year 2022–2023, children enrolled in
20 a school of such agency that would otherwise be eligible
21 for payment under section 7003(a)(1)(B) of such Act, but
22 due to the deployment of both parents or legal guardians,
23 or a parent or legal guardian having sole custody of such
24 children, or due to the death of a military parent or legal
25 guardian while on active duty (so long as such children

1071

1 reside on Federal property as described in section
2 7003(a)(1)(B)), are no longer eligible under such section,
3 shall be considered as eligible students under such section,
4 provided such students remain in average daily attendance
5 at a school in the same local educational agency they at-
6 tended prior to their change in eligibility status.

7 SCHOOL IMPROVEMENT PROGRAMS

8 For carrying out school improvement activities au-
9 thorized by part B of title I, part A of title II, subpart
10 1 of part A of title IV, part B of title IV, part B of title
11 V, and parts B and C of title VI of the ESEA; the McKin-
12 ney-Vento Homeless Assistance Act; section 203 of the
13 Educational Technical Assistance Act of 2002; the Com-
14 pact of Free Association Amendments Act of 2003; and
15 the Civil Rights Act of 1964, \$5,810,642,000, of which
16 \$3,952,312,000 shall become available on July 1, 2023,
17 and remain available through September 30, 2024, and
18 of which \$1,681,441,000 shall become available on Octo-
19 ber 1, 2023, and shall remain available through September
20 30, 2024, for academic year 2023–2024: *Provided*, That
21 \$390,000,000 shall be for part B of title I: *Provided fur-*
22 *ther*, That \$1,329,673,000 shall be for part B of title IV:
23 *Provided further*, That \$45,897,000 shall be for part B
24 of title VI, which may be used for construction, renova-
25 tion, and modernization of any public elementary school,

1 secondary school, or structure related to a public elemen-
2 tary school or secondary school that serves a predomi-
3 nantly Native Hawaiian student body, and that the 5 per-
4 cent limitation in section 6205(b) of the ESEA on the use
5 of funds for administrative purposes shall apply only to
6 direct administrative costs: *Provided further*, That
7 \$44,953,000 shall be for part C of title VI, which shall
8 be awarded on a competitive basis, and may be used for
9 construction, and that the 5 percent limitation in section
10 6305 of the ESEA on the use of funds for administrative
11 purposes shall apply only to direct administrative costs:
12 *Provided further*, That \$55,000,000 shall be available to
13 carry out section 203 of the Educational Technical Assist-
14 ance Act of 2002 and the Secretary shall make such ar-
15 rangements as determined to be necessary to ensure that
16 the Bureau of Indian Education has access to services pro-
17 vided under this section: *Provided further*, That
18 \$24,464,000 shall be available to carry out the Supple-
19 mental Education Grants program for the Federated
20 States of Micronesia and the Republic of the Marshall Is-
21 lands: *Provided further*, That the Secretary may reserve
22 up to 5 percent of the amount referred to in the previous
23 proviso to provide technical assistance in the implementa-
24 tion of these grants: *Provided further*, That \$215,000,000
25 shall be for part B of title V: *Provided further*, That

1073

1 \$1,380,000,000 shall be available for grants under sub-
2 part 1 of part A of title IV.

3 INDIAN EDUCATION

4 For expenses necessary to carry out, to the extent
5 not otherwise provided, title VI, part A of the ESEA,
6 \$194,746,000, of which \$72,000,000 shall be for subpart
7 2 of part A of title VI and \$12,365,000 shall be for sub-
8 part 3 of part A of title VI: *Provided*, That the 5 percent
9 limitation in sections 6115(d), 6121(e), and 6133(g) of
10 the ESEA on the use of funds for administrative purposes
11 shall apply only to direct administrative costs: *Provided*
12 *further*, That grants awarded under sections 6132 and
13 6133 of the ESEA with funds provided under this heading
14 may be for a period of up to 5 years.

15 INNOVATION AND IMPROVEMENT

16 For carrying out activities authorized by subparts 1,
17 3 and 4 of part B of title II, and parts C, D, and E and
18 subparts 1 and 4 of part F of title IV of the ESEA,
19 \$1,253,000,000: *Provided*, That \$286,000,000 shall be for
20 subparts 1, 3 and 4 of part B of title II and shall be made
21 available without regard to sections 2201, 2231(b) and
22 2241: *Provided further*, That \$683,000,000 shall be for
23 parts C, D, and E and subpart 4 of part F of title IV,
24 and shall be made available without regard to sections
25 4311, 4409(a), and 4601 of the ESEA: *Provided further*,

1074

1 That section 4303(d)(3)(A)(i) shall not apply to the funds
2 available for part C of title IV: *Provided further*, That of
3 the funds available for part C of title IV, the Secretary
4 shall use not less than \$60,000,000 to carry out section
5 4304, of which not more than \$10,000,000 shall be avail-
6 able to carry out section 4304(k), \$140,000,000, to re-
7 main available through March 31, 2024, to carry out sec-
8 tion 4305(b), and not more than \$16,000,000 to carry out
9 the activities in section 4305(a)(3): *Provided further*, That
10 notwithstanding section 4601(b), \$284,000,000 shall be
11 available through December 31, 2023 for subpart 1 of
12 part F of title IV: *Provided further*, That of the funds
13 available for subpart 4 of part F of title IV, not less than
14 \$8,000,000 shall be used for continuation grants for eligi-
15 ble national nonprofit organizations, as described in the
16 Applications for New Awards; Assistance for Arts Edu-
17 cation Program published in the Federal Register on May
18 31, 2022, for activities described under section
19 4642(a)(1)(C).

20 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

21 For carrying out activities authorized by subparts 2
22 and 3 of part F of title IV of the ESEA, \$457,000,000,
23 to remain available through December 31, 2023: *Provided*,
24 That \$216,000,000 shall be available for section 4631, of
25 which up to \$5,000,000, to remain available until ex-

1075

1 pending, shall be for the Project School Emergency Re-
2 sponse to Violence (Project SERV) program: *Provided fur-*
3 *ther*, That \$150,000,000 shall be available for section
4 4625: *Provided further*, That \$91,000,000 shall be for sec-
5 tion 4624.

6 ENGLISH LANGUAGE ACQUISITION

7 For carrying out part A of title III of the ESEA,
8 \$890,000,000, which shall become available on July 1,
9 2023, and shall remain available through September 30,
10 2024, except that 6.5 percent of such amount shall be
11 available on October 1, 2022, and shall remain available
12 through September 30, 2024, to carry out activities under
13 section 3111(c)(1)(C).

14 SPECIAL EDUCATION

15 For carrying out the Individuals with Disabilities
16 Education Act (IDEA) and the Special Olympics Sport
17 and Empowerment Act of 2004, \$15,453,264,000, of
18 which \$5,870,321,000 shall become available on July 1,
19 2023, and shall remain available through September 30,
20 2024, and of which \$9,283,383,000 shall become available
21 on October 1, 2023, and shall remain available through
22 September 30, 2024, for academic year 2023–2024: *Pro-*
23 *vided*, That the amount for section 611(b)(2) of the IDEA
24 shall be equal to the lesser of the amount available for
25 that activity during fiscal year 2022, increased by the

1076

1 amount of inflation as specified in section 619(d)(2)(B)
2 of the IDEA, or the percent change in the funds appro-
3 priated under section 611(i) of the IDEA, but not less
4 than the amount for that activity during fiscal year 2022:
5 *Provided further*, That the Secretary shall, without regard
6 to section 611(d) of the IDEA, distribute to all other
7 States (as that term is defined in section 611(g)(2)), sub-
8 ject to the third proviso, any amount by which a State's
9 allocation under section 611, from funds appropriated
10 under this heading, is reduced under section
11 612(a)(18)(B), according to the following: 85 percent on
12 the basis of the States' relative populations of children
13 aged 3 through 21 who are of the same age as children
14 with disabilities for whom the State ensures the avail-
15 ability of a free appropriate public education under this
16 part, and 15 percent to States on the basis of the States'
17 relative populations of those children who are living in pov-
18 erty: *Provided further*, That the Secretary may not dis-
19 tribute any funds under the previous proviso to any State
20 whose reduction in allocation from funds appropriated
21 under this heading made funds available for such a dis-
22 tribution: *Provided further*, That the States shall allocate
23 such funds distributed under the second proviso to local
24 educational agencies in accordance with section 611(f):
25 *Provided further*, That the amount by which a State's allo-

1 cation under section 611(d) of the IDEA is reduced under
2 section 612(a)(18)(B) and the amounts distributed to
3 States under the previous provisos in fiscal year 2012 or
4 any subsequent year shall not be considered in calculating
5 the awards under section 611(d) for fiscal year 2013 or
6 for any subsequent fiscal years: *Provided further*, That,
7 notwithstanding the provision in section 612(a)(18)(B) re-
8 garding the fiscal year in which a State's allocation under
9 section 611(d) is reduced for failure to comply with the
10 requirement of section 612(a)(18)(A), the Secretary may
11 apply the reduction specified in section 612(a)(18)(B) over
12 a period of consecutive fiscal years, not to exceed 5, until
13 the entire reduction is applied: *Provided further*, That the
14 Secretary may, in any fiscal year in which a State's alloca-
15 tion under section 611 is reduced in accordance with sec-
16 tion 612(a)(18)(B), reduce the amount a State may re-
17 serve under section 611(e)(1) by an amount that bears
18 the same relation to the maximum amount described in
19 that paragraph as the reduction under section
20 612(a)(18)(B) bears to the total allocation the State
21 would have received in that fiscal year under section
22 611(d) in the absence of the reduction: *Provided further*,
23 That the Secretary shall either reduce the allocation of
24 funds under section 611 for any fiscal year following the
25 fiscal year for which the State fails to comply with the

1 requirement of section 612(a)(18)(A) as authorized by
2 section 612(a)(18)(B), or seek to recover funds under sec-
3 tion 452 of the General Education Provisions Act (20
4 U.S.C. 1234a): *Provided further*, That the funds reserved
5 under 611(c) of the IDEA may be used to provide tech-
6 nical assistance to States to improve the capacity of the
7 States to meet the data collection requirements of sections
8 616 and 618 and to administer and carry out other serv-
9 ices and activities to improve data collection, coordination,
10 quality, and use under parts B and C of the IDEA: *Pro-*
11 *vided further*, That the Secretary may use funds made
12 available for the State Personnel Development Grants pro-
13 gram under part D, subpart 1 of IDEA to evaluate pro-
14 gram performance under such subpart: *Provided further*,
15 That States may use funds reserved for other State-level
16 activities under sections 611(e)(2) and 619(f) of the IDEA
17 to make subgrants to local educational agencies, institu-
18 tions of higher education, other public agencies, and pri-
19 vate non-profit organizations to carry out activities au-
20 thorized by those sections: *Provided further*, That, not-
21 withstanding section 643(e)(2)(A) of the IDEA, if 5 or
22 fewer States apply for grants pursuant to section 643(e)
23 of such Act, the Secretary shall provide a grant to each
24 State in an amount equal to the maximum amount de-
25 scribed in section 643(e)(2)(B) of such Act: *Provided fur-*

1 *ther*, That if more than 5 States apply for grants pursuant
2 to section 643(e) of the IDEA, the Secretary shall award
3 funds to those States on the basis of the States' relative
4 populations of infants and toddlers except that no such
5 State shall receive a grant in excess of the amount de-
6 scribed in section 643(e)(2)(B) of such Act: *Provided fur-*
7 *ther*, That States may use funds allotted under section
8 643(e) of the IDEA to make subgrants to local edu-
9 cational agencies, institutions of higher education, other
10 public agencies, and private non-profit organizations to
11 carry out activities authorized by section 638 of IDEA:
12 *Provided further*, That, notwithstanding section 638 of the
13 IDEA, a State may use funds it receives under section
14 633 of the IDEA to offer continued early intervention
15 services to a child who previously received services under
16 part C of the IDEA from age 3 until the beginning of
17 the school year following the child's third birthday with
18 parental consent and without regard to the procedures in
19 section 635(c) of the IDEA.

20 REHABILITATION SERVICES

21 (INCLUDING TRANSFER OF FUNDS)

22 For carrying out, to the extent not otherwise pro-
23 vided, the Rehabilitation Act of 1973 and the Helen Keller
24 National Center Act, \$4,092,906,000, of which
25 \$3,949,707,000 shall be for grants for vocational rehabili-

1 tation services under title I of the Rehabilitation Act: *Pro-*
2 *vided*, That the Secretary may use amounts provided in
3 this Act, and unobligated balances from title III of the
4 Departments of Labor, Health and Human Services, and
5 Education, and Related Agencies Appropriations Act,
6 2022, (division H of Public Law 117–103), that remain
7 available subsequent to the reallocation of funds to States
8 pursuant to section 110(b) of the Rehabilitation Act for
9 innovative activities aimed at increasing competitive inte-
10 grated employment as defined in section 7 of such Act
11 for youth and other individuals with disabilities, including
12 related Federal administrative expenses, and for improv-
13 ing monitoring and oversight of grants for vocational reha-
14 bilitation services under title I of the Rehabilitation Act,
15 including information technology modernization: *Provided*
16 *further*, That up to 15 percent of the amounts available
17 subsequent to reallocation for the activities described in
18 the first proviso from funds provided under this paragraph
19 in this Act, may be used for evaluation and technical as-
20 sistance related to such activities: *Provided further*, That
21 States may award subgrants for a portion of the funds
22 to other public and private, nonprofit entities: *Provided*
23 *further*, That any funds provided in this Act and made
24 available subsequent to reallocation for the purposes de-
25 scribed in the first proviso shall remain available until

1081

1 September 30, 2024: *Provided further*, That the Secretary
2 may transfer funds provided in this Act and made avail-
3 able subsequent to the reallocation of funds to States pur-
4 suant to section 110(b) of the Rehabilitation Act to “Insti-
5 tute of Education Sciences” for the evaluation of outcomes
6 for students receiving services and supports under IDEA
7 and under title I, section 504 of title V, and title VI of
8 the Rehabilitation Act: *Provided further*, That the transfer
9 authority in the preceding proviso is in addition to any
10 other transfer authority in this Act.

11 SPECIAL INSTITUTIONS FOR PERSONS WITH
12 DISABILITIES

13 AMERICAN PRINTING HOUSE FOR THE BLIND

14 For carrying out the Act to Promote the Education
15 of the Blind of March 3, 1879, \$43,431,000.

16 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

17 For the National Technical Institute for the Deaf
18 under titles I and II of the Education of the Deaf Act
19 of 1986, \$92,500,000: *Provided*, That from the total
20 amount available, the Institute may at its discretion use
21 funds for the endowment program as authorized under
22 section 207 of such Act.

23 GALLAUDET UNIVERSITY

24 For the Kendall Demonstration Elementary School,
25 the Model Secondary School for the Deaf, and the partial

1 support of Gallaudet University under titles I and II of
2 the Education of the Deaf Act of 1986, \$165,361,000, of
3 which up to \$15,000,000, to remain available until ex-
4 pended, shall be for construction, as defined by section
5 201(2) of such Act: *Provided*, That from the total amount
6 available, the University may at its discretion use funds
7 for the endowment program as authorized under section
8 207 of such Act.

9 CAREER, TECHNICAL, AND ADULT EDUCATION

10 For carrying out, to the extent not otherwise pro-
11 vided, the Carl D. Perkins Career and Technical Edu-
12 cation Act of 2006 (“Perkins Act”) and the Adult Edu-
13 cation and Family Literacy Act (“AEFLA”),
14 \$2,191,436,000, of which \$1,400,436,000 shall become
15 available on July 1, 2023, and shall remain available
16 through September 30, 2024, and of which \$791,000,000
17 shall become available on October 1, 2023, and shall re-
18 main available through September 30, 2024: *Provided*,
19 That \$25,000,000 shall be available for innovation and
20 modernization grants under such section 114(e) of the
21 Perkins Act: *Provided further*, That of the amounts made
22 available for AEFLA, \$13,712,000 shall be for national
23 leadership activities under section 242.

1083

1 STUDENT FINANCIAL ASSISTANCE

2 For carrying out subparts 1, 3, and 10 of part A,
3 and part C of title IV of the HEA, \$24,615,352,000 which
4 shall remain available through September 30, 2024.

5 The maximum Pell Grant for which a student shall
6 be eligible during award year 2023–2024 shall be \$6,335.

7 STUDENT AID ADMINISTRATION

8 For Federal administrative expenses to carry out part
9 D of title I, and subparts 1, 3, 9, and 10 of part A, and
10 parts B, C, D, and E of title IV of the HEA, and subpart
11 1 of part A of title VII of the Public Health Service Act,
12 \$2,033,943,000, to remain available through September
13 30, 2024: *Provided*, That the Secretary shall allocate new
14 student loan borrower accounts to eligible student loan
15 servicers on the basis of their past performance compared
16 to all loan servicers utilizing established common metrics,
17 and on the basis of the capacity of each servicer to process
18 new and existing accounts: *Provided further*, That for stu-
19 dent loan contracts awarded prior to October 1, 2017, the
20 Secretary shall allow student loan borrowers who are con-
21 solidating Federal student loans to select from any stu-
22 dent loan servicer to service their new consolidated student
23 loan: *Provided further*, That in order to promote account-
24 ability and high-quality service to borrowers, the Secretary
25 shall not award funding for any contract solicitation for

1 a new Federal student loan servicing environment, includ-
2 ing the solicitation for the Federal Student Aid (FSA)
3 Next Generation Processing and Servicing Environment,
4 unless such an environment provides for the participation
5 of multiple student loan servicers that contract directly
6 with the Department of Education to manage a unique
7 portfolio of borrower accounts and the full life-cycle of
8 loans from disbursement to pay-off with certain limited
9 exceptions, and allocates student loan borrower accounts
10 to eligible student loan servicers based on performance:
11 *Provided further,* That the Department shall re-allocate
12 accounts from servicers for recurring non-compliance with
13 FSA guidelines, contractual requirements, and applicable
14 laws, including for failure to sufficiently inform borrowers
15 of available repayment options: *Provided further,* That
16 such servicers shall be evaluated based on their ability to
17 meet contract requirements (including an understanding
18 of Federal and State law), future performance on the con-
19 tracts, and history of compliance with applicable consumer
20 protections laws: *Provided further,* That to the extent FSA
21 permits student loan servicing subcontracting, FSA shall
22 hold prime contractors accountable for meeting the re-
23 quirements of the contract, and the performance and ex-
24 pectations of subcontractors shall be accounted for in the
25 prime contract and in the overall performance of the prime

1 contractor: *Provided further*, That FSA shall ensure that
2 the Next Generation Processing and Servicing Environ-
3 ment, or any new Federal loan servicing environment,
4 incentivize more support to borrowers at risk of delin-
5 quency or default: *Provided further*, That FSA shall en-
6 sure that in such environment contractors have the capac-
7 ity to meet and are held accountable for performance on
8 service levels; are held accountable for and have a history
9 of compliance with applicable consumer protection laws;
10 and have relevant experience and demonstrated effective-
11 ness: *Provided further*, That the Secretary shall provide
12 quarterly briefings to the Committees on Appropriations
13 and Education and Labor of the House of Representatives
14 and the Committees on Appropriations and Health, Edu-
15 cation, Labor, and Pensions of the Senate on general
16 progress related to solicitations for Federal student loan
17 servicing contracts: *Provided further*, That FSA shall
18 strengthen transparency through expanded publication of
19 aggregate data on student loan and servicer performance:
20 *Provided further*, That not later than 60 days after enact-
21 ment of this Act, FSA shall provide to the Committees
22 on Appropriations of the House of Representatives and the
23 Senate a detailed spend plan of anticipated uses of funds
24 made available in this account for fiscal year 2023 and
25 provide quarterly updates on this plan (including contracts

1086

1 awarded, change orders, bonuses paid to staff, reorganiza-
2 tion costs, and any other activity carried out using
3 amounts provided under this heading for fiscal year 2023):
4 *Provided further*, That the FSA Next Generation Proc-
5 essing and Servicing Environment, or any new Federal
6 student loan servicing environment, shall include account-
7 ability measures that account for the performance of the
8 portfolio and contractor compliance with FSA guidelines:
9 *Provided further*, That notwithstanding the requirements
10 of the Federal Property and Administration Services Act
11 of 1949, 41 U.S.C. 3101 et seq., as amended; parts 6,
12 16, and 37 of title 48, Code of Federal Regulations; or
13 any other procurement limitation on the period of per-
14 formance, the Secretary may extend the period of perform-
15 ance for any contract under section 456 of the HEA for
16 servicing activities for up to one year from the current
17 date of expiration.

18 HIGHER EDUCATION

19 For carrying out, to the extent not otherwise pro-
20 vided, titles II, III, IV, V, VI, VII, and VIII of the HEA,
21 the Mutual Educational and Cultural Exchange Act of
22 1961, and section 117 of the Perkins Act,
23 \$3,526,037,000, of which \$184,000,000 shall remain
24 available through December 31, 2023: *Provided*, That not-
25 withstanding any other provision of law, funds made avail-

1 able in this Act to carry out title VI of the HEA and sec-
2 tion 102(b)(6) of the Mutual Educational and Cultural
3 Exchange Act of 1961 may be used to support visits and
4 study in foreign countries by individuals who are partici-
5 pating in advanced foreign language training and inter-
6 national studies in areas that are vital to United States
7 national security and who plan to apply their language
8 skills and knowledge of these countries in the fields of gov-
9 ernment, the professions, or international development:
10 *Provided further*, That of the funds referred to in the pre-
11 ceding proviso up to 1 percent may be used for program
12 evaluation, national outreach, and information dissemina-
13 tion activities: *Provided further*, That up to 1.5 percent
14 of the funds made available under chapter 2 of subpart
15 2 of part A of title IV of the HEA may be used for evalua-
16 tion: *Provided further*, That section 313(d) of the HEA
17 shall not apply to an institution of higher education that
18 is eligible to receive funding under section 318 of the
19 HEA: *Provided further*, That amounts made available for
20 carrying out section 419N of the HEA may be awarded
21 notwithstanding the limitations in section 419N(b)(2) of
22 the HEA: *Provided further*, That of the amounts made
23 available under this heading, \$429,587,000 shall be used
24 for the projects, and in the amounts, specified in the table
25 titled “Community Project Funding/Congressionally Di-

1089

1 these funds are available to subsidize total loan principal,
2 any part of which is to be guaranteed, not to exceed
3 \$752,065,725: *Provided further*, That these funds may be
4 used to support loans to public and private Historically
5 Black Colleges and Universities without regard to the limi-
6 tations within section 344(a) of the HEA.

7 In addition, for administrative expenses to carry out
8 the Historically Black College and University Capital Fi-
9 nancing Program entered into pursuant to part D of title
10 III of the HEA, \$528,000.

11 INSTITUTE OF EDUCATION SCIENCES

12 For necessary expenses for the Institute of Education
13 Sciences as authorized by section 208 of the Department
14 of Education Organization Act and carrying out activities
15 authorized by the National Assessment of Educational
16 Progress Authorization Act, section 208 of the Edu-
17 cational Technical Assistance Act of 2002, and section
18 664 of the Individuals with Disabilities Education Act,
19 \$807,605,000, which shall remain available through Sep-
20 tember 30, 2024: *Provided*, That funds available to carry
21 out section 208 of the Educational Technical Assistance
22 Act may be used to link Statewide elementary and sec-
23 ondary data systems with early childhood, postsecondary,
24 and workforce data systems, or to further develop such
25 systems: *Provided further*, That up to \$6,000,000 of the

1090

1 funds available to carry out section 208 of the Educational
2 Technical Assistance Act may be used for awards to public
3 or private organizations or agencies to support activities
4 to improve data coordination, quality, and use at the local,
5 State, and national levels.

6 DEPARTMENTAL MANAGEMENT

7 PROGRAM ADMINISTRATION

8 For carrying out, to the extent not otherwise pro-
9 vided, the Department of Education Organization Act, in-
10 cluding rental of conference rooms in the District of Co-
11 lumbia and hire of three passenger motor vehicles,
12 \$426,907,000, of which up to \$7,000,000, to remain avail-
13 able until expended, shall be available for relocation ex-
14 penses, and for the renovation and repair of leased build-
15 ings: *Provided*, That, notwithstanding any other provision
16 of law, none of the funds provided by this Act or provided
17 by previous Appropriations Acts to the Department of
18 Education available for obligation or expenditure in the
19 current fiscal year may be used for any activity relating
20 to implementing a reorganization that decentralizes, re-
21 duces the staffing level, or alters the responsibilities,
22 structure, authority, or functionality of the Budget Service
23 of the Department of Education, relative to the organiza-
24 tion and operation of the Budget Service as in effect on
25 January 1, 2018.

1091

1 OFFICE FOR CIVIL RIGHTS

2 For expenses necessary for the Office for Civil
3 Rights, as authorized by section 203 of the Department
4 of Education Organization Act, \$140,000,000.

5 OFFICE OF INSPECTOR GENERAL

6 For expenses necessary for the Office of Inspector
7 General, as authorized by section 212 of the Department
8 of Education Organization Act, \$67,500,000, of which
9 \$3,000,000 shall remain available until expended.

10 GENERAL PROVISIONS

11 SEC. 301. No funds appropriated in this Act may be
12 used to prevent the implementation of programs of vol-
13 untary prayer and meditation in the public schools.

14 (TRANSFER OF FUNDS)

15 SEC. 302. Not to exceed 1 percent of any discre-
16 tionary funds (pursuant to the Balanced Budget and
17 Emergency Deficit Control Act of 1985) which are appro-
18 priated for the Department of Education in this Act may
19 be transferred between appropriations, but no such appro-
20 priation shall be increased by more than 3 percent by any
21 such transfer: *Provided*, That the transfer authority grant-
22 ed by this section shall not be used to create any new pro-
23 gram or to fund any project or activity for which no funds
24 are provided in this Act: *Provided further*, That the Com-
25 mittees on Appropriations of the House of Representatives

1 and the Senate are notified at least 15 days in advance
2 of any transfer.

3 SEC. 303. Funds appropriated in this Act and con-
4 solidated for evaluation purposes under section 8601(c) of
5 the ESEA shall be available from July 1, 2023, through
6 September 30, 2024.

7 SEC. 304. (a) An institution of higher education that
8 maintains an endowment fund supported with funds ap-
9 propriated for title III or V of the HEA for fiscal year
10 2023 may use the income from that fund to award schol-
11 arships to students, subject to the limitation in section
12 331(c)(3)(B)(i) of the HEA. The use of such income for
13 such purposes, prior to the enactment of this Act, shall
14 be considered to have been an allowable use of that in-
15 come, subject to that limitation.

16 (b) Subsection (a) shall be in effect until titles III
17 and V of the HEA are reauthorized.

18 SEC. 305. Section 114(f) of the HEA (20 U.S.C.
19 1011c(f)) shall be applied by substituting “2023” for
20 “2021”.

21 SEC. 306. Section 458(a)(4) of the HEA (20 U.S.C.
22 1087h(a)) shall be applied by substituting “2023” for
23 “2021”.

24 SEC. 307. Funds appropriated in this Act under the
25 heading “Student Aid Administration” may be available

1093

1 for payments for student loan servicing to an institution
2 of higher education that services outstanding Federal Per-
3 kins Loans under part E of title IV of the Higher Edu-
4 cation Act of 1965 (20 U.S.C. 1087aa et seq.).

5 (RESCISSION)

6 SEC. 308. Of the amounts appropriated under section
7 401(b)(7)(A)(iv)(XI) of the Higher Education Act of 1965
8 (20 U.S.C. 1070a(b)(7)(A)(iv)(XI)) for fiscal year 2023,
9 \$75,000,000 are hereby rescinded.

10 SEC. 309. Of the amounts made available in this title
11 under the heading “Student Aid Administration”,
12 \$2,300,000 shall be used by the Secretary of Education
13 to conduct outreach to borrowers of loans made under part
14 D of title IV of the Higher Education Act of 1965 who
15 may intend to qualify for loan cancellation under section
16 455(m) of such Act (20 U.S.C. 1087e(m)), to ensure that
17 borrowers are meeting the terms and conditions of such
18 loan cancellation: *Provided*, That the Secretary shall spe-
19 cifically conduct outreach to assist borrowers who would
20 qualify for loan cancellation under section 455(m) of such
21 Act except that the borrower has made some, or all, of
22 the 120 required payments under a repayment plan that
23 is not described under section 455(m)(A) of such Act, to
24 encourage borrowers to enroll in a qualifying repayment
25 plan: *Provided further*, That the Secretary shall also com-

1 municate to all Direct Loan borrowers the full require-
2 ments of section 455(m) of such Act and improve the fil-
3 ing of employment certification by providing improved out-
4 reach and information such as outbound calls, electronic
5 communications, ensuring prominent access to program
6 requirements and benefits on each servicer’s website, and
7 creating an option for all borrowers to complete the entire
8 payment certification process electronically and on a cen-
9 tralized website.

10 SEC. 310. The Secretary may reserve not more than
11 0.5 percent from any amount made available in this Act
12 for an HEA program, except for any amounts made avail-
13 able for subpart 1 of part A of title IV of the HEA, to
14 carry out rigorous and independent evaluations and to col-
15 lect and analyze outcome data for any program authorized
16 by the HEA: *Provided*, That no funds made available in
17 this Act for the “Student Aid Administration” account
18 shall be subject to the reservation under this section: *Pro-*
19 *vided further*, That any funds reserved under this section
20 shall be available through September 30, 2025: *Provided*
21 *further*, That if, under any other provision of law, funds
22 are authorized to be reserved or used for evaluation activi-
23 ties with respect to a program or project, the Secretary
24 may also reserve funds for such program or project for
25 the purposes described in this section so long as the total

1 reservation of funds for such program or project does not
2 exceed any statutory limits on such reservations: *Provided*
3 *further*, That not later than 30 days prior to the initial
4 obligation of funds reserved under this section, the Sec-
5 retary shall submit to the Committees on Appropriations
6 of the Senate and the House of Representatives, the Com-
7 mittee on Health, Education, Labor and Pensions of the
8 Senate, and the Committee on Education and Labor of
9 the House of Representatives a plan that identifies the
10 source and amount of funds reserved under this section,
11 the impact on program grantees if funds are withheld for
12 the purposes of this section, and the activities to be carried
13 out with such funds.

14 SEC. 311. In addition to amounts otherwise appro-
15 priated by this Act under the heading “Innovation and
16 Improvement” for purposes authorized by the Elementary
17 and Secondary Education Act of 1965, there are hereby
18 appropriated an additional \$200,443,000 which shall be
19 used for the projects, and in the amounts, specified in the
20 table titled “Community Project Funding/Congressionally
21 Directed Spending” included for this division in the ex-
22 planatory statement described in section 4 (in the matter
23 preceding division A of this consolidated Act): *Provided*,
24 That none of the funds made available for such projects
25 shall be subject to section 302 of this Act.

1096

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 312. Of the amounts appropriated in this Act
3 for “Institute of Education Sciences”, \$19,000,000 shall
4 be available for the Secretary of Education (“the Sec-
5 retary”) to provide support services to the Institute of
6 Education Sciences (including, but not limited to informa-
7 tion technology services, lease or procurement of office
8 space, human resource services, financial management
9 services, financial systems support, budget formulation
10 and execution, legal counsel, equal employment oppor-
11 tunity services, physical security, facilities management,
12 acquisition and contract management, grants administra-
13 tion and policy, and enterprise risk management): *Pro-*
14 *vided*, That the Secretary shall calculate the actual
15 amounts obligated and expended for such support services
16 by using a standard Department of Education method-
17 ology for allocating the cost of all such support services:
18 *Provided further*, That the Secretary may transfer any
19 amounts available for IES support services in excess of
20 actual amounts needed for IES support services, as so cal-
21 culated, to the “Program Administration” account from
22 the “Institute of Education Sciences” account: *Provided*
23 *further*, That in order to address any shortfall between
24 amounts available for IES support services and amounts
25 needed for IES support services, as so calculated, the Sec-

1098

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 Pur-
7 chase From People Who Are Blind or Severely Disabled
8 (referred to in this title as “the Committee”) established
9 under section 8502 of title 41, United States Code,
10 \$13,124,000: *Provided*, That in order to authorize any
11 central nonprofit agency designated pursuant to section
12 8503(c) of title 41, United States Code, to perform re-
13 quirements of the Committee as prescribed under section
14 51–3.2 of title 41, Code of Federal Regulations, the Com-
15 mittee shall enter into a written agreement with any such
16 central nonprofit agency: *Provided further*, That such
17 agreement shall contain such auditing, oversight, and re-
18 porting provisions as necessary to implement chapter 85
19 of title 41, United States Code: *Provided further*, That
20 such agreement shall include the elements listed under the
21 heading “Committee For Purchase From People Who Are
22 Blind or Severely Disabled—Written Agreement Ele-
23 ments” in the explanatory statement described in section
24 4 of Public Law 114–113 (in the matter preceding division
25 A of that consolidated Act): *Provided further*, That any

1099

1 such central nonprofit agency may not charge a fee under
2 section 51–3.5 of title 41, Code of Federal Regulations,
3 prior to executing a written agreement with the Com-
4 mittee: *Provided further*, That no less than \$3,150,000
5 shall be available for the Office of Inspector General.

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
13 to in this title as “1990 Act”), \$975,525,000, notwith-
14 standing sections 198B(b)(3), 198S(g), 501(a)(4)(C), and
15 501(a)(4)(F) of the 1990 Act: *Provided*, That of the
16 amounts provided under this heading: (1) up to 1 percent
17 of program grant funds may be used to defray the costs
18 of conducting grant application reviews, including the use
19 of outside peer reviewers and electronic management of
20 the grants cycle; (2) \$19,538,000 shall be available to pro-
21 vide assistance to State commissions on national and com-
22 munity service, under section 126(a) of the 1990 Act and
23 notwithstanding section 501(a)(5)(B) of the 1990 Act; (3)
24 \$37,735,000 shall be available to carry out subtitle E of
25 the 1990 Act; and (4) \$8,558,000 shall be available for

1 expenses authorized under section 501(a)(4)(F) of the
2 1990 Act, which, notwithstanding the provisions of section
3 198P shall be awarded by CNCS on a competitive basis:
4 *Provided further*, That for the purposes of carrying out
5 the 1990 Act, satisfying the requirements in section
6 122(c)(1)(D) may include a determination of need by the
7 local community.

8 PAYMENT TO THE NATIONAL SERVICE TRUST
9 (INCLUDING TRANSFER OF FUNDS)

10 For payment to the National Service Trust estab-
11 lished under subtitle D of title I of the 1990 Act,
12 \$230,000,000, to remain available until expended: *Pro-*
13 *vided*, That CNCS may transfer additional funds from the
14 amount provided within “Operating Expenses” allocated
15 to grants under subtitle C of title I of the 1990 Act to
16 the National Service Trust upon determination that such
17 transfer is necessary to support the activities of national
18 service participants and after notice is transmitted to the
19 Committees on Appropriations of the House of Represent-
20 atives and the Senate: *Provided further*, That amounts ap-
21 propriated for or transferred to the National Service Trust
22 may be invested under section 145(b) of the 1990 Act
23 without regard to the requirement to apportion funds
24 under 31 U.S.C. 1513(b).

1101

1 SALARIES AND EXPENSES

2 For necessary expenses of administration as provided
3 under section 501(a)(5) of the 1990 Act and under section
4 504(a) of the 1973 Act, including payment of salaries, au-
5 thorized travel, hire of passenger motor vehicles, the rental
6 of conference rooms in the District of Columbia, the em-
7 ployment of experts and consultants authorized under 5
8 U.S.C. 3109, and not to exceed \$2,500 for official recep-
9 tion and representation expenses, \$99,686,000.

10 OFFICE OF INSPECTOR GENERAL

11 For necessary expenses of the Office of Inspector
12 General in carrying out the Inspector General Act of 1978,
13 \$7,595,000.

14 ADMINISTRATIVE PROVISIONS

15 SEC. 401. CNCS shall make any significant changes
16 to program requirements, service delivery or policy only
17 through public notice and comment rulemaking. For fiscal
18 year 2023, during any grant selection process, an officer
19 or employee of CNCS shall not knowingly disclose any cov-
20 ered grant selection information regarding such selection,
21 directly or indirectly, to any person other than an officer
22 or employee of CNCS that is authorized by CNCS to re-
23 ceive such information.

24 SEC. 402. AmeriCorps programs receiving grants
25 under the National Service Trust program shall meet an

1 overall minimum share requirement of 24 percent for the
2 first 3 years that they receive AmeriCorps funding, and
3 thereafter shall meet the overall minimum share require-
4 ment as provided in section 2521.60 of title 45, Code of
5 Federal Regulations, without regard to the operating costs
6 match requirement in section 121(e) or the member sup-
7 port Federal share limitations in section 140 of the 1990
8 Act, and subject to partial waiver consistent with section
9 2521.70 of title 45, Code of Federal Regulations.

10 SEC. 403. Donations made to CNCS under section
11 196 of the 1990 Act for the purposes of financing pro-
12 grams and operations under titles I and II of the 1973
13 Act or subtitle B, C, D, or E of title I of the 1990 Act
14 shall be used to supplement and not supplant current pro-
15 grams and operations.

16 SEC. 404. In addition to the requirements in section
17 146(a) of the 1990 Act, use of an educational award for
18 the purpose described in section 148(a)(4) shall be limited
19 to individuals who are veterans as defined under section
20 101 of the Act.

21 SEC. 405. For the purpose of carrying out section
22 189D of the 1990 Act—

23 (1) entities described in paragraph (a) of such
24 section shall be considered “qualified entities” under

1 section 3 of the National Child Protection Act of
2 1993 (“NCPA”);

3 (2) individuals described in such section shall
4 be considered “volunteers” under section 3 of
5 NCPA; and

6 (3) State Commissions on National and Com-
7 munity Service established pursuant to section 178
8 of the 1990 Act, are authorized to receive criminal
9 history record information, consistent with Public
10 Law 92–544.

11 SEC. 406. Notwithstanding sections 139(b), 146 and
12 147 of the 1990 Act, an individual who successfully com-
13 pletes a term of service of not less than 1,200 hours dur-
14 ing a period of not more than one year may receive a na-
15 tional service education award having a value of 70 per-
16 cent of the value of a national service education award
17 determined under section 147(a) of the Act.

18 SEC. 407. Section 148(f)(2)(A)(i) of the 1990 Act
19 shall be applied by substituting “an approved national
20 service position” for “a national service program that re-
21 ceives grants under subtitle C”.

22 CORPORATION FOR PUBLIC BROADCASTING

23 For payment to the Corporation for Public Broad-
24 casting (“CPB”), as authorized by the Communications
25 Act of 1934, an amount which shall be available within

1 limitations specified by that Act, for the fiscal year 2025,
2 \$535,000,000: *Provided*, That none of the funds made
3 available to CPB by this Act shall be used to pay for re-
4 ceptions, parties, or similar forms of entertainment for
5 Government officials or employees: *Provided further*, That
6 none of the funds made available to CPB by this Act shall
7 be available or used to aid or support any program or ac-
8 tivity from which any person is excluded, or is denied ben-
9 efits, or is discriminated against, on the basis of race,
10 color, national origin, religion, or sex: *Provided further*,
11 That none of the funds made available to CPB by this
12 Act shall be used to apply any political test or qualification
13 in selecting, appointing, promoting, or taking any other
14 personnel action with respect to officers, agents, and em-
15 ployees of CPB.

16 In addition, for the costs associated with replacing
17 and upgrading the public broadcasting interconnection
18 system and other technologies and services that create in-
19 frastructure and efficiencies within the public media sys-
20 tem, \$60,000,000.

21 FEDERAL MEDIATION AND CONCILIATION SERVICE

22 SALARIES AND EXPENSES

23 For expenses necessary for the Federal Mediation
24 and Conciliation Service (“Service”) to carry out the func-
25 tions vested in it by the Labor-Management Relations Act,

1105

1 1947, including hire of passenger motor vehicles; for ex-
2 penses necessary for the Labor-Management Cooperation
3 Act of 1978; and for expenses necessary for the Service
4 to carry out the functions vested in it by the Civil Service
5 Reform Act, \$53,705,000: *Provided*, That notwithstanding
6 31 U.S.C. 3302, fees charged, up to full-cost recovery, for
7 special training activities and other conflict resolution
8 services and technical assistance, including those provided
9 to foreign governments and international organizations,
10 and for arbitration services shall be credited to and
11 merged with this account, and shall remain available until
12 expended: *Provided further*, That fees for arbitration serv-
13 ices shall be available only for education, training, and
14 professional development of the agency workforce: *Pro-*
15 *vided further*, That the Director of the Service is author-
16 ized to accept and use on behalf of the United States gifts
17 of services and real, personal, or other property in the aid
18 of any projects or functions within the Director's jurisdic-
19 tion.

20 FEDERAL MINE SAFETY AND HEALTH REVIEW

21 COMMISSION

22 SALARIES AND EXPENSES

23 For expenses necessary for the Federal Mine Safety
24 and Health Review Commission, \$18,012,000.

1106

1 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

2 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

3 AND ADMINISTRATION

4 For carrying out the Museum and Library Services
5 Act of 1996 and the National Museum of African Amer-
6 ican History and Culture Act, \$294,800,000.

7 MEDICAID AND CHIP PAYMENT AND ACCESS

8 COMMISSION

9 SALARIES AND EXPENSES

10 For expenses necessary to carry out section 1900 of
11 the Social Security Act, \$9,405,000.

12 MEDICARE PAYMENT ADVISORY COMMISSION

13 SALARIES AND EXPENSES

14 For expenses necessary to carry out section 1805 of
15 the Social Security Act, \$13,824,000, to be transferred to
16 this appropriation from the Federal Hospital Insurance
17 Trust Fund and the Federal Supplementary Medical In-
18 surance Trust Fund.

19 NATIONAL COUNCIL ON DISABILITY

20 SALARIES AND EXPENSES

21 For expenses necessary for the National Council on
22 Disability as authorized by title IV of the Rehabilitation
23 Act of 1973, \$3,850,000.

1 NATIONAL LABOR RELATIONS BOARD

2 SALARIES AND EXPENSES

3 For expenses necessary for the National Labor Rela-
4 tions Board to carry out the functions vested in it by the
5 Labor-Management Relations Act, 1947, and other laws,
6 \$299,224,000: *Provided*, That no part of this appropria-
7 tion shall be available to organize or assist in organizing
8 agricultural laborers or used in connection with investiga-
9 tions, hearings, directives, or orders concerning bargaining
10 units composed of agricultural laborers as referred to in
11 section 2(3) of the Act of July 5, 1935, and as amended
12 by the Labor-Management Relations Act, 1947, and as de-
13 fined in section 3(f) of the Act of June 25, 1938, and
14 including in said definition employees engaged in the
15 maintenance and operation of ditches, canals, reservoirs,
16 and waterways when maintained or operated on a mutual,
17 nonprofit basis and at least 95 percent of the water stored
18 or supplied thereby is used for farming purposes.

19 ADMINISTRATIVE PROVISION

20 SEC. 408. None of the funds provided by this Act
21 or previous Acts making appropriations for the National
22 Labor Relations Board may be used to issue any new ad-
23 ministrative directive or regulation that would provide em-
24 ployees any means of voting through any electronic means

1108

1 in an election to determine a representative for the pur-
2 poses of collective bargaining.

3 NATIONAL MEDIATION BOARD

4 SALARIES AND EXPENSES

5 For expenses necessary to carry out the provisions
6 of the Railway Labor Act, including emergency boards ap-
7 pointed by the President, \$15,113,000.

8 OCCUPATIONAL SAFETY AND HEALTH REVIEW

9 COMMISSION

10 SALARIES AND EXPENSES

11 For expenses necessary for the Occupational Safety
12 and Health Review Commission, \$15,449,000.

13 RAILROAD RETIREMENT BOARD

14 DUAL BENEFITS PAYMENTS ACCOUNT

15 For payment to the Dual Benefits Payments Ac-
16 count, authorized under section 15(d) of the Railroad Re-
17 tirement Act of 1974, \$9,000,000, which shall include
18 amounts becoming available in fiscal year 2023 pursuant
19 to section 224(c)(1)(B) of Public Law 98–76; and in addi-
20 tion, an amount, not to exceed 2 percent of the amount
21 provided herein, shall be available proportional to the
22 amount by which the product of recipients and the average
23 benefit received exceeds the amount available for payment
24 of vested dual benefits: *Provided*, That the total amount
25 provided herein shall be credited in 12 approximately

1109

1 equal amounts on the first day of each month in the fiscal
2 year.

3 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

4 ACCOUNTS

5 For payment to the accounts established in the
6 Treasury for the payment of benefits under the Railroad
7 Retirement Act for interest earned on unnegotiated
8 checks, \$150,000, to remain available through September
9 30, 2024, which shall be the maximum amount available
10 for payment pursuant to section 417 of Public Law 98–
11 76.

12 LIMITATION ON ADMINISTRATION

13 For necessary expenses for the Railroad Retirement
14 Board (“Board”) for administration of the Railroad Re-
15 tirement Act and the Railroad Unemployment Insurance
16 Act, \$128,000,000, to be derived in such amounts as de-
17 termined by the Board from the railroad retirement ac-
18 counts and from moneys credited to the railroad unem-
19 ployment insurance administration fund: *Provided*, That
20 notwithstanding section 7(b)(9) of the Railroad Retire-
21 ment Act this limitation may be used to hire attorneys
22 only through the excepted service: *Provided further*, That
23 the previous proviso shall not change the status under
24 Federal employment laws of any attorney hired by the
25 Railroad Retirement Board prior to January 1, 2013: *Pro-*

1 *vided further*, That notwithstanding section 7(b)(9) of the
2 Railroad Retirement Act, this limitation may be used to
3 hire students attending qualifying educational institutions
4 or individuals who have recently completed qualifying edu-
5 cational programs using current excepted hiring authori-
6 ties established by the Office of Personnel Management.

7 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

8 For expenses necessary for the Office of Inspector
9 General for audit, investigatory and review activities, as
10 authorized by the Inspector General Act of 1978, not more
11 than \$14,000,000, to be derived from the railroad retire-
12 ment accounts and railroad unemployment insurance ac-
13 count.

14 SOCIAL SECURITY ADMINISTRATION

15 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

16 For payment to the Federal Old-Age and Survivors
17 Insurance Trust Fund and the Federal Disability Insur-
18 ance Trust Fund, as provided under sections 201(m) and
19 1131(b)(2) of the Social Security Act, \$11,000,000.

20 SUPPLEMENTAL SECURITY INCOME PROGRAM

21 For carrying out titles XI and XVI of the Social Se-
22 curity Act, section 401 of Public Law 92–603, section 212
23 of Public Law 93–66, as amended, and section 405 of
24 Public Law 95–216, including payment to the Social Secu-
25 rity trust funds for administrative expenses incurred pur-

1111

1 suant to section 201(g)(1) of the Social Security Act,
2 \$48,609,338,000, to remain available until expended: *Pro-*
3 *vided*, That any portion of the funds provided to a State
4 in the current fiscal year and not obligated by the State
5 during that year shall be returned to the Treasury: *Pro-*
6 *vided further*, That not more than \$86,000,000 shall be
7 available for research and demonstrations under sections
8 1110, 1115, and 1144 of the Social Security Act, and re-
9 main available through September 30, 2025.

10 For making, after June 15 of the current fiscal year,
11 benefit payments to individuals under title XVI of the So-
12 cial Security Act, for unanticipated costs incurred for the
13 current fiscal year, such sums as may be necessary.

14 For making benefit payments under title XVI of the
15 Social Security Act for the first quarter of fiscal year
16 2024, \$15,800,000,000, to remain available until ex-
17 pended.

18 LIMITATION ON ADMINISTRATIVE EXPENSES

19 (INCLUDING TRANSFER OF FUNDS)

20 For necessary expenses, including the hire and pur-
21 chase of two passenger motor vehicles, and not to exceed
22 \$20,000 for official reception and representation expenses,
23 not more than \$13,985,978,000 may be expended, as au-
24 thorized by section 201(g)(1) of the Social Security Act,
25 from any one or all of the trust funds referred to in such

1 section: *Provided*, That not less than \$2,700,000 shall be
2 for the Social Security Advisory Board: *Provided further*,
3 That \$55,000,000 shall remain available through Sep-
4 tember 30, 2024, for activities to address the disability
5 hearings backlog within the Office of Hearings Oper-
6 ations: *Provided further*, That unobligated balances of
7 funds provided under this paragraph at the end of fiscal
8 year 2023 not needed for fiscal year 2023 shall remain
9 available until expended to invest in the Social Security
10 Administration information technology and telecommuni-
11 cations hardware and software infrastructure, including
12 related equipment and non-payroll administrative expenses
13 associated solely with this information technology and tele-
14 communications infrastructure: *Provided further*, That the
15 Commissioner of Social Security shall notify the Commit-
16 tees on Appropriations of the House of Representatives
17 and the Senate prior to making unobligated balances
18 available under the authority in the previous proviso: *Pro-*
19 *vided further*, That reimbursement to the trust funds
20 under this heading for expenditures for official time for
21 employees of the Social Security Administration pursuant
22 to 5 U.S.C. 7131, and for facilities or support services
23 for labor organizations pursuant to policies, regulations,
24 or procedures referred to in section 7135(b) of such title
25 shall be made by the Secretary of the Treasury, with inter-

1 est, from amounts in the general fund not otherwise ap-
2 propriated, as soon as possible after such expenditures are
3 made.

4 Of the total amount made available in the first para-
5 graph under this heading, not more than \$1,784,000,000,
6 to remain available through March 31, 2024, is for the
7 costs associated with continuing disability reviews under
8 titles II and XVI of the Social Security Act, including
9 work-related continuing disability reviews to determine
10 whether earnings derived from services demonstrate an in-
11 dividual's ability to engage in substantial gainful activity,
12 for the cost associated with conducting redeterminations
13 of eligibility under title XVI of the Social Security Act,
14 for the cost of co-operative disability investigation units,
15 and for the cost associated with the prosecution of fraud
16 in the programs and operations of the Social Security Ad-
17 ministration by Special Assistant United States Attorneys:
18 *Provided*, That, of such amount, \$273,000,000 is provided
19 to meet the terms of a concurrent resolution on the budget
20 in the Senate, and \$1,511,000,000 is additional new budg-
21 et authority specified for purposes of a concurrent resolu-
22 tion on the budget in the Senate and section 1(i) of H.
23 Res. 1151 (117th Congress), as engrossed in the House
24 of Representatives on June 8, 2022: *Provided further*,
25 That, of the additional new budget authority described in

1 the preceding proviso, up to \$15,100,000 may be trans-
2 ferred to the “Office of Inspector General”, Social Secu-
3 rity Administration, for the cost of jointly operated co-op-
4 erative disability investigation units: *Provided further,*
5 That such transfer authority is in addition to any other
6 transfer authority provided by law: *Provided further,* That
7 the Commissioner shall provide to the Congress (at the
8 conclusion of the fiscal year) a report on the obligation
9 and expenditure of these funds, similar to the reports that
10 were required by section 103(d)(2) of Public Law 104–
11 121 for fiscal years 1996 through 2002: *Provided further,*
12 That none of the funds described in this paragraph shall
13 be available for transfer or reprogramming except as spec-
14 ified in this paragraph.

15 In addition, \$140,000,000 to be derived from admin-
16 istration fees in excess of \$5.00 per supplementary pay-
17 ment collected pursuant to section 1616(d) of the Social
18 Security Act or section 212(b)(3) of Public Law 93–66,
19 which shall remain available until expended: *Provided,*
20 That to the extent that the amounts collected pursuant
21 to such sections in fiscal year 2023 exceed \$140,000,000,
22 the amounts shall be available in fiscal year 2024 only
23 to the extent provided in advance in appropriations Acts.

24 In addition, up to \$1,000,000 to be derived from fees
25 collected pursuant to section 303(c) of the Social Security

1115

1 Protection Act, which shall remain available until ex-
2 pended.

3 OFFICE OF INSPECTOR GENERAL
4 (INCLUDING TRANSFER OF FUNDS)

5 For expenses necessary for the Office of Inspector
6 General in carrying out the provisions of the Inspector
7 General Act of 1978, \$32,000,000, together with not to
8 exceed \$82,665,000, to be transferred and expended as
9 authorized by section 201(g)(1) of the Social Security Act
10 from the Federal Old-Age and Survivors Insurance Trust
11 Fund and the Federal Disability Insurance Trust Fund:
12 *Provided*, That \$2,000,000 shall remain available until ex-
13 pended for information technology modernization, includ-
14 ing related hardware and software infrastructure and
15 equipment, and for administrative expenses directly asso-
16 ciated with information technology modernization.

17 In addition, an amount not to exceed 3 percent of
18 the total provided in this appropriation may be transferred
19 from the “Limitation on Administrative Expenses”, Social
20 Security Administration, to be merged with this account,
21 to be available for the time and purposes for which this
22 account is available: *Provided*, That notice of such trans-
23 fers shall be transmitted promptly to the Committees on
24 Appropriations of the House of Representatives and the
25 Senate at least 15 days in advance of any transfer.

1116

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
16 Public Law 111–148 shall be used, other than for normal
17 and recognized executive-legislative relationships, for pub-
18 licity or propaganda purposes, for the preparation, dis-
19 tribution, or use of any kit, pamphlet, booklet, publication,
20 electronic communication, radio, television, or video pres-
21 entation designed to support or defeat the enactment of
22 legislation before the Congress or any State or local legis-
23 lature or legislative body, except in presentation to the
24 Congress or any State or local legislature itself, or de-
25 signed to support or defeat any proposed or pending regu-

1 lation, administrative action, or order issued by the execu-
2 tive branch of any State or local government, except in
3 presentation to the executive branch of any State or local
4 government itself.

5 (b) No part of any appropriation contained in this
6 Act or transferred pursuant to section 4002 of Public Law
7 111–148 shall be used to pay the salary or expenses of
8 any grant or contract recipient, or agent acting for such
9 recipient, related to any activity designed to influence the
10 enactment of legislation, appropriations, regulation, ad-
11 ministrative action, or Executive order proposed or pend-
12 ing before the Congress or any State government, State
13 legislature or local legislature or legislative body, other
14 than for normal and recognized executive-legislative rela-
15 tionships or participation by an agency or officer of a
16 State, local or tribal government in policymaking and ad-
17 ministrative processes within the executive branch of that
18 government.

19 (c) The prohibitions in subsections (a) and (b) shall
20 include any activity to advocate or promote any proposed,
21 pending or future Federal, State or local tax increase, or
22 any proposed, pending, or future requirement or restric-
23 tion on any legal consumer product, including its sale or
24 marketing, including but not limited to the advocacy or
25 promotion of gun control.

1 SEC. 504. The Secretaries of Labor and Education
2 are authorized to make available not to exceed \$28,000
3 and \$20,000, respectively, from funds available for sala-
4 ries and expenses under titles I and III, respectively, for
5 official reception and representation expenses; the Direc-
6 tor of the Federal Mediation and Conciliation Service is
7 authorized to make available for official reception and rep-
8 resentation expenses not to exceed \$5,000 from the funds
9 available for “Federal Mediation and Conciliation Service,
10 Salaries and Expenses”; and the Chairman of the Na-
11 tional Mediation Board is authorized to make available for
12 official reception and representation expenses not to ex-
13 ceed \$5,000 from funds available for “National Mediation
14 Board, Salaries and Expenses”.

15 SEC. 505. When issuing statements, press releases,
16 requests for proposals, bid solicitations and other docu-
17 ments describing projects or programs funded in whole or
18 in part with Federal money, all grantees receiving Federal
19 funds included in this Act, including but not limited to
20 State and local governments and recipients of Federal re-
21 search grants, shall clearly state—

22 (1) the percentage of the total costs of the pro-
23 gram or project which will be financed with Federal
24 money;

1 (2) the dollar amount of Federal funds for the
2 project or program; and

3 (3) percentage and dollar amount of the total
4 costs of the project or program that will be financed
5 by non-governmental sources.

6 SEC. 506. (a) None of the funds appropriated in this
7 Act, and none of the funds in any trust fund to which
8 funds are appropriated in this Act, shall be expended for
9 any abortion.

10 (b) None of the funds appropriated in this Act, and
11 none of the funds in any trust fund to which funds are
12 appropriated in this Act, shall be expended for health ben-
13 efits coverage that includes coverage of abortion.

14 (c) The term “health benefits coverage” means the
15 package of services covered by a managed care provider
16 or organization pursuant to a contract or other arrange-
17 ment.

18 SEC. 507. (a) The limitations established in the pre-
19 ceding section shall not apply to an abortion—

20 (1) if the pregnancy is the result of an act of
21 rape or incest; or

22 (2) in the case where a woman suffers from a
23 physical disorder, physical injury, or physical illness,
24 including a life-endangering physical condition
25 caused by or arising from the pregnancy itself, that

1 would, as certified by a physician, place the woman
2 in danger of death unless an abortion is performed.

3 (b) Nothing in the preceding section shall be con-
4 strued as prohibiting the expenditure by a State, locality,
5 entity, or private person of State, local, or private funds
6 (other than a State's or locality's contribution of Medicaid
7 matching funds).

8 (c) Nothing in the preceding section shall be con-
9 strued as restricting the ability of any managed care pro-
10 vider from offering abortion coverage or the ability of a
11 State or locality to contract separately with such a pro-
12 vider for such coverage with State funds (other than a
13 State's or locality's contribution of Medicaid matching
14 funds).

15 (d)(1) None of the funds made available in this Act
16 may be made available to a Federal agency or program,
17 or to a State or local government, if such agency, program,
18 or government subjects any institutional or individual
19 health care entity to discrimination on the basis that the
20 health care entity does not provide, pay for, provide cov-
21 erage of, or refer for abortions.

22 (2) In this subsection, the term "health care entity"
23 includes an individual physician or other health care pro-
24 fessional, a hospital, a provider-sponsored organization, a
25 health maintenance organization, a health insurance plan,

1 or any other kind of health care facility, organization, or
2 plan.

3 SEC. 508. (a) None of the funds made available in
4 this Act may be used for—

5 (1) the creation of a human embryo or embryos
6 for research purposes; or

7 (2) research in which a human embryo or em-
8 bryos are destroyed, discarded, or knowingly sub-
9 jected to risk of injury or death greater than that
10 allowed for research on fetuses in utero under 45
11 CFR 46.204(b) and section 498(b) of the Public
12 Health Service Act (42 U.S.C. 289g(b)).

13 (b) For purposes of this section, the term “human
14 embryo or embryos” includes any organism, not protected
15 as a human subject under 45 CFR 46 as of the date of
16 the enactment of this Act, that is derived by fertilization,
17 parthenogenesis, cloning, or any other means from one or
18 more human gametes or human diploid cells.

19 SEC. 509. (a) None of the funds made available in
20 this Act may be used for any activity that promotes the
21 legalization of any drug or other substance included in
22 schedule I of the schedules of controlled substances estab-
23 lished under section 202 of the Controlled Substances Act
24 except for normal and recognized executive-congressional
25 communications.

1 (b) The limitation in subsection (a) shall not apply
2 when there is significant medical evidence of a therapeutic
3 advantage to the use of such drug or other substance or
4 that federally sponsored clinical trials are being conducted
5 to determine therapeutic advantage.

6 SEC. 510. None of the funds made available in this
7 Act may be used to promulgate or adopt any final stand-
8 ard under section 1173(b) of the Social Security Act pro-
9 viding for, or providing for the assignment of, a unique
10 health identifier for an individual (except in an individ-
11 ual's capacity as an employer or a health care provider),
12 until legislation is enacted specifically approving the
13 standard.

14 SEC. 511. None of the funds made available in this
15 Act may be obligated or expended to enter into or renew
16 a contract with an entity if—

17 (1) such entity is otherwise a contractor with
18 the United States and is subject to the requirement
19 in 38 U.S.C. 4212(d) regarding submission of an
20 annual report to the Secretary of Labor concerning
21 employment of certain veterans; and

22 (2) such entity has not submitted a report as
23 required by that section for the most recent year for
24 which such requirement was applicable to such enti-
25 ty.

1 SEC. 512. 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
4 pursuant to a transfer made by, or transfer authority pro-
5 vided in, this Act or any other appropriation Act.

6 SEC. 513. None of the funds made available by this
7 Act to carry out the Library Services and Technology Act
8 may be made available to any library covered by para-
9 graph (1) of section 224(f) of such Act, as amended by
10 the Children’s Internet Protection Act, unless such library
11 has made the certifications required by paragraph (4) of
12 such section.

13 SEC. 514. (a) None of the funds provided under this
14 Act, or provided under previous appropriations Acts to the
15 agencies funded by this Act that remain available for obli-
16 gation or expenditure in fiscal year 2023, or provided from
17 any accounts in the Treasury of the United States derived
18 by the collection of fees available to the agencies funded
19 by this Act, shall be available for obligation or expenditure
20 through a reprogramming of funds that—

- 21 (1) creates new programs;
- 22 (2) eliminates a program, project, or activity;
- 23 (3) increases funds or personnel by any means
24 for any project or activity for which funds have been
25 denied or restricted;

1 (4) relocates an office or employees;

2 (5) reorganizes or renames offices;

3 (6) reorganizes programs or activities; or

4 (7) contracts out or privatizes any functions or
5 activities presently performed by Federal employees;

6 unless the Committees on Appropriations of the House of
7 Representatives and the Senate are consulted 15 days in
8 advance of such reprogramming or of an announcement
9 of intent relating to such reprogramming, whichever oc-
10 curs earlier, and are notified in writing 10 days in advance
11 of such reprogramming.

12 (b) None of the funds provided under this Act, or
13 provided under previous appropriations Acts to the agen-
14 cies funded by this Act that remain available for obligation
15 or expenditure in fiscal year 2023, or provided from any
16 accounts in the Treasury of the United States derived by
17 the collection of fees available to the agencies funded by
18 this Act, shall be available for obligation or expenditure
19 through a reprogramming of funds in excess of \$500,000
20 or 10 percent, whichever is less, that—

21 (1) augments existing programs, projects (in-
22 cluding construction projects), or activities;

23 (2) reduces by 10 percent funding for any exist-
24 ing program, project, or activity, or numbers of per-
25 sonnel by 10 percent as approved by Congress; or

1 (3) results from any general savings from a re-
2 duction in personnel which would result in a change
3 in existing programs, activities, or projects as ap-
4 proved by Congress;

5 unless the Committees on Appropriations of the House of
6 Representatives and the Senate are consulted 15 days in
7 advance of such reprogramming or of an announcement
8 of intent relating to such reprogramming, whichever oc-
9 curs earlier, and are notified in writing 10 days in advance
10 of such reprogramming.

11 SEC. 515. (a) None of the funds made available in
12 this Act may be used to request that a candidate for ap-
13 pointment to a Federal scientific advisory committee dis-
14 close the political affiliation or voting history of the can-
15 didate or the position that the candidate holds with re-
16 spect to political issues not directly related to and nec-
17 essary for the work of the committee involved.

18 (b) None of the funds made available in this Act may
19 be used to disseminate information that is deliberately
20 false or misleading.

21 SEC. 516. Within 45 days of enactment of this Act,
22 each department and related agency funded through this
23 Act shall submit an operating plan that details at the pro-
24 gram, project, and activity level any funding allocations
25 for fiscal year 2023 that are different than those specified

1 in this Act, the explanatory statement described in section
2 4 (in the matter preceding division A of this consolidated
3 Act) or the fiscal year 2023 budget request.

4 SEC. 517. The Secretaries of Labor, Health and
5 Human Services, and Education shall each prepare and
6 submit to the Committees on Appropriations of the House
7 of Representatives and the Senate a report on the number
8 and amount of contracts, grants, and cooperative agree-
9 ments exceeding \$500,000, individually or in total for a
10 particular project, activity, or programmatic initiative, in
11 value and awarded by the Department on a non-competi-
12 tive basis during each quarter of fiscal year 2023, but not
13 to include grants awarded on a formula basis or directed
14 by law. Such report shall include the name of the con-
15 tractor or grantee, the amount of funding, the govern-
16 mental purpose, including a justification for issuing the
17 award on a non-competitive basis. Such report shall be
18 transmitted to the Committees within 30 days after the
19 end of the quarter for which the report is submitted.

20 SEC. 518. None of the funds appropriated in this Act
21 shall be expended or obligated by the Commissioner of So-
22 cial Security, for purposes of administering Social Security
23 benefit payments under title II of the Social Security Act,
24 to process any claim for credit for a quarter of coverage
25 based on work performed under a social security account

1 number that is not the claimant's number and the per-
2 formance of such work under such number has formed the
3 basis for a conviction of the claimant of a violation of sec-
4 tion 208(a)(6) or (7) of the Social Security Act.

5 SEC. 519. None of the funds appropriated by this Act
6 may be used by the Commissioner of Social Security or
7 the Social Security Administration to pay the compensa-
8 tion of employees of the Social Security Administration
9 to administer Social Security benefit payments, under any
10 agreement between the United States and Mexico estab-
11 lishing totalization arrangements between the social secu-
12 rity system established by title II of the Social Security
13 Act and the social security system of Mexico, which would
14 not otherwise be payable but for such agreement.

15 SEC. 520. (a) None of the funds made available in
16 this Act may be used to maintain or establish a computer
17 network unless such network blocks the viewing,
18 downloading, and exchanging of pornography.

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

23 SEC. 521. For purposes of carrying out Executive
24 Order 13589, Office of Management and Budget Memo-
25 randum M-12-12 dated May 11, 2012, and requirements

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
9 shall clearly state within the text, audio, or video used for
10 advertising or educational purposes, including emails or
11 Internet postings, that the communication is printed, pub-
12 lished, or produced and disseminated at United States tax-
13 payer expense. The funds used by a Federal agency to
14 carry out this requirement shall be derived from amounts
15 made available to the agency for advertising or other com-
16 munications regarding the programs and activities of the
17 agency.

18 SEC. 523. (a) Federal agencies may use Federal dis-
19 cretionary funds that are made available in this Act to
20 carry out up to 10 Performance Partnership Pilots. Such
21 Pilots shall be governed by the provisions of section 526
22 of division H of Public Law 113–76, except that in car-
23 rying out such Pilots section 526 shall be applied by sub-
24 stituting “Fiscal Year 2023” for “Fiscal Year 2014” in
25 the title of subsection (b) and by substituting “September

1 30, 2027” for “September 30, 2018” each place it ap-
2 pears: *Provided*, That such pilots shall include commu-
3 nities that have experienced civil unrest.

4 (b) In addition, Federal agencies may use Federal
5 discretionary funds that are made available in this Act to
6 participate in Performance Partnership Pilots that are
7 being carried out pursuant to the authority provided by
8 section 526 of division H of Public Law 113–76, section
9 524 of division G of Public Law 113–235, section 525 of
10 division H of Public Law 114–113, section 525 of division
11 H of Public Law 115–31, section 525 of division H of
12 Public Law 115–141, section 524 of division A of Public
13 Law 116–94, section 524 of division H of Public Law
14 116–260, and section 523 of division H of Public Law
15 117–103.

16 (c) Pilot sites selected under authorities in this Act
17 and prior appropriations Acts may be granted by relevant
18 agencies up to an additional 5 years to operate under such
19 authorities.

20 SEC. 524. Not later than 30 days after the end of
21 each calendar quarter, beginning with the first month of
22 fiscal year 2023 the Departments of Labor, Health and
23 Human Services and Education and the Social Security
24 Administration shall provide the Committees on Appro-
25 priations of the House of Representatives and Senate a

1 report on the status of balances of appropriations: *Pro-*
2 *vided*, That for balances that are unobligated and uncom-
3 mitted, committed, and obligated but unexpended, the
4 monthly reports shall separately identify the amounts at-
5 tributable to each source year of appropriation (beginning
6 with fiscal year 2012, or, to the extent feasible, earlier
7 fiscal years) from which balances were derived.

8 SEC. 525. The Departments of Labor, Health and
9 Human Services, and Education shall provide to the Com-
10 mittees on Appropriations of the House of Representatives
11 and the Senate a comprehensive list of any new or com-
12 petitive grant award notifications, including supplements,
13 issued at the discretion of such Departments not less than
14 3 full business days before any entity selected to receive
15 a grant award is announced by the Department or its of-
16 fices (other than emergency response grants at any time
17 of the year or for grant awards made during the last 10
18 business days of the fiscal year, or if applicable, of the
19 program year).

20 SEC. 526. Notwithstanding any other provision of
21 this Act, no funds appropriated in this Act shall be used
22 to purchase sterile needles or syringes for the hypodermic
23 injection of any illegal drug: *Provided*, That such limita-
24 tion does not apply to the use of funds for elements of
25 a program other than making such purchases if the rel-

1 evant State or local health department, in consultation
2 with the Centers for Disease Control and Prevention, de-
3 termines that the State or local jurisdiction, as applicable,
4 is experiencing, or is at risk for, a significant increase in
5 hepatitis infections or an HIV outbreak due to injection
6 drug use, and such program is operating in accordance
7 with State and local law.

8 SEC. 527. Each department and related agency fund-
9 ed through this Act shall provide answers to questions
10 submitted for the record by members of the Committee
11 within 45 business days after receipt.

12 SEC. 528. Of amounts deposited in the Child Enroll-
13 ment Contingency Fund under section 2104(n)(2) of the
14 Social Security Act and the income derived from invest-
15 ment of those funds pursuant to section 2104(n)(2)(C) of
16 that Act, \$14,628,000,000 shall not be available for obli-
17 gation in this fiscal year.

18 SEC. 529. (a) This section applies to: (1) the Admin-
19 istration for Children and Families in the Department of
20 Health and Human Services; and (2) the Chief Evaluation
21 Office and the statistical-related cooperative and inter-
22 agency agreements and contracting activities of the Bu-
23 reau of Labor Statistics in the Department of Labor.

24 (b) Amounts made available under this Act which are
25 either appropriated, allocated, advanced on a reimbursable

1 basis, or transferred to the functions and organizations
2 identified in subsection (a) for research, evaluation, or sta-
3 tistical purposes shall be available for obligation through
4 September 30, 2027: *Provided*, That when an office ref-
5 erenced in subsection (a) receives research and evaluation
6 funding from multiple appropriations, such offices may
7 use a single Treasury account for such activities, with
8 funding advanced on a reimbursable basis.

9 (c) Amounts referenced in subsection (b) that are un-
10 expended at the time of completion of a contract, grant,
11 or cooperative agreement may be deobligated and shall im-
12 mediately become available and may be reobligated in that
13 fiscal year or the subsequent fiscal year for the research,
14 evaluation, or statistical purposes for which such amounts
15 are available.

16 This division may be cited as the “Departments of
17 Labor, Health and Human Services, and Education, and
18 Related Agencies Appropriations Act, 2023”.

1133

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,
8 \$20,000; the President Pro Tempore of the Senate,
9 \$40,000; Majority Leader of the Senate, \$40,000; Minor-
10 ity Leader of the Senate, \$40,000; Majority Whip of the
11 Senate, \$10,000; Minority Whip of the Senate, \$10,000;
12 President Pro Tempore Emeritus, \$15,000; Chairmen of
13 the Majority and Minority Conference Committees, \$5,000
14 for each Chairman; and Chairmen of the Majority and Mi-
15 nority Policy Committees, \$5,000 for each Chairman; in
16 all, \$195,000.

17 For representation allowances of the Majority and
18 Minority Leaders of the Senate, \$15,000 for each such
19 Leader; in all, \$30,000.

20 **SALARIES, OFFICERS AND EMPLOYEES**

21 For compensation of officers, employees, and others
22 as authorized by law, including agency contributions,
23 \$258,677,000, which shall be paid from this appropriation
24 as follows:

1134

1 OFFICE OF THE VICE PRESIDENT

2 For the Office of the Vice President, \$2,907,000.

3 OFFICE OF THE PRESIDENT PRO TEMPORE

4 For the Office of the President Pro Tempore,
5 \$832,000.

6 OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

7 For the Office of the President Pro Tempore Emer-
8 itus, \$359,000.

9 OFFICES OF THE MAJORITY AND MINORITY LEADERS

10 For Offices of the Majority and Minority Leaders,
11 \$6,196,000.

12 OFFICES OF THE MAJORITY AND MINORITY WHIPS

13 For Offices of the Majority and Minority Whips,
14 \$3,876,000.

15 COMMITTEE ON APPROPRIATIONS

16 For salaries of the Committee on Appropriations,
17 \$17,900,000.

18 CONFERENCE COMMITTEES

19 For the Conference of the Majority and the Con-
20 ference of the Minority, at rates of compensation to be
21 fixed by the Chairman of each such committee,
22 \$1,891,000 for each such committee; in all, \$3,782,000.

1135

1 OFFICES OF THE SECRETARIES OF THE CONFERENCE OF
2 THE MAJORITY AND THE CONFERENCE OF THE MINORITY
3 For Offices of the Secretaries of the Conference of
4 the Majority and the Conference of the Minority,
5 \$940,000.

6 POLICY COMMITTEES

7 For salaries of the Majority Policy Committee and
8 the Minority Policy Committee, \$1,931,000 for each such
9 committee; in all, \$3,862,000.

10 OFFICE OF THE CHAPLAIN

11 For Office of the Chaplain, \$598,000.

12 OFFICE OF THE SECRETARY

13 For Office of the Secretary, \$29,282,000.

14 OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

15 For Office of the Sergeant at Arms and Doorkeeper,
16 \$108,929,000.

17 OFFICES OF THE SECRETARIES FOR THE MAJORITY AND
18 MINORITY

19 For Offices of the Secretary for the Majority and the
20 Secretary for the Minority, \$2,126,000.

21 AGENCY CONTRIBUTIONS AND RELATED EXPENSES

22 For agency contributions for employee benefits, as
23 authorized by law, and related expenses, \$77,088,000.

1136

1 OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

2 For salaries and expenses of the Office of the Legisla-
3 tive Counsel of the Senate, \$8,150,000.

4 OFFICE OF SENATE LEGAL COUNSEL

5 For salaries and expenses of the Office of Senate
6 Legal Counsel, \$1,350,000.

7 EXPENSE ALLOWANCES OF THE SECRETARY OF THE
8 SENATE, SERGEANT AT ARMS AND DOORKEEPER OF
9 THE SENATE, AND SECRETARIES FOR THE MAJOR-
10 ITY AND MINORITY OF THE SENATE

11 For expense allowances of the Secretary of the Sen-
12 ate, \$7,500; Sergeant at Arms and Doorkeeper of the Sen-
13 ate, \$7,500; Secretary for the Majority of the Senate,
14 \$7,500; Secretary for the Minority of the Senate, \$7,500;
15 in all, \$30,000.

16 CONTINGENT EXPENSES OF THE SENATE

17 INQUIRIES AND INVESTIGATIONS

18 For expenses of inquiries and investigations ordered
19 by the Senate, or conducted under paragraph 1 of rule
20 XXVI of the Standing Rules of the Senate, section 112
21 of the Supplemental Appropriations and Rescission Act,
22 1980 (Public Law 96–304), and Senate Resolution 281,
23 96th Congress, agreed to March 11, 1980, \$145,615,000,
24 of which \$14,561,500 shall remain available until Sep-
25 tember 30, 2025.

1137

1 U.S. SENATE CAUCUS ON INTERNATIONAL NARCOTICS
2 CONTROL

3 For expenses of the United States Senate Caucus on
4 International Narcotics Control, \$552,000.

5 SECRETARY OF THE SENATE

6 For expenses of the Office of the Secretary of the
7 Senate, \$17,515,000, of which \$13,254,193 shall remain
8 available until September 30, 2027, and of which
9 \$4,260,807 shall remain available until expended.

10 SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

11 For expenses of the Office of the Sergeant at Arms
12 and Doorkeeper of the Senate, \$171,844,000, of which
13 \$160,144,000 shall remain available until September 30,
14 2027: *Provided*, That of the amount provided under this
15 heading, \$5,000,000 shall be for Senate hearing room
16 audiovisual equipment, to remain available until expended:
17 *Provided further*, That of the amount provided under this
18 heading, \$2,500,000 shall be for a residential security sys-
19 tem program, to remain available until expended.

20 SERGEANT AT ARMS FELLOWSHIPS FUND

21 For expenses authorized by the Sergeant at Arms
22 Fellowships Fund established in section 102 of this Act,
23 \$6,277,000, to remain available until expended.

1138

1 MISCELLANEOUS ITEMS

2 For miscellaneous items, \$27,814,000 which shall re-
3 main available until September 30, 2025.

4 SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE
5 ACCOUNT

6 For Senators' Official Personnel and Office Expense
7 Account, \$512,000,000, of which \$20,128,950 shall re-
8 main available until September 30, 2025, and of which
9 \$7,000,000 shall be allocated solely for the purpose of pro-
10 viding financial compensation to Senate interns.

11 OFFICIAL MAIL COSTS

12 For expenses necessary for official mail costs of the
13 Senate, \$300,000.

14 ADMINISTRATIVE PROVISIONS

15 REQUIRING AMOUNTS REMAINING IN SENATORS' OFFI-
16 CIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT
17 TO BE USED FOR DEFICIT REDUCTION OR TO RE-
18 DUCE THE FEDERAL DEBT

19 SEC. 101. Notwithstanding any other provision of
20 law, any amounts appropriated under this Act under the
21 heading "SENATE" under the heading "CONTINGENT
22 EXPENSES OF THE SENATE" under the heading "SEN-
23 ATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE AC-
24 COUNT" shall be available for obligation only during the
25 fiscal year or fiscal years for which such amounts are

1 made available. Any unexpended balances under such al-
2 lowances remaining after the end of the period of avail-
3 ability shall be returned to the Treasury in accordance
4 with the undesignated paragraph under the center heading
5 “GENERAL PROVISION” under chapter XI of the
6 Third Supplemental Appropriation Act, 1957 (2 U.S.C.
7 4107) and used for deficit reduction (or, if there is no
8 Federal budget deficit after all such payments have been
9 made, for reducing the Federal debt, in such manner as
10 the Secretary of the Treasury considers appropriate).

11 MCCAIN-MANSFIELD AND SFC SEAN COOLEY AND SPC

12 CHRISTOPHER HORTON CONGRESSIONAL GOLD STAR

13 FAMILY FELLOWSHIPS PROGRAMS

14 SEC. 102. (a) DEFINITIONS.—In this section—

15 (1) the term “appropriate committees of the
16 Senate” means the Committee on Appropriations
17 and the Committee on Rules and Administration of
18 the Senate;

19 (2) the term “Fellowships Programs” means
20 the SFC Sean Cooley and SPC Christopher Horton
21 Congressional Gold Star Family Fellowship Program
22 (commonly referred to as the “Green and Gold Con-
23 gressional Aide Program”) established under Senate
24 Resolution 442 (117th Congress), agreed to Novem-
25 ber 4, 2021, and the McCain-Mansfield Fellowship

1 Program established under Senate Resolution 443
2 (117th Congress), agreed to November 4, 2021, or
3 any successor program to such programs;

4 (3) the term “Fund” means the Sergeant at
5 Arms Fellowships Fund established under subsection
6 (b); and

7 (4) the term “Sergeant at Arms” means the
8 Sergeant at Arms and Doorkeeper of the Senate.

9 (b) ESTABLISHMENT.—There is established under
10 the heading “CONTINGENT EXPENSES OF THE SENATE”
11 an account to be known as the “SERGEANT AT ARMS FEL-
12 LOWSHIPS FUND”.

13 (c) USE OF AMOUNTS.—

14 (1) IN GENERAL.—Amounts in the Fund shall
15 be available to the Sergeant at Arms for the costs
16 of compensation of fellows under the Fellowships
17 Programs and the administration of the Fellowships
18 Programs, except as provided in paragraph (2).

19 (2) AGENCY CONTRIBUTIONS.—Agency con-
20 tributions for the Fellowships Programs shall be
21 paid from the appropriations account for “Salaries,
22 Officers and Employees” of the Senate.

23 (d) OVERSIGHT.—The Sergeant at Arms shall pro-
24 vide to the appropriate committees of the Senate—

1 (1) by striking “Office of the Assistant Leader”
2 each place it appears and inserting “office of the
3 designated officer”;

4 (2) in subsection (a)—

5 (A) in paragraph (2), by striking “means
6 the 117th Congress; and” and inserting “means
7 the 118th Congress;”;

8 (B) in paragraph (3), by striking “and
9 ending on January 3, 2023.” and inserting
10 “and ending on January 7, 2025; and”; and

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

12 “(4) the term ‘designated officer of the applica-
13 ble conference’ means the member of the leadership
14 of the applicable conference to whom the duties and
15 authorities of the Secretary of the applicable con-
16 ference are assigned under subsection (b).”;

17 (3) in subsection (b), in the matter preceding
18 paragraph (1), by striking “January 3, 2021, assign
19 to the Assistant Leader of the applicable con-
20 ference” and inserting “January 3, 2023, at the di-
21 rection of the Chair of the applicable conference, as-
22 sign to a member of the leadership of the applicable
23 conference”; and

24 (4) in subsection (c)(3), by striking “Assistant
25 Leader” and inserting “designated officer”.

1143

1 (b) The amendments made by subsection (a) shall
2 take effect on January 3, 2023.

3 HOUSE OF REPRESENTATIVES

4 SALARIES AND EXPENSES

5 For salaries and expenses of the House of Represent-
6 atives, \$1,847,571,000, as follows:

7 HOUSE LEADERSHIP OFFICES

8 For salaries and expenses, as authorized by law,
9 \$36,560,000, including: Office of the Speaker,
10 \$10,499,000, including \$35,000 for official expenses of
11 the Speaker; Office of the Majority Floor Leader,
12 \$3,730,000, including \$15,000 for official expenses of the
13 Majority Leader; Office of the Minority Floor Leader,
14 \$10,499,000, including \$17,500 for official expenses of
15 the Minority Leader; Office of the Majority Whip, includ-
16 ing the Chief Deputy Majority Whip, \$3,099,000, includ-
17 ing \$5,000 for official expenses of the Majority Whip; Of-
18 fice of the Minority Whip, including the Chief Deputy Mi-
19 nority Whip, \$2,809,000, including \$5,000 for official ex-
20 penses of the Minority Whip; Republican Conference,
21 \$2,962,000; Democratic Caucus, \$2,962,000: *Provided*,
22 That such amount for salaries and expenses shall remain
23 available from January 3, 2023 until January 2, 2024.

1144

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
8 MEMBER OFFICES

9 For the allowance established under section 120 of
10 the Legislative Branch Appropriations Act, 2019 (2
11 U.S.C. 5322a) for the compensation of interns who serve
12 in the offices of Members of the House of Representatives,
13 \$20,638,800, to remain available through January 2,
14 2024: *Provided*, That notwithstanding section 120(b) of
15 such Act, an office of a Member of the House of Rep-
16 resentatives may use not more than \$46,800 of the allow-
17 ance available under this heading during legislative year
18 2023.

19 ALLOWANCE FOR COMPENSATION OF INTERNS IN HOUSE
20 LEADERSHIP OFFICES

21 For the allowance established under section 113 of
22 the Legislative Branch Appropriations Act, 2020 (2
23 U.S.C. 5106) for the compensation of interns who serve
24 in House leadership offices, \$586,000, to remain available
25 through January 2, 2024: *Provided*, That of the amount

1145

1 provided under this heading, \$322,300 shall be available
2 for the compensation of interns who serve in House leader-
3 ship offices of the majority, to be allocated among such
4 offices by the Speaker of the House of Representatives,
5 and \$263,700 shall be available for the compensation of
6 interns who serve in House leadership offices of the minor-
7 ity, to be allocated among such offices by the Minority
8 Floor Leader.

9 ALLOWANCE FOR COMPENSATION OF INTERNS IN HOUSE
10 STANDING, SPECIAL AND SELECT COMMITTEE OFFICES

11 For the allowance established under section
12 113(a)(1) of the Legislative Branch Appropriations Act,
13 2022 (Public Law 117–103) for the compensation of in-
14 terns who serve in offices of standing, special, and select
15 committees (other than the Committee on Appropria-
16 tions), \$2,600,000, to remain available through January
17 2, 2024: *Provided*, That of the amount provided under this
18 heading, \$1,300,000 shall be available for the compensa-
19 tion of interns who serve in offices of the majority, and
20 \$1,300,000 shall be available for the compensation of in-
21 terns who serve in offices of the minority, to be allocated
22 among such offices by the Chair, in consultation with the
23 ranking minority member, of the Committee on House Ad-
24 ministration.

1146

1 ALLOWANCE FOR COMPENSATION OF INTERNS IN HOUSE
2 APPROPRIATIONS COMMITTEE OFFICES

3 For the allowance established under section
4 113(a)(2) of the Legislative Branch Appropriations Act,
5 2022 (Public Law 117–103) for the compensation of in-
6 terns who serve in offices of the Committee on Appropria-
7 tions, \$463,000: *Provided*, That of the amount provided
8 under this heading, \$231,500 shall be available for the
9 compensation of interns who serve in offices of the major-
10 ity, and \$231,500 shall be available for the compensation
11 of interns who serve in offices of the minority, to be allo-
12 cated among such offices by the Chair, in consultation
13 with the ranking minority member, of the Committee on
14 Appropriations.

15 COMMITTEE EMPLOYEES

16 STANDING COMMITTEES, SPECIAL AND SELECT

17 For salaries and expenses of standing committees,
18 special and select, authorized by House resolutions,
19 \$180,587,000: *Provided*, That such amount shall remain
20 available for such salaries and expenses until December
21 31, 2024, except that \$5,800,000 of such amount shall
22 remain available until expended for committee room up-
23 grading.

1 COMMITTEE ON APPROPRIATIONS

2 For salaries and expenses of the Committee on Ap-
3 propriations, \$31,294,000, including studies and examina-
4 tions of executive agencies and temporary personal serv-
5 ices for such committee, to be expended in accordance with
6 section 202(b) of the Legislative Reorganization Act of
7 1946 and to be available for reimbursement to agencies
8 for services performed: *Provided*, That such amount shall
9 remain available for such salaries and expenses until De-
10 cember 31, 2024.

11 SALARIES, OFFICERS AND EMPLOYEES

12 For compensation and expenses of officers and em-
13 ployees, as authorized by law, \$324,057,000, including:
14 for salaries and expenses of the Office of the Clerk, includ-
15 ing the positions of the Chaplain and the Historian, and
16 including not more than \$25,000 for official representa-
17 tion and reception expenses, of which not more than
18 \$20,000 is for the Family Room and not more than
19 \$2,000 is for the Office of the Chaplain, \$40,827,000, of
20 which \$9,000,000 shall remain available until expended;
21 for salaries and expenses of the Office of the Sergeant at
22 Arms, including the position of Superintendent of Garages
23 and the Office of Emergency Management, and including
24 not more than \$3,000 for official representation and re-
25 ception expenses, \$38,793,000, of which \$22,232,000

1 shall remain available until expended; for salaries and ex-
2 penses of the Office of the Chief Administrative Officer
3 including not more than \$3,000 for official representation
4 and reception expenses, \$211,572,000, of which
5 \$25,977,000 shall remain available until expended; for sal-
6 aries and expenses of the Office of Diversity and Inclusion,
7 \$3,500,000, of which \$1,000,000 shall remain available
8 until expended; for salaries and expenses of the Office of
9 the Whistleblower Ombuds, \$1,250,000; for salaries and
10 expenses of the Office of the Inspector General,
11 \$5,138,000; for salaries and expenses of the Office of Gen-
12 eral Counsel, \$1,912,000; for salaries and expenses of the
13 Office of the Parliamentarian, including the Parliamen-
14 tarian, \$2,000 for preparing the Digest of Rules, and not
15 more than \$1,000 for official representation and reception
16 expenses, \$2,184,000; for salaries and expenses of the Of-
17 fice of the Law Revision Counsel of the House,
18 \$3,746,000; for salaries and expenses of the Office of the
19 Legislative Counsel of the House, \$13,457,000, of which
20 \$2,000,000 shall remain available until expended; for sala-
21 ries and expenses of the Office of Interparliamentary Af-
22 fairs, \$934,000; for other authorized employees,
23 \$744,000: *Provided*, That of the amount made available
24 until expended under this heading to the Office of the Ser-
25 geant at Arms, \$4,700,000 shall be for activities associ-

1150

1 able until expended; Green and Gold Congressional Aide
2 Program, \$9,674,000, to remain available until expended;
3 Office of Congressional Ethics, \$1,762,000; and miscella-
4 neous items including purchase, exchange, maintenance,
5 repair and operation of House motor vehicles, inter-
6 parliamentary receptions, and gratuities to heirs of de-
7 ceased employees of the House, \$1,500,000.

8 HOUSE OF REPRESENTATIVES MODERNIZATION
9 INITIATIVES ACCOUNT

10 For the House of Representatives Modernization Ini-
11 tiatives Account established under section 115 of the Leg-
12 islative Branch Appropriations Act, 2021 (2 U.S.C. 5513),
13 \$10,000,000, to remain available until expended: *Pro-*
14 *vided*, That disbursement from this account is subject to
15 approval of the Committee on Appropriations of the House
16 of Representatives: *Provided further*, That funds provided
17 in this account shall only be used for initiatives rec-
18 ommended by the Select Committee on Modernization or
19 approved by the Committee on House Administration.

1151

1 ADMINISTRATIVE PROVISIONS

2 REQUIRING AMOUNTS REMAINING IN MEMBERS' REP-
3 REPRESENTATIONAL ALLOWANCES TO BE USED FOR
4 DEFICIT REDUCTION OR TO REDUCE THE FEDERAL
5 DEBT

6 SEC. 110. (a) Notwithstanding any other provision
7 of law, any amounts appropriated under this Act for
8 "HOUSE OF REPRESENTATIVES—SALARIES AND
9 EXPENSES—MEMBERS' REPRESENTATIONAL ALLOW-
10 ANCES" shall be available only for fiscal year 2023. Any
11 amount remaining after all payments are made under such
12 allowances for fiscal year 2023 shall be deposited in the
13 Treasury and used for deficit reduction (or, if there is no
14 Federal budget deficit after all such payments have been
15 made, for reducing the Federal debt, in such manner as
16 the Secretary of the Treasury considers appropriate).

17 (b) The Committee on House Administration of the
18 House of Representatives shall have authority to prescribe
19 regulations to carry out this section.

20 (c) As used in this section, the term "Member of the
21 House of Representatives" means a Representative in, or
22 a Delegate or Resident Commissioner to, the Congress.

23 LIMITATION ON AMOUNT AVAILABLE TO LEASE VEHICLES

24 SEC. 111. None of the funds made available in this
25 Act may be used by the Chief Administrative Officer of

1 the House of Representatives to make any payments from
2 any Members' Representational Allowance for the leasing
3 of a vehicle, excluding mobile district offices, in an aggregate amount that exceeds \$1,000 for the vehicle in any
4 month.
5

6 CYBERSECURITY ASSISTANCE FOR HOUSE OF
7 REPRESENTATIVES

8 SEC. 112. The head of any Federal entity that provides assistance to the House of Representatives in the
9 House's efforts to deter, prevent, mitigate, or remediate
10 cybersecurity risks to, and incidents involving, the information systems of the House shall take all necessary steps
11 to ensure the constitutional integrity of the separate
12 branches of the government at all stages of providing the
13 assistance, including applying minimization procedures to
14 limit the spread or sharing of privileged House and Member information.
15
16
17

18 HOUSE INTERN RESOURCE OFFICE

19 SEC. 113. (a) ESTABLISHMENT; COORDINATOR.—

20 (1) ESTABLISHMENT; COORDINATOR.—There is
21 established in the Office of the Chief Administrative
22 Officer of the House of Representatives the House
23 Intern Resource Office (hereinafter referred to as
24 the "Office").

1 (2) APPOINTMENT.—The Office shall be headed
2 by the House Intern Resource Coordinator (herein-
3 after referred to as the “Coordinator”), who shall be
4 employed by the Chief Administrative Officer in con-
5 sultation with the chair and ranking minority mem-
6 ber of the Committee on House Administration.

7 (b) DUTIES.—In consultation with the Office of Di-
8 versity and Inclusion and such other offices as the Coordi-
9 nator considers appropriate, the Office shall—

10 (1) provide support services, such as accom-
11 modations, training, and professional development,
12 to interns of offices of the House of Representatives;

13 (2) serve as a center for resources and best
14 practices for the recruitment, hiring, training, and
15 use of interns by offices of the House of Representa-
16 tives; and

17 (3) gather demographic and other data about
18 interns of offices of the House of Representatives.

19 (c) ADDRESSING INEQUITIES IN ACCESS TO INTERN-
20 SHIPS.—In carrying out its duties, the Office shall con-
21 sider inequities in access to internships in offices of the
22 House of Representatives, and shall consider the viability
23 of establishing an intern stipend program for interns from
24 underrepresented backgrounds, including those who at-
25 tend Historically Black Colleges and Universities

1 (HBCUs), Tribal Colleges and Universities, Hispanic-
2 Serving Institutions (HSIs), and other Minority Serving
3 Institutions described in section 371(a) of the Higher
4 Education Act of 1965 (20 U.S.C. 1067q(a)).

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated for fiscal year 2023 and
7 each succeeding fiscal year such sums as may be necessary
8 to carry out this section.

9 (e) EFFECTIVE DATE.—This section shall apply with
10 respect to fiscal year 2023 and each succeeding fiscal year.

11 EDUCATIONAL ASSISTANCE AND PROFESSIONAL
12 DEVELOPMENT FOR HOUSE EMPLOYEES

13 SEC. 114. (a) EXPANSION OF STUDENT LOAN RE-
14 PAYMENT PROGRAM TO COVER EDUCATIONAL ASSIST-
15 ANCE AND PROFESSIONAL DEVELOPMENT.—Section
16 105(a) of the Legislative Branch Appropriations Act,
17 2003 (2 U.S.C. 4536(a)) is amended to read as follows:

18 “(a) PROGRAM TO COVER STUDENT LOAN REPAY-
19 MENT, EDUCATIONAL ASSISTANCE, AND PROFESSIONAL
20 DEVELOPMENT FOR HOUSE EMPLOYEES.—

21 “(1) ESTABLISHMENT.—The Chief Administra-
22 tive Officer shall establish a program under which
23 an employing office of the House of Representatives
24 may agree—

1155

1 “(A) to repay (by direct payment on behalf
2 of the employee) any student loan previously
3 taken out by an employee of the office;

4 “(B) to make direct payments on behalf of
5 an employee of the office or to reimburse an
6 employee of the office for expenses paid by the
7 employee for the employee’s educational and
8 professional development; and

9 “(C) to make direct payments on behalf of
10 an employee of the office or to reimburse an
11 employee of the office for credentialing, profes-
12 sional accreditation, professional licensure, and
13 professional certification expenses paid by the
14 employee.

15 “(2) EXCLUSION OF MEMBERS.—For purposes
16 of this section, a Member of the House of Rep-
17 resentatives (including a Delegate or Resident Com-
18 missioner to the Congress) shall not be considered to
19 be an employee of the House of Representatives.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall apply with respect to payments made
22 during fiscal year 2023 or any succeeding fiscal year.

23 HOUSE SERVICES REVOLVING FUND

24 SEC. 115. (a) INCLUSION OF FUNDS RECEIVED
25 FROM OPERATION OF DRY CLEANING AND LAUNDRY

1 SERVICE.—Section 105(a) of the Legislative Branch Ap-
2 propriations Act, 2005 (2 U.S.C. 5545(a)) is amended by
3 adding at the end the following new paragraphs:

4 “(8) The operation of the House Dry Cleaning
5 and Laundry Service.

6 “(9) Other activities related to the operation of
7 services offered by the House of Representatives, as
8 approved by the Committee on Appropriations of the
9 House of Representatives.”.

10 (b) USE OF AMOUNTS SUBJECT TO NOTIFICATION
11 PROVIDED TO COMMITTEE ON APPROPRIATIONS.—Sec-
12 tion 105(b) of such Act (2 U.S.C. 5545(b)) is amended
13 by striking “which is approved by” and inserting “upon
14 notification provided by the Chief Administrative Officer
15 to”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall apply with respect to fiscal year 2023
18 and each succeeding fiscal year.

19 CLARIFICATION OF USE OF CHILD CARE CENTER REVOLV-
20 ING FUND TO STAFF TRAINING CLASSES AND CON-
21 FERENCES

22 SEC. 116. (a) USE OF FUND.—Section 312(d)(3)(B)
23 of the Legislative Branch Appropriations Act, 1992 (2
24 U.S.C. 2062(d)(3)(B)) is amended by striking “The reim-
25 bursement of individuals employed by the center for the

1 cost of training classes and conferences” and inserting
2 “The cost of training classes and conferences for individ-
3 uals employed by the center”.

4 (b) EFFECTIVE DATE.—The amendment made by
5 subsection (a) shall apply with respect to fiscal year 2023
6 and each succeeding fiscal year.

7 AVAILABILITY OF AUTHORITY OF EXECUTIVE AGENCIES
8 TO USE APPROPRIATED AMOUNTS FOR CHILD CARE
9 TO HOUSE OF REPRESENTATIVES

10 SEC. 117. (a) AVAILABILITY OF AUTHORITY.—Sec-
11 tion 590(g) of title 40, United States Code, is amended
12 by adding at the end the following new paragraph:

13 “(6) APPLICATION TO HOUSE OF REPRESENTA-
14 TIVES.—This subsection shall apply with respect to
15 the House of Representatives in the same manner as
16 it applies to an Executive agency, except that—

17 “(A) the authority granted to the Office of
18 Personnel Management shall be exercised with
19 respect to the House of Representatives by the
20 Speaker of the House of Representatives in ac-
21 cordance with regulations promulgated by the
22 Committee on House Administration; and

23 “(B) amounts may be made available to
24 implement this subsection with respect to the
25 House of Representatives without advance no-

1159

1 (3) an allowance of \$900 per month each to
2 three medical officers while on duty in the Office of
3 the Attending Physician;

4 (4) an allowance of \$900 per month to 2 assist-
5 ants and \$900 per month each not to exceed 11 as-
6 sistants on the basis heretofore provided for such as-
7 sistants; and

8 (5) \$2,880,000 for reimbursement to the De-
9 partment of the Navy for expenses incurred for staff
10 and equipment assigned to the Office of the Attend-
11 ing Physician, which shall be advanced and credited
12 to the applicable appropriation or appropriations
13 from which such salaries, allowances, and other ex-
14 penses are payable and shall be available for all the
15 purposes thereof, \$4,181,000, to be disbursed by the
16 Chief Administrative Officer of the House of Rep-
17 resentatives.

18 OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

19 SALARIES AND EXPENSES

20 For salaries and expenses of the Office of Congres-
21 sional Accessibility Services, \$1,702,000, to be disbursed
22 by the Secretary of the Senate.

1160

1 CAPITOL POLICE

2 SALARIES

3 For salaries of employees of the Capitol Police, in-
4 cluding overtime, hazardous duty pay, and Government
5 contributions for health, retirement, social security, pro-
6 fessional liability insurance, and other applicable employee
7 benefits, \$541,730,000 of which overtime shall not exceed
8 \$64,912,000 unless the Committees on Appropriations of
9 the House and Senate are notified, to be disbursed by the
10 Chief of the Capitol Police or a duly authorized designee:
11 *Provided*, That of the total amount appropriated,
12 \$16,000,000 shall be available for retention bonuses: *Pro-*
13 *vided further*, That of the total amount appropriated,
14 \$3,450,000 is for agreed upon protection activities for
15 Members of Congress and shall be available until Sep-
16 tember 30, 2024, with notification to the Committees on
17 Appropriations prior to the obligation of funds.

18 GENERAL EXPENSES

19 For necessary expenses of the Capitol Police, includ-
20 ing motor vehicles, communications and other equipment,
21 security equipment and installation, uniforms, weapons,
22 supplies, materials, training, medical services, forensic
23 services, stenographic services, personal and professional
24 services, the employee assistance program, the awards pro-
25 gram, postage, communication services, travel advances,

1 relocation of instructor and liaison personnel for the Fed-
2 eral Law Enforcement Training Centers, and not more
3 than \$5,000 to be expended on the certification of the
4 Chief of the Capitol Police in connection with official rep-
5 resentation and reception expenses, \$192,846,000, to be
6 disbursed by the Chief of the Capitol Police or a duly au-
7 thorized designee, of which \$6,028,000 shall be for agreed
8 upon protection activities for Members of Congress and
9 shall be available until September 30, 2025: *Provided*,
10 That amounts made available for the Enhanced Member
11 Protection Program may be obligated and expended only
12 upon approval of the Committees on Appropriations: *Pro-*
13 *vided further*, That, notwithstanding any other provision
14 of law, the cost of basic training for the Capitol Police
15 at the Federal Law Enforcement Training Centers for fis-
16 cal year 2023 shall be paid by the Secretary of Homeland
17 Security from funds available to the Department of Home-
18 land Security.

19 ADMINISTRATIVE PROVISIONS

20 VOLUNTEER CHAPLAIN SERVICES

21 SEC. 120. (a) The Chief of the Capitol Police shall
22 have authority to accept unpaid religious chaplain services,
23 whereby volunteers from multiple faiths, authorized by
24 their respective religious endorsing agency or organization,

1 may advise, administer, and perform spiritual care and re-
2 ligious guidance for Capitol Police employees.

3 (b) Chaplains shall not be required to perform any
4 rite, ritual, or ceremony, and employees shall not be re-
5 quired to receive such rite, ritual, or ceremony, if doing
6 so would compromise the conscience, moral principles, or
7 religious beliefs of such chaplain or employees or the chap-
8 lain's endorsing agency or organization.

9 (c) EFFECTIVE DATE.—This section shall apply with
10 respect to fiscal year 2023 and each succeeding fiscal year.

11 SEC. 121. Notwithstanding any other provision of law
12 (except section 1341 of title 31, United States Code),
13 hereafter, the United States Capitol Police shall perform
14 a threat assessment for former Speakers of the House of
15 Representatives, and if warranted, any such former
16 Speaker shall receive a United States Capitol Police pro-
17 tective detail for a period of not more than one year begin-
18 ning on the date they leave such office, except that such
19 former Speaker shall have the option to decline such pro-
20 tective detail at any time: *Provided*, That at the conclusion
21 of the one year period, the United States Capitol Police
22 shall perform a threat assessment to determine whether
23 extension of the protective detail is warranted: *Provided*
24 *further*, That, the protective detail may be extended be-
25 yond the initial one year period, with the concurrence of

1163

1 the relevant former Speaker, if the United States Capitol
2 Police determines that information or conditions, includ-
3 ing but not limited to violent threats, warrant such protec-
4 tion: *Provided further*, That the United States Capitol Po-
5 lice is authorized to enter into Memoranda of Under-
6 standing with relevant state and local law enforcement
7 agencies, as needed, to carry out this section.

8 OFFICE OF CONGRESSIONAL WORKPLACE

9 RIGHTS

10 SALARIES AND EXPENSES

11 For salaries and expenses necessary for the operation
12 of the Office of Congressional Workplace Rights,
13 \$8,000,000, of which \$2,500,000 shall remain available
14 until September 30, 2024, and of which not more than
15 \$1,000 may be expended on the certification of the Execu-
16 tive Director in connection with official representation and
17 reception expenses.

18 CONGRESSIONAL BUDGET OFFICE

19 SALARIES AND EXPENSES

20 For salaries and expenses necessary for operation of
21 the Congressional Budget Office, including not more than
22 \$6,000 to be expended on the certification of the Director
23 of the Congressional Budget Office in connection with offi-
24 cial representation and reception expenses, \$63,237,000:
25 *Provided*, That the Director shall use not less than

1164

1 \$500,000 of the amount made available under this head-
2 ing for (1) improving technical systems, processes, and
3 models for the purpose of improving the transparency of
4 estimates of budgetary effects to Members of Congress,
5 employees of Members of Congress, and the public, and
6 (2) to increase the availability of models, economic as-
7 sumptions, and data for Members of Congress, employees
8 of Members of Congress, and the public.

9 ARCHITECT OF THE CAPITOL

10 CAPITAL CONSTRUCTION AND OPERATIONS

11 For salaries for the Architect of the Capitol, and
12 other personal services, at rates of pay provided by law;
13 for all necessary expenses for surveys and studies, con-
14 struction, operation, and general and administrative sup-
15 port in connection with facilities and activities under the
16 care of the Architect of the Capitol including the Botanic
17 Garden; electrical substations of the Capitol, Senate and
18 House office buildings, and other facilities under the juris-
19 diction of the Architect of the Capitol; including fur-
20 nishings and office equipment; including not more than
21 \$5,000 for official reception and representation expenses,
22 to be expended as the Architect of the Capitol may ap-
23 prove; for purchase or exchange, maintenance, and oper-
24 ation of a passenger motor vehicle, \$145,843,000: *Pro-*
25 *vided*, That none of the funds appropriated or made avail-

1165

1 able under this heading in this Act or any other Act, in-
2 cluding previous Acts, may be used for a home-to-work
3 vehicle for the Architect or a duly authorized designee.

4 CAPITOL BUILDING

5 For all necessary expenses for the maintenance, care
6 and operation of the Capitol, \$80,589,000, of which
7 \$6,099,000 shall remain available until September 30,
8 2027, and of which \$42,785,000 shall remain available
9 until expended.

10 CAPITOL GROUNDS

11 For all necessary expenses for care and improvement
12 of grounds surrounding the Capitol, the Senate and House
13 office buildings, and the Capitol Power Plant,
14 \$16,365,000, of which \$2,000,000 shall remain available
15 until September 30, 2027.

16 SENATE OFFICE BUILDINGS

17 For all necessary expenses for the maintenance, care
18 and operation of Senate office buildings; and furniture and
19 furnishings to be expended under the control and super-
20 vision of the Architect of the Capitol, \$184,596,000, of
21 which \$66,000,000 shall remain available until September
22 30, 2027, and of which \$36,100,000 shall remain available
23 until expended.

1166

1 HOUSE OFFICE BUILDINGS

2 (INCLUDING TRANSFER OF FUNDS)

3 For all necessary expenses for the maintenance, care
4 and operation of the House office buildings,
5 \$126,279,000, of which \$14,500,000 shall remain avail-
6 able until September 30, 2027, and of which \$40,600,000
7 shall remain available until expended for the restoration
8 and renovation of the Cannon House Office Building: *Pro-*
9 *vided*, That of the amount made available under this head-
10 ing, \$4,000,000 shall be derived by transfer from the
11 House Office Building Fund established under section
12 176(d) of the Continuing Appropriations Act, 2017 (2
13 U.S.C. 2001 note).

14 CAPITOL POWER PLANT

15 For all necessary expenses for the maintenance, care
16 and operation of the Capitol Power Plant; lighting, heat-
17 ing, power (including the purchase of electrical energy)
18 and water and sewer services for the Capitol, Senate and
19 House office buildings, Library of Congress buildings, and
20 the grounds about the same, Botanic Garden, Senate ga-
21 rage, and air conditioning refrigeration not supplied from
22 plants in any of such buildings; heating the Government
23 Publishing Office and Washington City Post Office, and
24 heating and chilled water for air conditioning for the Su-
25 preme Court Building, the Union Station complex, the

1167

1 Thurgood Marshall Federal Judiciary Building and the
2 Folger Shakespeare Library, expenses for which shall be
3 advanced or reimbursed upon request of the Architect of
4 the Capitol and amounts so received shall be deposited
5 into the Treasury to the credit of this appropriation,
6 \$166,951,000, of which \$68,600,000 shall remain avail-
7 able until September 30, 2027: *Provided*, That not more
8 than \$10,000,000 of the funds credited or to be reim-
9 bursed to this appropriation as herein provided shall be
10 available for obligation during fiscal year 2023.

11 LIBRARY BUILDINGS AND GROUNDS

12 For all necessary expenses for the mechanical and
13 structural maintenance, care and operation of the Library
14 buildings and grounds, \$144,220,000, of which
15 \$108,000,000 shall remain available until September 30,
16 2027.

17 CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

18 For all necessary expenses for the maintenance, care
19 and operation of buildings, grounds and security enhance-
20 ments of the United States Capitol Police, wherever lo-
21 cated, the Alternate Computing Facility, and Architect of
22 the Capitol security operations, \$402,907,000, of which
23 \$346,255,000 shall remain available until September 30,
24 2027: *Provided*, That of such amount, \$80,000,000 shall
25 be for design and construction of enhanced screening ves-

1168

1 tibules at the north and south Capitol Building entrances:
2 *Provided further*, That of such amount, \$238,455,000
3 shall be for the Capitol Complex Security Program: *Pro-*
4 *vided further*, That amounts made available for the Capitol
5 Complex Security Program may be obligated and ex-
6 pended only upon approval of the Committees on Appro-
7 priations.

8 BOTANIC GARDEN

9 For all necessary expenses for the maintenance, care
10 and operation of the Botanic Garden and the nurseries,
11 buildings, grounds, and collections; and purchase and ex-
12 change, maintenance, repair, and operation of a passenger
13 motor vehicle; all under the direction of the Joint Com-
14 mittee on the Library, \$23,560,000, of which \$8,200,000
15 shall remain available until September 30, 2027: *Provided*,
16 That, of the amount made available under this heading,
17 the Architect of the Capitol may obligate and expend such
18 sums as may be necessary for the maintenance, care and
19 operation of the National Garden established under sec-
20 tion 307E of the Legislative Branch Appropriations Act,
21 1989 (2 U.S.C. 2146), upon vouchers approved by the Ar-
22 chitect of the Capitol or a duly authorized designee.

23 CAPITOL VISITOR CENTER

24 For all necessary expenses for the operation of the
25 Capitol Visitor Center, \$27,692,000.

1169

1 ADMINISTRATIVE PROVISIONS

2 NO BONUSES FOR CONTRACTORS BEHIND SCHEDULE OR
3 OVER BUDGET

4 SEC. 130. None of the funds made available in this
5 Act for the Architect of the Capitol may be used to make
6 incentive or award payments to contractors for work on
7 contracts or programs for which the contractor is behind
8 schedule or over budget, unless the Architect of the Cap-
9 itol, or agency-employed designee, determines that any
10 such deviations are due to unforeseeable events, govern-
11 ment-driven scope changes, or are not significant within
12 the overall scope of the project and/or program.

13 REAUTHORIZATION OF FALLEN HEROES FLAG ACT OF
14 2016

15 SEC. 131. Section 5 of the Fallen Heroes Flag Act
16 of 2016 (2 U.S.C. 1881c) is amended by striking “through
17 2022” and inserting “through 2028”.

18 LIBRARY OF CONGRESS

19 SALARIES AND EXPENSES

20 For all necessary expenses of the Library of Congress
21 not otherwise provided for, including development and
22 maintenance of the Library’s catalogs; custody and custo-
23 dial care of the Library buildings; information technology
24 services provided centrally; special clothing; cleaning,
25 laundering and repair of uniforms; preservation of motion

1170

1 pictures in the custody of the Library; operation and
2 maintenance of the American Folklife Center in the Li-
3 brary; preparation and distribution of catalog records and
4 other publications of the Library; hire or purchase of one
5 passenger motor vehicle; and expenses of the Library of
6 Congress Trust Fund Board not properly chargeable to
7 the income of any trust fund held by the Board,
8 \$582,529,000, and, in addition, amounts credited to this
9 appropriation during fiscal year 2023 under the Act of
10 June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C.
11 150), shall remain available until expended: *Provided*,
12 That the Library of Congress may not obligate or expend
13 any funds derived from collections under the Act of June
14 28, 1902, in excess of the amount authorized for obliga-
15 tion or expenditure in appropriations Acts: *Provided fur-*
16 *ther*, That of the total amount appropriated, not more
17 than \$18,000 may be expended, on the certification of the
18 Librarian of Congress, in connection with official rep-
19 resentation and reception expenses, including for the Over-
20 seas Field Offices: *Provided further*, That of the total
21 amount appropriated, \$12,245,000 shall remain available
22 until expended for the Teaching with Primary Sources
23 program: *Provided further*, That of the total amount ap-
24 propriated, \$1,459,000 shall remain available until ex-
25 pended for upgrade of the Legislative Branch Financial

1171

1 Management System: *Provided further*, That of the total
2 amount appropriated, \$250,000 shall remain available
3 until expended for the Surplus Books Program to promote
4 the program and facilitate a greater number of donations
5 to eligible entities across the United States: *Provided fur-*
6 *ther*, That of the total amount appropriated, \$3,976,000
7 shall remain available until expended for the Veterans
8 History Project to continue digitization efforts of already
9 collected materials, reach a greater number of veterans to
10 record their stories, and promote public access to the
11 Project: *Provided further*, That of the total amount appro-
12 priated, \$1,500,000 shall remain available until expended
13 for the COVID–19 American History Project.

14 COPYRIGHT OFFICE

15 SALARIES AND EXPENSES

16 For all necessary expenses of the Copyright Office,
17 \$100,674,000, of which not more than \$39,702,000, to
18 remain available until expended, shall be derived from col-
19 lections credited to this appropriation during fiscal year
20 2023 under sections 708(d) and 1316 of title 17, United
21 States Code: *Provided*, That the Copyright Office may not
22 obligate or expend any funds derived from collections
23 under such section in excess of the amount authorized for
24 obligation or expenditure in appropriations Acts: *Provided*
25 *further*, That not more than \$7,210,000 shall be derived

1172

1 from collections during fiscal year 2023 under sections
2 111(d)(2), 119(b)(3), 803(e), and 1005 of such title: *Pro-*
3 *vided further*, That the total amount available for obliga-
4 tion shall be reduced by the amount by which collections
5 are less than \$46,912,000: *Provided further*, That of the
6 funds provided under this heading, not less than
7 \$17,100,000 is for modernization initiatives, of which
8 \$10,000,000 shall remain available until September 30,
9 2024: *Provided further*, That not more than \$100,000 of
10 the amount appropriated is available for the maintenance
11 of an “International Copyright Institute” in the Copyright
12 Office of the Library of Congress for the purpose of train-
13 ing nationals of developing countries in intellectual prop-
14 erty laws and policies: *Provided further*, That not more
15 than \$6,500 may be expended, on the certification of the
16 Librarian of Congress, in connection with official rep-
17 resentation and reception expenses for activities of the
18 International Copyright Institute and for copyright dele-
19 gations, visitors, and seminars: *Provided further*, That,
20 notwithstanding any provision of chapter 8 of title 17,
21 United States Code, any amounts made available under
22 this heading which are attributable to royalty fees and
23 payments received by the Copyright Office pursuant to
24 sections 111, 119, and chapter 10 of such title may be
25 used for the costs incurred in the administration of the

1173

1 Copyright Royalty Judges program, with the exception of
2 the costs of salaries and benefits for the Copyright Royalty
3 Judges and staff under section 802(e).

4 CONGRESSIONAL RESEARCH SERVICE
5 SALARIES AND EXPENSES

6 For all necessary expenses to carry out the provisions
7 of section 203 of the Legislative Reorganization Act of
8 1946 (2 U.S.C. 166) and to revise and extend the Anno-
9 tated Constitution of the United States of America,
10 \$133,600,000: *Provided*, That no part of such amount
11 may be used to pay any salary or expense in connection
12 with any publication, or preparation of material therefor
13 (except the Digest of Public General Bills), to be issued
14 by the Library of Congress unless such publication has
15 obtained prior approval of either the Committee on House
16 Administration of the House of Representatives or the
17 Committee on Rules and Administration of the Senate:
18 *Provided further*, That this prohibition does not apply to
19 publication of non-confidential Congressional Research
20 Service (CRS) products: *Provided further*, That a non-con-
21 fidential CRS product includes any written product con-
22 taining research or analysis that is currently available for
23 general congressional access on the CRS Congressional
24 Intranet, or that would be made available on the CRS
25 Congressional Intranet in the normal course of business

1174

1 and does not include material prepared in response to
2 Congressional requests for confidential analysis or re-
3 search.

4 NATIONAL LIBRARY SERVICE FOR THE BLIND AND
5 PRINT DISABLED
6 SALARIES AND EXPENSES

7 For all necessary expenses to carry out the Act of
8 March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C.
9 135a), \$58,657,000: *Provided*, That of the total amount
10 appropriated, \$650,000 shall be available to contract to
11 provide newspapers to blind and print disabled residents
12 at no cost to the individual.

13 ADMINISTRATIVE PROVISIONS

14 REIMBURSABLE AND REVOLVING FUND ACTIVITIES

15 SEC. 140. (a) IN GENERAL.—For fiscal year 2023,
16 the obligational authority of the Library of Congress for
17 the activities described in subsection (b) may not exceed
18 \$308,554,000.

19 (b) ACTIVITIES.—The activities referred to in sub-
20 section (a) are reimbursable and revolving fund activities
21 that are funded from sources other than appropriations
22 to the Library in appropriations Acts for the Legislative
23 Branch.

1175

1 USE OF APPROPRIATED FUNDS TO COVER SALARIES OF
2 CERTAIN PERSONNEL OF LITTLE SCHOLARS CHILD
3 DEVELOPMENT CENTER

4 SEC. 141. (a) USE OF FUNDS.—Section 210 of the
5 Legislative Branch Appropriations Act, 2001 (2 U.S.C.
6 162b) is amended—

7 (1) in subsection (f)(1), by striking “pay to the
8 Library of Congress” and inserting “except as pro-
9 vided in subsection (g), pay to the Library of Con-
10 gress”;

11 (2) by redesignating subsection (g) as sub-
12 section (h); and

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

15 “(g) REIMBURSEMENT FOR CERTAIN COMPENSA-
16 TION.—Notwithstanding paragraph (1) of subsection (f),
17 in the case of expenses described in such paragraph which
18 are attributable to the compensation of the Executive Di-
19 rector and Deputy Executive Director of the Center, the
20 Librarian of Congress may reimburse the Center for such
21 expenses from amounts appropriated or otherwise made
22 available for salaries and expenses of the Library of Con-
23 gress.”.

1176

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply with respect to fiscal year 2023
3 and each 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 au-
10 thorized by law to be distributed to Members of Congress;
11 and publishing, and distribution of Government publica-
12 tions authorized by law to be distributed without charge
13 to the recipient, \$82,992,000: *Provided*, That this appro-
14 priation shall not be available for paper copies of the per-
15 manent edition of the Congressional Record for individual
16 Representatives, Resident Commissioners or Delegates au-
17 thorized under section 906 of title 44, United States Code:
18 *Provided further*, That this appropriation shall be available
19 for the payment of obligations incurred under the appro-
20 priations for similar purposes for preceding fiscal years:
21 *Provided further*, That notwithstanding the 2-year limita-
22 tion under section 718 of title 44, United States Code,
23 none of the funds appropriated or made available under
24 this Act or any other Act for printing and binding and
25 related services provided to Congress under chapter 7 of

1177

1 title 44, United States Code, may be expended to print
2 a document, report, or publication after the 27-month pe-
3 riod beginning on the date that such document, report,
4 or publication is authorized by Congress to be printed, un-
5 less Congress reauthorizes such printing in accordance
6 with section 718 of title 44, United States Code: *Provided*
7 *further*, That unobligated or unexpended balances of ex-
8 pired discretionary funds made available under this head-
9 ing in this Act for this fiscal year may be transferred to,
10 and merged with, funds under the heading “GOVERNMENT
11 PUBLISHING OFFICE BUSINESS OPERATIONS REVOLVING
12 FUND” no later than the end of the fifth fiscal year after
13 the last fiscal year for which such funds are available for
14 the purposes for which appropriated, to be available for
15 carrying out the purposes of this heading, subject to the
16 approval of the Committees on Appropriations of the
17 House of Representatives and the Senate: *Provided fur-*
18 *ther*, That notwithstanding sections 901, 902, and 906 of
19 title 44, United States Code, this appropriation may be
20 used to prepare indexes to the Congressional Record on
21 only a monthly and session basis.

1178

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
6 the Office of Superintendent of Documents necessary to
7 provide for the cataloging and indexing of Government
8 publications in any format, and their distribution to the
9 public, Members of Congress, other Government agencies,
10 and designated depository and international exchange li-
11 braries as authorized by law, \$35,257,000: *Provided*, That
12 amounts of not more than \$2,000,000 from current year
13 appropriations are authorized for producing and dissemi-
14 nating Congressional serial sets and other related publica-
15 tions for the preceding two fiscal years to depository and
16 other designated libraries: *Provided further*, That unobli-
17 gated or unexpended balances of expired discretionary
18 funds made available under this heading in this Act for
19 this fiscal year may be transferred to, and merged with,
20 funds under the heading “GOVERNMENT PUBLISHING OF-
21 FICE BUSINESS OPERATIONS REVOLVING FUND” no later
22 than the end of the fifth fiscal year after the last fiscal
23 year for which such funds are available for the purposes
24 for which appropriated, to be available for carrying out
25 the purposes of this heading, subject to the approval of

1179

1 the Committees on Appropriations of the House of Rep-
2 resentatives 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
15 purposes set forth in the budget for the current fiscal year
16 for the Government Publishing Office Business Operations
17 Revolving Fund: *Provided further*, That not more than
18 \$7,500 may be expended on the certification of the Direc-
19 tor of the Government Publishing Office in connection
20 with official representation and reception expenses: *Pro-*
21 *vided further*, That the Business Operations Revolving
22 Fund shall be available for the hire or purchase of not
23 more than 12 passenger motor vehicles: *Provided further*,
24 That expenditures in connection with travel expenses of
25 the advisory councils to the Director of the Government

1180

1 Publishing Office shall be deemed necessary to carry out
2 the provisions of title 44, United States Code: *Provided*
3 *further*, That the Business Operations Revolving Fund
4 shall be available for temporary or intermittent services
5 under section 3109(b) of title 5, United States Code, but
6 at rates for individuals not more than the daily equivalent
7 of the annual rate of basic pay for level V of the Executive
8 Schedule under section 5316 of such title: *Provided fur-*
9 *ther*, That activities financed through the Business Oper-
10 ations Revolving Fund may provide information in any
11 format: *Provided further*, That the Business Operations
12 Revolving Fund and the funds provided under the heading
13 “PUBLIC INFORMATION PROGRAMS OF THE SUPER-
14 INTENDENT OF DOCUMENTS” may not be used for con-
15 tracted security services at Government Publishing Of-
16 fice’s passport facility in the District of Columbia.

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 representa-
23 tion and reception expenses; temporary or intermittent
24 services under section 3109(b) of title 5, United States
25 Code, but at rates for individuals not more than the daily

1 equivalent of the annual rate of basic pay for level IV of
2 the Executive Schedule under section 5315 of such title;
3 hire of one passenger motor vehicle; advance payments in
4 foreign countries in accordance with section 3324 of title
5 31, United States Code; benefits comparable to those pay-
6 able under sections 901(5), (6), and (8) of the Foreign
7 Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8));
8 and under regulations prescribed by the Comptroller Gen-
9 eral of the United States, rental of living quarters in for-
10 eign countries, \$790,319,000, of which \$5,000,000 shall
11 remain available until expended: *Provided*, That, in addi-
12 tion, \$55,865,000 of payments received under sections
13 782, 791, 3521, and 9105 of title 31, United States Code,
14 shall be available without fiscal year limitation: *Provided*
15 *further*, That amounts provided under this heading and
16 appropriations for administrative expenses of any other
17 department or agency which is a member of the National
18 Intergovernmental Audit Forum or a Regional Intergov-
19 ernmental Audit Forum shall be available to finance an
20 appropriate share of either Forum's costs as determined
21 by the respective Forum, including necessary travel ex-
22 penses of non-Federal participants: *Provided further*, That
23 payments hereunder to the Forum may be credited as re-
24 imbursements to any appropriation from which costs in-
25 volved are initially financed.

1182

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,
10 humanitarian activities, and civic engagement, and shall
11 not be used for officials of the central government of Rus-
12 sia.

13 JOHN C. STENNIS CENTER FOR PUBLIC
14 SERVICE TRAINING AND DEVELOPMENT

15 For payment to the John C. Stennis Center for Pub-
16 lic Service Development Trust Fund established under
17 section 116 of the John C. Stennis Center for Public Serv-
18 ice Training and Development Act (2 U.S.C. 1105),
19 \$430,000.

1183

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
9 Committee on House Administration and for the Senate
10 issued 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
20 appropriated for is different from that specifically estab-
21 lished by such Act, the rate of compensation and the des-
22 ignation in this Act shall be the permanent law with re-
23 spect thereto: *Provided*, That the provisions in this Act
24 for the various items of official expenses of Members, offi-
25 cers, and committees of the Senate and House of Rep-

1 representatives, and clerk hire for Senators and Members of
2 the House of Representatives shall be the permanent law
3 with respect thereto.

4 CONSULTING SERVICES

5 SEC. 204. The expenditure of any appropriation
6 under this Act for any consulting service through procure-
7 ment contract, under section 3109 of title 5, United States
8 Code, shall be limited to those contracts where such ex-
9 penditures are a matter of public record and available for
10 public inspection, except where otherwise provided under
11 existing law, or under existing Executive order issued
12 under existing law.

13 COSTS OF LEGISLATIVE BRANCH FINANCIAL MANAGERS

14 COUNCIL

15 SEC. 205. Amounts available for administrative ex-
16 penses of any legislative branch entity which participates
17 in the Legislative Branch Financial Managers Council
18 (LBFMC) established by charter on March 26, 1996, shall
19 be available to finance an appropriate share of LBFMC
20 costs as determined by the LBFMC, except that the total
21 LBFMC costs to be shared among all participating legisla-
22 tive branch entities (in such allocations among the entities
23 as the entities may determine) may not exceed \$2,000.

1 nage or sabotage associated with the acquisition of
2 such telecommunications equipment for inclusion in
3 a high or moderate impact system, including any
4 risk associated with such system being produced,
5 manufactured, or assembled by one or more entities
6 identified by the United States Government as pos-
7 ing a cyber threat, including but not limited to,
8 those that may be owned, directed, or subsidized by
9 the People's Republic of China, the Islamic Republic
10 of Iran, the Democratic People's Republic of Korea,
11 or the Russian Federation.

12 (b) None of the funds appropriated or otherwise
13 made available under this Act may be used to acquire a
14 high or moderate impact information system reviewed and
15 assessed under subsection (a) unless the head of the as-
16 sessing entity 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 acqui-
22 sition of such telecommunications equipment for in-
23 clusion in a high or moderate impact system is in
24 the vital national security interest of the United
25 States; and

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
5 high or moderate impact system intended for acqui-
6 sition and a detailed description of the mitigation
7 strategies identified in paragraph (1), provided that
8 such report may include a classified annex as nec-
9 essary.

10 PROHIBITION ON CERTAIN OPERATIONAL EXPENSES

11 SEC. 209. (a) None of the funds made available in
12 this Act may be used to maintain or establish a computer
13 network unless such network blocks the viewing,
14 downloading, and exchanging of pornography.

15 (b) Nothing in subsection (a) shall limit the use of
16 funds necessary for any Federal, State, tribal, or local law
17 enforcement agency or any other entity carrying out crimi-
18 nal investigations, prosecution, or adjudication activities
19 or other official government activities.

20 PLASTIC WASTE REDUCTION

21 SEC. 210. All agencies and offices funded by this Act
22 that contract with a food service provider or providers
23 shall confer and coordinate with such food service provider
24 or providers, in consultation with disability advocacy
25 groups, to eliminate or reduce plastic waste, including

1 waste from plastic straws, explore the use of biodegradable
2 items, and increase recycling and composting opportuni-
3 ties.

4 CAPITOL COMPLEX HEALTH AND SAFETY

5 SEC. 211. In addition to the amounts appropriated
6 under this Act under the heading “OFFICE OF THE AT-
7 TENDING PHYSICIAN”, there is hereby appropriated to the
8 Office of the Attending Physician \$5,000,000, to remain
9 available until expended, for response to COVID–19, in-
10 cluding testing, subject to the same terms and conditions
11 as the amounts appropriated under such heading.

12 This division may be cited as the “Legislative Branch
13 Appropriations Act, 2023”.

1190

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
9 installations, 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 re-
15 main available until September 30, 2027: *Provided*, That,
16 of this amount, not to exceed \$275,651,000 shall be avail-
17 able for study, planning, design, architect and engineer
18 services, and host nation support, as authorized by law,
19 unless the Secretary of the Army determines that addi-
20 tional obligations are necessary for such purposes and no-
21 tifies the Committees on Appropriations of both Houses
22 of Congress of the determination and the reasons therefor:
23 *Provided further*, That of the amount made available
24 under this heading, \$658,260,000 shall be for the projects
25 and activities, and in the amounts, specified in the table

1 under the heading “Military Construction, Army” in the
2 explanatory statement described in section 4 (in the mat-
3 ter preceding division A of this consolidated Act), in addi-
4 tion to amounts 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
12 this appropriation, \$4,345,320,000, to remain available
13 until September 30, 2027: *Provided*, That, of this amount,
14 not to exceed \$515,473,000 shall be available for study,
15 planning, design, and architect and engineer services, as
16 authorized by law, unless the Secretary of the Navy deter-
17 mines that additional obligations are necessary for such
18 purposes and notifies the Committees on Appropriations
19 of both Houses of Congress of the determination and the
20 reasons therefor: *Provided further*, That of the amount
21 made available under this heading, \$492,929,000 shall be
22 for the projects and activities, and in the amounts, speci-
23 fied in the table under the heading “Military Construction,
24 Navy and Marine Corps” in the explanatory statement de-
25 scribed in section 4 (in the matter preceding division A

1 of this consolidated Act), in addition to amounts otherwise
2 available for such purposes.

3 MILITARY CONSTRUCTION, AIR FORCE

4 For acquisition, construction, installation, and equip-
5 ment of temporary or permanent public works, military
6 installations, 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 Con-
19 struction, Air Force” in the explanatory statement de-
20 scribed in section 4 (in the matter preceding division A
21 of this consolidated Act), in addition to amounts otherwise
22 available for such purposes.

1193

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
11 be transferred to such appropriations of the Department
12 of Defense available for military construction or family
13 housing as the Secretary may designate, to be merged with
14 and to be available for the same purposes, and for the
15 same time period, as the appropriation or fund to which
16 transferred: *Provided further*, That, of the amount, not to
17 exceed \$506,927,000 shall be available for study, plan-
18 ning, design, and architect and engineer services, as au-
19 thorized by law, unless the Secretary of Defense deter-
20 mines that additional obligations are necessary for such
21 purposes and notifies the Committees on Appropriations
22 of both Houses of Congress of the determination and the
23 reasons therefor: *Provided further*, That of the amount
24 made available under this heading, \$109,680,000 shall be
25 for the projects and activities, and in the amounts, speci-

1 fied in the table under the heading “Military Construction,
2 Defense-Wide” in the explanatory statement described in
3 section 4 (in the matter preceding division A of this con-
4 solidated Act), in addition to amounts otherwise available
5 for such purposes.

6 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

7 For construction, acquisition, expansion, rehabilita-
8 tion, and conversion of facilities for the training and ad-
9 ministration of the Army National Guard, and contribu-
10 tions therefor, as authorized by chapter 1803 of title 10,
11 United States Code, and Military Construction Authoriza-
12 tion Acts, \$459,018,000, to remain available until Sep-
13 tember 30, 2027: *Provided*, That, of the amount, not to
14 exceed \$83,435,000 shall be available for study, planning,
15 design, and architect and engineer services, as authorized
16 by law, unless the Director of the Army National Guard
17 determines that additional obligations are necessary for
18 such purposes and notifies the Committees on Appropria-
19 tions of both Houses of Congress of the determination and
20 the reasons therefor: *Provided further*, That of the amount
21 made available under this heading, \$151,540,000 shall be
22 for the projects and activities, and in the amounts, speci-
23 fied in the table under the heading “Military Construction,
24 Army National Guard” in the explanatory statement de-
25 scribed in section 4 (in the matter preceding division A

1 of this consolidated Act), in addition to amounts otherwise
2 available for 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
9 Acts, \$279,353,000, to remain available until September
10 30, 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
20 the table under the heading “Military Construction, Air
21 National Guard” in the explanatory statement described
22 in section 4 (in the matter preceding division A of this
23 consolidated Act), in addition to amounts otherwise avail-
24 able for such purposes.

1196

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
13 Appropriations of both Houses of Congress of the deter-
14 mination and the reasons therefor: *Provided further*, That
15 of the amount made available under this heading,
16 \$74,000,000 shall be for the projects and activities, and
17 in the amounts, specified in the table under the heading
18 “Military Construction, Army Reserve” in the explanatory
19 statement described in section 4 (in the matter preceding
20 division A of this consolidated Act), in addition to amounts
21 otherwise available 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

1197

1 Marine Corps as authorized by chapter 1803 of title 10,
2 United States Code, and Military Construction Authoriza-
3 tion Acts, \$36,837,000, to remain available until Sep-
4 tember 30, 2027: *Provided*, That, of the amount, not to
5 exceed \$9,090,000 shall be available for study, planning,
6 design, and architect and engineer services, as authorized
7 by law, unless the Secretary of the Navy determines that
8 additional obligations are necessary for such purposes and
9 notifies the Committees on Appropriations of both Houses
10 of Congress of the determination 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
21 Force Reserve determines that additional obligations are
22 necessary for such purposes and notifies the Committees
23 on Appropriations of both Houses of Congress of the de-
24 termination and the reasons therefor: *Provided further*,
25 That of the amount made available under this heading,

1198

1 \$35,800,000 shall be for the projects and activities, and
2 in the amounts, specified in the table under the heading
3 “Military Construction, Air Force Reserve” in the explan-
4 atory statement described in section 4 (in the matter pre-
5 ceding division A of this consolidated Act), in addition to
6 amounts otherwise 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 fa-
12 cilities and installations (including international military
13 headquarters) and for related expenses for the collective
14 defense of the North Atlantic Treaty Area as authorized
15 by section 2806 of title 10, United States Code, and Mili-
16 tary Construction Authorization Acts, \$220,139,000, to
17 remain available until expended.

18 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

19 For deposit into the Department of Defense Base
20 Closure Account, established by section 2906(a) of the De-
21 fense Base Closure and Realignment Act of 1990 (10
22 U.S.C. 2687 note), \$574,687,000, to remain available
23 until expended.

1200

1 est charges, and insurance premiums, as authorized by
2 law, \$378,224,000.

3 FAMILY HOUSING CONSTRUCTION, AIR FORCE

4 For expenses of family housing for the Air Force for
5 construction, including acquisition, replacement, addition,
6 expansion, extension, and alteration, as authorized by law,
7 \$232,788,000, to remain available until September 30,
8 2027.

9 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR
10 FORCE

11 For expenses of family housing for the Air Force for
12 operation and maintenance, including debt payment, leas-
13 ing, minor construction, principal and interest charges,
14 and insurance premiums, as authorized by law,
15 \$365,222,000.

16 FAMILY HOUSING OPERATION AND MAINTENANCE,
17 DEFENSE-WIDE

18 For expenses of family housing for the activities and
19 agencies of the Department of Defense (other than the
20 military departments) for operation and maintenance,
21 leasing, and minor construction, as authorized by law,
22 \$50,113,000.

1201

1 DEPARTMENT OF DEFENSE

2 FAMILY HOUSING IMPROVEMENT FUND

3 For the Department of Defense Family Housing Im-
4 provement Fund, \$6,442,000, to remain available until ex-
5 pended, for family housing initiatives undertaken pursu-
6 ant to section 2883 of title 10, United States Code, pro-
7 viding alternative means of acquiring and improving mili-
8 tary family housing and supporting facilities.

9 DEPARTMENT OF DEFENSE

10 MILITARY UNACCOMPANIED HOUSING IMPROVEMENT

11 FUND

12 For the Department of Defense Military Unaccom-
13 panied Housing Improvement Fund, \$494,000, to remain
14 available until expended, for unaccompanied housing ini-
15 tiatives undertaken pursuant to section 2883 of title 10,
16 United States Code, providing alternative means of acquir-
17 ing and improving military unaccompanied housing and
18 supporting facilities.

19 ADMINISTRATIVE PROVISIONS

20 SEC. 101. None of the funds made available in this
21 title shall be expended for payments under a cost-plus-a-
22 fixed-fee contract for construction, where cost estimates
23 exceed \$25,000, to be performed within the United States,
24 except Alaska, without the specific approval in writing of

1 the Secretary of Defense setting forth the reasons there-
2 for.

3 SEC. 102. Funds made available in this title for con-
4 struction shall be available for hire of passenger motor ve-
5 hicles.

6 SEC. 103. Funds made available in this title for con-
7 struction may be used for advances to the Federal High-
8 way Administration, Department of Transportation, for
9 the construction of access roads as authorized by section
10 210 of title 23, United States Code, when projects author-
11 ized therein are certified as important to the national de-
12 fense by the Secretary of Defense.

13 SEC. 104. None of the funds made available in this
14 title may be used to begin construction of new bases in
15 the United States for which specific appropriations have
16 not been made.

17 SEC. 105. None of the funds made available in this
18 title shall be used for purchase of land or land easements
19 in excess of 100 percent of the value as determined by
20 the Army Corps of Engineers or the Naval Facilities Engi-
21 neering Command, except: (1) where there is a determina-
22 tion of value by a Federal court; (2) purchases negotiated
23 by the Attorney General or the designee of the Attorney
24 General; (3) where the estimated value is less than

1 \$25,000; or (4) as otherwise determined by the Secretary
2 of Defense to be in the public interest.

3 SEC. 106. None of the funds made available in this
4 title shall be used to: (1) acquire land; (2) provide for site
5 preparation; or (3) install utilities for any family housing,
6 except housing for which funds have been made available
7 in annual Acts making appropriations for military con-
8 struction.

9 SEC. 107. None of the funds made available in this
10 title for minor construction may be used to transfer or
11 relocate any activity from one base or installation to an-
12 other, without prior notification to the Committees on Ap-
13 propriations of both Houses of Congress.

14 SEC. 108. None of the funds made available in this
15 title may be used for the procurement of steel for any con-
16 struction project or activity for which American steel pro-
17 ducers, fabricators, and manufacturers have been denied
18 the opportunity to compete for such steel procurement.

19 SEC. 109. None of the funds available to the Depart-
20 ment of Defense for military construction or family hous-
21 ing during the current fiscal year may be used to pay real
22 property taxes in any foreign nation.

23 SEC. 110. None of the funds made available in this
24 title may be used to initiate a new installation overseas

1 without prior notification to the Committees on Appro-
2 priations of both Houses of Congress.

3 SEC. 111. None of the funds made available in this
4 title may be obligated for architect and engineer contracts
5 estimated by the Government to exceed \$500,000 for
6 projects to be accomplished in Japan, in any North Atlan-
7 tic Treaty Organization member country, or in countries
8 bordering the Arabian Gulf, unless such contracts are
9 awarded to United States firms or United States firms
10 in joint venture with host nation firms.

11 SEC. 112. None of the funds made available in this
12 title for military construction in the United States terri-
13 tories and possessions in the Pacific and on Kwajalein
14 Atoll, or in countries bordering the Arabian Gulf, may be
15 used to award any contract estimated by the Government
16 to exceed \$1,000,000 to a foreign contractor: *Provided*,
17 That this section shall not be applicable to contract
18 awards for which the lowest responsive and responsible bid
19 of a United States contractor exceeds the lowest respon-
20 sive and responsible bid of a foreign contractor by greater
21 than 20 percent: *Provided further*, That this section shall
22 not apply to contract awards for military construction on
23 Kwajalein Atoll for which the lowest responsive and re-
24 sponsible bid is submitted by a Marshallese contractor.

1 SEC. 113. The Secretary of Defense shall inform the
2 appropriate committees of both Houses of Congress, in-
3 cluding the Committees on Appropriations, of plans and
4 scope of any proposed military exercise involving United
5 States personnel 30 days prior to its occurring, if amounts
6 expended for construction, either temporary or permanent,
7 are anticipated to exceed \$100,000.

8 SEC. 114. Funds appropriated to the Department of
9 Defense for construction in prior years shall be available
10 for construction authorized for each such military depart-
11 ment by the authorizations enacted into law during the
12 current session of Congress.

13 SEC. 115. For military construction or family housing
14 projects that are being completed with funds otherwise ex-
15 pired or lapsed for obligation, expired or lapsed funds may
16 be used to pay the cost of associated supervision, inspec-
17 tion, overhead, engineering and design on those projects
18 and on subsequent claims, if any.

19 SEC. 116. Notwithstanding any other provision of
20 law, any funds made available to a military department
21 or defense agency for the construction of military projects
22 may be obligated for a military construction project or
23 contract, or for any portion of such a project or contract,
24 at any time before the end of the fourth fiscal year after
25 the fiscal year for which funds for such project were made

1206

1 available, if the funds obligated for such project: (1) are
2 obligated from funds available for military construction
3 projects; and (2) do not exceed the amount appropriated
4 for such project, plus any amount by which the cost of
5 such project is increased pursuant to law.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 117. Subject to 30 days prior notification, or
8 14 days for a notification provided in an electronic me-
9 dium pursuant to sections 480 and 2883 of title 10,
10 United States Code, to the Committees on Appropriations
11 of both Houses of Congress, such additional amounts as
12 may be determined by the Secretary of Defense may be
13 transferred to: (1) the Department of Defense Family
14 Housing Improvement Fund from amounts appropriated
15 for construction in “Family Housing” accounts, to be
16 merged with and to be available for the same purposes
17 and for the same period of time as amounts appropriated
18 directly to the Fund; or (2) the Department of Defense
19 Military Unaccompanied Housing Improvement Fund
20 from amounts appropriated for construction of military
21 unaccompanied housing in “Military Construction” ac-
22 counts, to be merged with and to be available for the same
23 purposes and for the same period of time as amounts ap-
24 propriated directly to the Fund: *Provided*, That appropria-
25 tions made available to the Funds shall be available to

1 cover the costs, as defined in section 502(5) of the Con-
2 gressional Budget Act of 1974, of direct loans or loan
3 guarantees issued by the Department of Defense pursuant
4 to the provisions of subchapter IV of chapter 169 of title
5 10, United States Code, pertaining to alternative means
6 of acquiring and improving military family housing, mili-
7 tary unaccompanied housing, and supporting facilities.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 118. In addition to any other transfer authority
10 available to the Department of Defense, amounts may be
11 transferred from the Department of Defense Base Closure
12 Account to the fund established by section 1013(d) of the
13 Demonstration Cities and Metropolitan Development Act
14 of 1966 (42 U.S.C. 3374) to pay for expenses associated
15 with the Homeowners Assistance Program incurred under
16 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall
17 be merged with and be available for the same purposes
18 and for the same time period as the fund to which trans-
19 ferred.

20 SEC. 119. Notwithstanding any other provision of
21 law, funds made available in this title for operation and
22 maintenance of family housing shall be the exclusive
23 source of funds for repair and maintenance of all family
24 housing units, including general or flag officer quarters:
25 *Provided*, That not more than \$35,000 per unit may be

1 spent annually for the maintenance and repair of any gen-
2 eral or flag officer quarters without 30 days prior notifica-
3 tion, or 14 days for a notification provided in an electronic
4 medium pursuant to sections 480 and 2883 of title 10,
5 United States Code, to the Committees on Appropriations
6 of both Houses of Congress, except that an after-the-fact
7 notification shall be submitted if the limitation is exceeded
8 solely due to costs associated with environmental remedi-
9 ation that could not be reasonably anticipated at the time
10 of the budget submission: *Provided further*, That the
11 Under Secretary of Defense (Comptroller) is to report an-
12 nually to the Committees on Appropriations of both
13 Houses of Congress all operation and maintenance ex-
14 penditures for each individual general or flag officer quar-
15 ters for the prior fiscal year.

16 SEC. 120. Amounts contained in the Ford Island Im-
17 provement Account established by subsection (h) of sec-
18 tion 2814 of title 10, United States Code, are appro-
19 priated and shall be available until expended for the pur-
20 poses specified in subsection (i)(1) of such section or until
21 transferred pursuant to subsection (i)(3) of such section.

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 121. During the 5-year period after appropria-
24 tions available in this Act to the Department of Defense
25 for military construction and family housing operation and

1209

1 maintenance and construction have expired for obligation,
2 upon a determination that such appropriations will not be
3 necessary for the liquidation of obligations or for making
4 authorized adjustments to such appropriations for obliga-
5 tions incurred during the period of availability of such ap-
6 propriations, unobligated balances of such appropriations
7 may be transferred into the appropriation “Foreign Cur-
8 rency Fluctuations, Construction, Defense”, to be merged
9 with and to be available for the same time period and for
10 the same purposes as the appropriation to which trans-
11 ferred.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 122. Amounts appropriated or otherwise made
14 available in an account funded under the headings in this
15 title may be transferred among projects and activities
16 within the account in accordance with the reprogramming
17 guidelines for military construction and family housing
18 construction contained in Department of Defense Finan-
19 cial Management Regulation 7000.14–R, Volume 3, Chap-
20 ter 7, of March 2011, as in effect on the date of enactment
21 of this Act.

22 SEC. 123. None of the funds made available in this
23 title may be obligated or expended for planning and design
24 and construction of projects at Arlington National Ceme-
25 tery.

1210

1 SEC. 124. For an additional amount for the accounts
2 and in the amounts specified, to remain available until
3 September 30, 2027:

4 “Military Construction, Army”, \$243,490,000;

5 “Military Construction, Navy and Marine
6 Corps”, \$423,300,000;

7 “Military Construction, Air Force”,
8 \$527,300,000;

9 “Military Construction, Defense-Wide”,
10 \$151,000,000;

11 “Military Construction, Army National Guard”,
12 \$54,743,000;

13 “Military Construction, Army Reserve”,
14 \$56,600,000;

15 “Military Construction, Navy Reserve”,
16 \$116,964,000;

17 “Military Construction, Air Force Reserve”,
18 \$9,000,000;

19 “Family Housing Construction, Army”,
20 \$321,722,000; and

21 “Family Housing Construction, Air Force”,
22 \$18,800,000:

23 *Provided*, That such funds may only be obligated to carry
24 out construction and cost to complete projects identified
25 in the respective military department’s unfunded priority

1211

1 list for fiscal year 2023 submitted to Congress: *Provided*
2 *further*, That such projects are subject to authorization
3 prior to obligation and expenditure of funds to carry out
4 construction: *Provided further*, That not later than 60
5 days after enactment of this Act, the Secretary of the mili-
6 tary department concerned, or their designee, shall submit
7 to the Committees on Appropriations of both Houses of
8 Congress an expenditure plan for funds provided under
9 this section.

10 SEC. 125. All amounts appropriated to the “Depart-
11 ment of Defense—Military Construction, Army”, “De-
12 partment of Defense—Military Construction, Navy and
13 Marine Corps”, “Department of Defense—Military Con-
14 struction, Air Force”, and “Department of Defense—Mili-
15 tary Construction, Defense-Wide” accounts pursuant to
16 the authorization of appropriations in a National Defense
17 Authorization Act specified for fiscal year 2023 in the
18 funding table in section 4601 of that Act shall be imme-
19 diately available and allotted to contract for the full scope
20 of authorized projects.

21 SEC. 126. Notwithstanding section 116 of this Act,
22 funds made available in this Act or any available unobli-
23 gated balances from prior appropriations Acts may be obli-
24 gated before October 1, 2024 for fiscal year 2017 and fis-
25 cal year 2018 military construction projects for which

1212

1 project authorization has not lapsed or for which author-
2 ization is extended for fiscal year 2023 by a National De-
3 fense Authorization Act: *Provided*, That no amounts may
4 be obligated pursuant to this section from amounts that
5 were designated by the Congress as an emergency require-
6 ment pursuant to a concurrent resolution on the budget
7 or the Balanced Budget and Emergency Deficit Control
8 Act of 1985.

9 SEC. 127. For the purposes of this Act, the term
10 “congressional defense committees” means the Commit-
11 tees on Armed Services of the House of Representatives
12 and the Senate, the Subcommittee on Military Construc-
13 tion and Veterans Affairs of the Committee on Appropria-
14 tions of the Senate, and the Subcommittee on Military
15 Construction and Veterans Affairs of the Committee on
16 Appropriations of the House of Representatives.

17 SEC. 128. For an additional amount for the accounts
18 and in the amounts specified for planning and design, un-
19 specified minor construction, and authorized major con-
20 struction projects, for construction improvements to De-
21 partment of Defense laboratory facilities, to remain avail-
22 able until September 30, 2027:

23 “Military Construction, Army”, \$20,000,000;

24 “Military Construction, Navy and Marine
25 Corps”, \$10,000,000; and

1213

1 “Military Construction, Air Force”,
2 \$90,000,000:

3 *Provided*, That not later than 60 days after enactment of
4 this Act, the Secretary of the military department con-
5 cerned, or their designee, shall submit to the Committees
6 on Appropriations of both Houses of Congress an expendi-
7 ture plan for funds provided under this section: *Provided*
8 *further*, That the Secretary of the military department
9 concerned may not obligate or expend any funds prior to
10 approval by the Committees on Appropriations of both
11 Houses of Congress of the expenditure plan required by
12 this section.

13 SEC. 129. For an additional amount for the accounts
14 and in the amounts specified for planning and design and
15 unspecified minor construction, for improving military in-
16 stallation resilience, to remain available until September
17 30, 2027:

18 “Military Construction, Army”, \$25,000,000;
19 “Military Construction, Navy and Marine
20 Corps”, \$40,000,000; and

21 “Military Construction, Air Force”,
22 \$25,000,000:

23 *Provided*, That not later than 60 days after enactment of
24 this Act, the Secretary of the military department con-
25 cerned, or their designee, shall submit to the Committees

1 on Appropriations of both Houses of Congress an expendi-
2 ture plan for funds provided under this section: *Provided*
3 *further*, That the Secretary of the military department
4 concerned may not obligate or expend any funds prior to
5 approval by the Committees on Appropriations of both
6 Houses of Congress of the expenditure plan required by
7 this section.

8 SEC. 130. For an additional amount for “Military
9 Construction, Air Force”, \$360,000,000, to remain avail-
10 able until September 30, 2027, for expenses incurred as
11 a result of natural disasters: *Provided*, That not later than
12 60 days after the date of enactment of this Act, the Sec-
13 retary of the Air Force, or their designee, shall submit
14 to the Committees on Appropriations of both Houses of
15 Congress an expenditure plan for funds provided under
16 this section.

17 SEC. 131. For an additional amount for the accounts
18 and in the amounts specified to address cost increases
19 identified subsequent to the fiscal year 2023 budget re-
20 quest for authorized major construction projects included
21 either in that request or funded in Title I of Division J
22 of Public Law 117–103, to remain available until Sep-
23 tember 30, 2027:

24 “Military Construction, Army”, \$103,000,000;

1215

1 “Military Construction, Navy and Marine
2 Corps”, \$331,000,000;

3 “Military Construction, Air Force”,
4 \$273,000,000;

5 “Military Construction, Defense-Wide”,
6 \$279,347,000;

7 “Military Construction, Army National Guard”,
8 \$66,000,000;

9 “Military Construction, Air National Guard”,
10 \$17,000,000;

11 “Military Construction, Army Reserve”,
12 \$24,000,000;

13 “Military Construction, Navy Reserve”,
14 \$5,500,000; and

15 “Military Construction, Air Force Reserve”,
16 \$11,000,000:

17 *Provided*, That not later than 60 days after the date of
18 enactment of this Act, the Secretary of the military de-
19 partment concerned, or their designee, shall submit to the
20 Committees on Appropriations of both Houses of Congress
21 an expenditure plan for funds provided under this section.

22 SEC. 132. For an additional amount for the accounts
23 and in the amounts specified for planning and design and
24 authorized major construction projects, for child develop-

1216

1 ment centers, to remain available until September 30,
2 2027:

3 “Military Construction, Army”, \$15,000,000;

4 “Military Construction, Navy and Marine
5 Corps”, \$15,000,000; and

6 “Military Construction, Air Force”,
7 \$37,400,000:

8 *Provided*, That not later than 60 days after the date of
9 enactment of this Act, the Secretary of the military de-
10 partment concerned, or their designee, shall submit to the
11 Committees on Appropriations of both Houses of Congress
12 an expenditure plan for funds provided under this section.

13 SEC. 133. For an additional amount for “Military
14 Construction, Navy and Marine Corps”, \$25,000,000, to
15 remain available until September 30, 2027, for planning
16 and design of water treatment and distribution facilities
17 construction, including relating to improvements of infra-
18 structure and defueling at the Red Hill Bulk Fuel Storage
19 Facility: *Provided*, That not later than 180 days after the
20 date of enactment of this Act, the Secretary of the Navy,
21 or their designee, shall submit to the Committees on Ap-
22 propriations of both Houses of Congress an expenditure
23 plan for funds provided under this section.

24 SEC. 134. For an additional amount for the accounts
25 and in the amounts specified to address cost increases for

1217

1 authorized major construction projects funded by this Act,
2 to remain available until September 30, 2027:

3 “Military Construction, Army”, \$48,600,000;

4 “Military Construction, Navy and Marine
5 Corps”, \$166,500,000;

6 “Military Construction, Air Force”,
7 \$63,350,000;

8 “Military Construction, Defense-Wide”,
9 \$14,200,000;

10 “Military Construction, Army National Guard”,
11 \$18,900,000;

12 “Military Construction, Air National Guard”,
13 \$4,900,000;

14 “Military Construction, Army Reserve”,
15 \$2,000,000; and

16 “Military Construction, Air Force Reserve”,
17 \$500,000:

18 *Provided*, That not later than 60 days after the date of
19 enactment of this Act, the Secretary of the military de-
20 partment concerned, or their designee, shall submit to the
21 Committees on Appropriations of both Houses of Congress
22 an expenditure plan for funds provided under this section:
23 *Provided further*, That the Secretary of the military de-
24 partment concerned may not obligate or expend any funds
25 prior to approval by the Committees on Appropriations of

1218

1 both Houses of Congress of the expenditure plan required
2 by this section.

3 SEC. 135. For an additional amount for “Military
4 Construction, Air National Guard”, \$10,000,000, to re-
5 main available until September 30, 2027, for planning and
6 design for construction at future foreign military training
7 sites: *Provided*, That not later than 60 days after enact-
8 ment of this Act, the Secretary of the Air Force, or their
9 designee, shall submit to the Committees on Appropria-
10 tions of both Houses of Congress an expenditure plan for
11 funds provided under this section.

12 SEC. 136. None of the funds made available by this
13 Act may be used to carry out the closure or realignment
14 of the United States Naval Station, Guantánamo Bay,
15 Cuba.

1219

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
7 behalf of veterans and a pilot program for disability ex-
8 aminations as authorized by section 107 and chapters 11,
9 13, 18, 51, 53, 55, and 61 of title 38, United States Code;
10 pension benefits to or on behalf of veterans as authorized
11 by chapters 15, 51, 53, 55, and 61 of title 38, United
12 States Code; and burial benefits, the Reinstated Entitle-
13 ment Program for Survivors, emergency and other offi-
14 cers' retirement pay, adjusted-service credits and certifi-
15 cates, payment of premiums due on commercial life insur-
16 ance policies guaranteed under the provisions of title IV
17 of the Servicemembers Civil Relief Act (50 U.S.C. App.
18 541 et seq.) and for other benefits as authorized by sec-
19 tions 107, 1312, 1977, and 2106, and chapters 23, 51,
20 53, 55, and 61 of title 38, United States Code,
21 \$146,778,136,000, which shall become available on Octo-
22 ber 1, 2023, to remain available until expended: *Provided*,
23 That not to exceed \$21,423,000 of the amount made avail-
24 able for fiscal year 2024 under this heading shall be reim-
25 bursed to "General Operating Expenses, Veterans Bene-

1220

1 fits Administration”, and “Information Technology Sys-
2 tems” for necessary expenses in implementing the provi-
3 sions of chapters 51, 53, and 55 of title 38, United States
4 Code, the funding source for which is specifically provided
5 as the “Compensation and Pensions” appropriation: *Pro-*
6 *vided further*, That such sums as may be earned on an
7 actual qualifying patient basis, shall be reimbursed to
8 “Medical Care Collections Fund” to augment the funding
9 of individual medical facilities for nursing home care pro-
10 vided to pensioners as authorized.

11 READJUSTMENT BENEFITS

12 For the payment of readjustment and rehabilitation
13 benefits to or on behalf of veterans as authorized by chap-
14 ters 21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and
15 61 of title 38, United States Code, \$8,452,500,000, which
16 shall become available on October 1, 2023, to remain
17 available until expended: *Provided*, That expenses for re-
18 habilitation program services and assistance which the
19 Secretary is authorized to provide under subsection (a) of
20 section 3104 of title 38, United States Code, other than
21 under paragraphs (1), (2), (5), and (11) of that sub-
22 section, shall be charged to this account.

23 VETERANS INSURANCE AND INDEMNITIES

24 For military and naval insurance, national service life
25 insurance, servicemen’s indemnities, service-disabled vet-

1221

1 erans insurance, and veterans mortgage life insurance as
2 authorized by chapters 19 and 21 of title 38, United
3 States Code, \$121,126,000, which shall become available
4 on October 1, 2023, to remain available until expended.

5 VETERANS HOUSING BENEFIT PROGRAM FUND

6 For the cost of direct and guaranteed loans, such
7 sums as may be necessary to carry out the program, as
8 authorized by subchapters I through III of chapter 37 of
9 title 38, United States Code: *Provided*, That such costs,
10 including the cost of modifying such loans, shall be as de-
11 fined in section 502 of the Congressional Budget Act of
12 1974: *Provided further*, That, during fiscal year 2023,
13 within the resources available, not to exceed \$500,000 in
14 gross obligations for direct loans are authorized for spe-
15 cially adapted housing loans.

16 In addition, for administrative expenses to carry out
17 the direct and guaranteed loan programs, \$282,361,131.

18 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

19 For the cost of direct loans, \$7,171, as authorized
20 by chapter 31 of title 38, United States Code: *Provided*,
21 That such costs, including the cost of modifying such
22 loans, shall be as defined in section 502 of the Congres-
23 sional Budget Act of 1974: *Provided further*, That funds
24 made available under this heading are available to sub-

1222

1 sidize gross obligations for the principal amount of direct
2 loans not to exceed \$942,330.

3 In addition, for administrative expenses necessary to
4 carry out the direct loan program, \$445,698, which may
5 be paid to the appropriation for “General Operating Ex-
6 penses, Veterans Benefits Administration”.

7 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM

8 ACCOUNT

9 For administrative expenses to carry out the direct
10 loan program authorized by subchapter V of chapter 37
11 of title 38, United States Code, \$1,400,000.

12 GENERAL OPERATING EXPENSES, VETERANS BENEFITS

13 ADMINISTRATION

14 For necessary operating expenses of the Veterans
15 Benefits Administration, not otherwise provided for, in-
16 cluding hire of passenger motor vehicles, reimbursement
17 of the General Services Administration for security guard
18 services, and reimbursement of the Department of De-
19 fense for the cost of overseas employee mail,
20 \$3,863,000,000: *Provided*, That expenses for services and
21 assistance authorized under paragraphs (1), (2), (5), and
22 (11) of section 3104(a) of title 38, United States Code,
23 that the Secretary of Veterans Affairs determines are nec-
24 essary to enable entitled veterans: (1) to the maximum ex-
25 tent feasible, to become employable and to obtain and

1223

1 maintain suitable employment; or (2) to achieve maximum
2 independence in daily living, shall be charged to this ac-
3 count: *Provided further*, That, of the funds made available
4 under this heading, not to exceed 10 percent shall remain
5 available until September 30, 2024.

6 VETERANS HEALTH ADMINISTRATION

7 MEDICAL SERVICES

8 For necessary expenses for furnishing, as authorized
9 by law, inpatient and outpatient care and treatment to
10 beneficiaries of the Department of Veterans Affairs and
11 veterans described in section 1705(a) of title 38, United
12 States Code, including care and treatment in facilities not
13 under the jurisdiction of the Department, and including
14 medical supplies and equipment, bioengineering services,
15 food services, and salaries and expenses of healthcare em-
16 ployees hired under title 38, United States Code, assist-
17 ance and support services for caregivers as authorized by
18 section 1720G of title 38, United States Code, loan repay-
19 ments authorized by section 604 of the Caregivers and
20 Veterans Omnibus Health Services Act of 2010 (Public
21 Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note),
22 monthly assistance allowances authorized by section
23 322(d) of title 38, United States Code, grants authorized
24 by section 521A of title 38, United States Code, and ad-
25 ministrative expenses necessary to carry out sections

1224

1 322(d) and 521A of title 38, United States Code, and hos-
2 pital care and medical services authorized by section 1787
3 of title 38, United States Code; \$261,000,000, which shall
4 be in addition to funds previously appropriated under this
5 heading that became available on October 1, 2022; and,
6 in addition, \$74,004,000,000, plus reimbursements, shall
7 become available on October 1, 2023, and shall remain
8 available until September 30, 2024: *Provided*, That, of the
9 amount made available on October 1, 2023, under this
10 heading, \$2,000,000,000 shall remain available until Sep-
11 tember 30, 2025: *Provided further*, That, notwithstanding
12 any other provision of law, the Secretary of Veterans Af-
13 fairs shall establish a priority for the provision of medical
14 treatment for veterans who have service-connected disabil-
15 ities, lower income, or have special needs: *Provided further*,
16 That, notwithstanding any other provision of law, the Sec-
17 retary of Veterans Affairs shall give priority funding for
18 the provision of basic medical benefits to veterans in en-
19 rollment priority groups 1 through 6: *Provided further*,
20 That, notwithstanding any other provision of law, the Sec-
21 retary of Veterans Affairs may authorize the dispensing
22 of prescription drugs from Veterans Health Administra-
23 tion facilities to enrolled veterans with privately written
24 prescriptions based on requirements established by the
25 Secretary: *Provided further*, That the implementation of

1225

1 the program described in the previous proviso shall incur
2 no additional cost to the Department of Veterans Affairs:
3 *Provided further*, That the Secretary of Veterans Affairs
4 shall ensure that sufficient amounts appropriated under
5 this heading for medical supplies and equipment are avail-
6 able for the acquisition of prosthetics designed specifically
7 for female veterans: *Provided further*, That nothing in sec-
8 tion 2044(e)(1) of title 38, United States Code, may be
9 construed as limiting amounts that may be made available
10 under this heading for fiscal years 2023 and 2024 in this
11 or prior Acts.

12 MEDICAL COMMUNITY CARE

13 For necessary expenses for furnishing health care to
14 individuals pursuant to chapter 17 of title 38, United
15 States Code, at non-Department facilities,
16 \$4,300,000,000, which shall be in addition to funds pre-
17 viously appropriated under this heading that became avail-
18 able on October 1, 2022; and, in addition,
19 \$33,000,000,000, plus reimbursements, shall become
20 available on October 1, 2023, and shall remain available
21 until September 30, 2024: *Provided*, That, of the amount
22 made available on October 1, 2023, under this heading,
23 \$2,000,000,000 shall remain available until September 30,
24 2025.

1226

1 MEDICAL SUPPORT AND COMPLIANCE

2 For necessary expenses in the administration of the
3 medical, hospital, nursing home, domiciliary, construction,
4 supply, and research activities, as authorized by law; ad-
5 ministrative expenses in support of capital policy activi-
6 ties; and administrative and legal expenses of the Depart-
7 ment for collecting and recovering amounts owed the De-
8 partment as authorized under chapter 17 of title 38,
9 United States Code, and the Federal Medical Care Recov-
10 ery Act (42 U.S.C. 2651 et seq.), \$1,400,000,000, which
11 shall be in addition to funds previously appropriated under
12 this heading that became available on October 1, 2022;
13 and, in addition, \$12,300,000,000, plus reimbursements,
14 shall become available on October 1, 2023, and shall re-
15 main available until September 30, 2024: *Provided*, That,
16 of the amount made available on October 1, 2023, under
17 this heading, \$350,000,000 shall remain available until
18 September 30, 2025.

19 MEDICAL FACILITIES

20 For necessary expenses for the maintenance and op-
21 eration of hospitals, nursing homes, domiciliary facilities,
22 and other necessary facilities of the Veterans Health Ad-
23 ministration; for administrative expenses in support of
24 planning, design, project management, real property ac-
25 quisition and disposition, construction, and renovation of

1227

1 any facility under the jurisdiction or for the use of the
2 Department; for oversight, engineering, and architectural
3 activities not charged to project costs; for repairing, alter-
4 ing, improving, or providing facilities in the several hos-
5 pitals and homes under the jurisdiction of the Depart-
6 ment, not otherwise provided for, either by contract or by
7 the hire of temporary employees and purchase of mate-
8 rials; for leases of facilities; and for laundry services;
9 \$1,500,000,000, which shall be in addition to funds pre-
10 viously appropriated under this heading that became avail-
11 able on October 1, 2022; and, in addition,
12 \$8,800,000,000, plus reimbursements, shall become avail-
13 able on October 1, 2023, and shall remain available until
14 September 30, 2024: *Provided*, That, of the amount made
15 available on October 1, 2023, under this heading,
16 \$500,000,000 shall remain available until September 30,
17 2025.

18 MEDICAL AND PROSTHETIC RESEARCH

19 For necessary expenses in carrying out programs of
20 medical and prosthetic research and development as au-
21 thorized by chapter 73 of title 38, United States Code,
22 \$916,000,000, plus reimbursements, shall remain avail-
23 able until September 30, 2024: *Provided*, That the Sec-
24 retary of Veterans Affairs shall ensure that sufficient
25 amounts appropriated under this heading are available for

1228

1 prosthetic research specifically for female veterans, and
2 for toxic exposure research.

3 NATIONAL CEMETERY ADMINISTRATION

4 For necessary expenses of the National Cemetery Ad-
5 ministration for operations and maintenance, not other-
6 wise provided for, including uniforms or allowances there-
7 for; cemeterial expenses as authorized by law; purchase
8 of one passenger motor vehicle for use in cemeterial oper-
9 ations; hire of passenger motor vehicles; and repair, alter-
10 ation or improvement of facilities under the jurisdiction
11 of the National Cemetery Administration, \$430,000,000,
12 of which not to exceed 10 percent shall remain available
13 until September 30, 2024.

14 DEPARTMENTAL ADMINISTRATION

15 GENERAL ADMINISTRATION

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary operating expenses of the Department
18 of Veterans Affairs, not otherwise provided for, including
19 administrative expenses in support of Department-wide
20 capital planning, management and policy activities, uni-
21 forms, or allowances therefor; not to exceed \$25,000 for
22 official reception and representation expenses; hire of pas-
23 senger motor vehicles; and reimbursement of the General
24 Services Administration for security guard services,
25 \$433,000,000, of which not to exceed 10 percent shall re-

1229

1 main available until September 30, 2024: *Provided*, That
2 funds provided under this heading may be transferred to
3 “General Operating Expenses, Veterans Benefits Adminis-
4 tration”.

5 BOARD OF VETERANS APPEALS

6 For necessary operating expenses of the Board of
7 Veterans Appeals, \$285,000,000, of which not to exceed
8 10 percent shall remain available until September 30,
9 2024.

10 INFORMATION TECHNOLOGY SYSTEMS

11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses for information technology
13 systems and telecommunications support, including devel-
14 opmental information systems and operational information
15 systems; for pay and associated costs; and for the capital
16 asset acquisition of information technology systems, in-
17 cluding management and related contractual costs of said
18 acquisitions, including contractual costs associated with
19 operations authorized by section 3109 of title 5, United
20 States Code, \$5,782,000,000, plus reimbursements: *Pro-*
21 *vided*, That \$1,494,230,000 shall be for pay and associ-
22 ated costs, of which not to exceed 3 percent shall remain
23 available until September 30, 2024: *Provided further*, That
24 \$4,145,678,000 shall be for operations and maintenance,
25 of which not to exceed 5 percent shall remain available

1230

1 until September 30, 2024: *Provided further*, That
2 \$142,092,000 shall be for information technology systems
3 development, and shall remain available until September
4 30, 2024: *Provided further*, That amounts made available
5 for salaries and expenses, operations and maintenance,
6 and information technology systems development may be
7 transferred among the three subaccounts after the Sec-
8 retary of Veterans Affairs requests from the Committees
9 on Appropriations of both Houses of Congress the author-
10 ity to make the transfer and an approval is issued: *Pro-*
11 *vided further*, That amounts made available for the “Infor-
12 mation Technology Systems” account for development
13 may be transferred among projects or to newly defined
14 projects: *Provided further*, That no project may be in-
15 creased or decreased by more than \$3,000,000 of cost
16 prior to submitting a request to the Committees on Appro-
17 priations of both Houses of Congress to make the transfer
18 and an approval is issued, or absent a response, a period
19 of 30 days has elapsed: *Provided further*, That the funds
20 made available under this heading for information tech-
21 nology systems development shall be for the projects, and
22 in the amounts, specified under this heading in the explan-
23 atory statement described in section 4 (in the matter pre-
24 ceding division A of this consolidated Act).

1231

1 VETERANS ELECTRONIC HEALTH RECORD

2 For activities related to implementation, preparation,
3 development, interface, management, rollout, and mainte-
4 nance of a Veterans Electronic Health Record system, in-
5 cluding contractual costs associated with operations au-
6 thorized by section 3109 of title 5, United States Code,
7 and salaries and expenses of employees hired under titles
8 5 and 38, United States Code, \$1,759,000,000, to remain
9 available until September 30, 2025: *Provided*, That the
10 Secretary of Veterans Affairs shall submit to the Commit-
11 tees on Appropriations of both Houses of Congress quar-
12 terly reports detailing obligations, expenditures, and de-
13 ployment implementation by facility, including any
14 changes from the deployment plan or schedule: *Provided*
15 *further*, That the funds provided in this account shall only
16 be available to the Office of the Deputy Secretary, to be
17 administered by that Office: *Provided further*, That 25
18 percent of the funds made available under this heading
19 shall not be available until July 1, 2023, and are contin-
20 gent upon the Secretary of Veterans Affairs—

21 (1) providing the Committees on Appropriations
22 a report detailing the status of outstanding issues
23 impacting the stability and usability of the new elec-
24 tronic health record system, including those that
25 contributed to the October 13, 2022, deployment

1232

1 delay, along with a timeline and measurable metrics
2 to resolve issues, no later than 60 days after enact-
3 ment of this Act;

4 (2) certifying and detailing any changes to the
5 full deployment schedule, no later than 60 days prior
6 to July 1, 2023; and

7 (3) certifying in writing no later than 30 days
8 prior to July 1, 2023, the following—

9 (A) the status of issues included in the re-
10 port referenced in paragraph (1), including
11 issues that have not been closed but have been
12 suitably resolved or mitigated in a manner that
13 will enhance provider productivity and minimize
14 the potential for patient harm; and

15 (B) whether the system is stable, ready,
16 and optimized for further deployment at VA
17 sites.

18 OFFICE OF INSPECTOR GENERAL

19 For necessary expenses of the Office of Inspector
20 General, to include information technology, in carrying out
21 the provisions of the Inspector General Act of 1978 (5
22 U.S.C. App.), \$273,000,000, of which not to exceed 10
23 percent shall remain available until September 30, 2024.

1233

1 CONSTRUCTION, MAJOR 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, or for any of the purposes set forth in sections
6 316, 2404, 2406 and chapter 81 of title 38, United States
7 Code, not otherwise provided for, including planning, ar-
8 chitectural and engineering services, construction manage-
9 ment services, maintenance or guarantee period services
10 costs associated with equipment guarantees provided
11 under the project, services of claims analysts, offsite utility
12 and storm drainage system construction costs, and site ac-
13 quisition, where the estimated cost of a project is more
14 than the amount set forth in section 8104(a)(3)(A) of title
15 38, United States Code, or where funds for a project were
16 made available in a previous major project appropriation,
17 \$1,447,890,000, of which \$731,722,000 shall remain
18 available until September 30, 2027, and of which
19 \$716,168,000 shall remain available until expended, of
20 which \$1,500,000 shall be available for seismic improve-
21 ment projects and seismic program management activities,
22 including for projects that would otherwise be funded by
23 the Construction, Minor Projects, Medical Facilities or
24 National Cemetery Administration accounts: *Provided*,
25 That except for advance planning activities, including

1234

1 needs assessments which may or may not lead to capital
2 investments, and other capital asset management related
3 activities, including portfolio development and manage-
4 ment activities, and planning, cost estimating, and design
5 for major medical facility projects and major medical facil-
6 ity leases and investment strategy studies funded through
7 the advance planning fund and the planning and design
8 activities funded through the design fund, staffing ex-
9 penses, and funds provided for the purchase, security, and
10 maintenance of land for the National Cemetery Adminis-
11 tration through the land acquisition line item, none of the
12 funds made available under this heading shall be used for
13 any project that has not been notified to Congress through
14 the budgetary process or that has not been approved by
15 the Congress through statute, joint resolution, or in the
16 explanatory statement accompanying such Act and pre-
17 sented to the President at the time of enrollment: *Provided*
18 *further*, That such sums as may be necessary shall be
19 available to reimburse the “General Administration” ac-
20 count for payment of salaries and expenses of all Office
21 of Construction and Facilities Management employees to
22 support the full range of capital infrastructure services
23 provided, including minor construction and leasing serv-
24 ices: *Provided further*, That funds made available under
25 this heading for fiscal year 2023, for each approved

1235

1 project shall be obligated: (1) by the awarding of a con-
2 struction documents contract by September 30, 2023; and
3 (2) by the awarding of a construction contract by Sep-
4 tember 30, 2024: *Provided further*, That the Secretary of
5 Veterans Affairs shall promptly submit to the Committees
6 on Appropriations of both Houses of Congress a written
7 report on any approved major construction project for
8 which obligations are not incurred within the time limita-
9 tions established above: *Provided further*, That notwith-
10 standing the requirements of section 8104(a) of title 38,
11 United States Code, amounts made available under this
12 heading for seismic improvement projects and seismic pro-
13 gram management activities shall be available for the com-
14 pletion of both new and existing seismic projects of the
15 Department.

16 CONSTRUCTION, MINOR PROJECTS

17 For constructing, altering, extending, and improving
18 any of the facilities, including parking projects, under the
19 jurisdiction or for the use of the Department of Veterans
20 Affairs, including planning and assessments of needs
21 which may lead to capital investments, architectural and
22 engineering services, maintenance or guarantee period
23 services costs associated with equipment guarantees pro-
24 vided under the project, services of claims analysts, offsite
25 utility and storm drainage system construction costs, and

1236

1 site acquisition, or for any of the purposes set forth in
2 sections 316, 2404, 2406 and chapter 81 of title 38,
3 United States Code, not otherwise provided for, where the
4 estimated cost of a project is equal to or less than the
5 amount set forth in section 8104(a)(3)(A) of title 38,
6 United States Code, \$626,110,000, of which
7 \$563,499,000 shall remain available until September 30,
8 2027, and of which \$62,611,000 shall remain available
9 until expended, along with unobligated balances of pre-
10 vious "Construction, Minor Projects" appropriations
11 which are hereby made available for any project where the
12 estimated cost is equal to or less than the amount set forth
13 in such section: *Provided*, That funds made available
14 under this heading shall be for: (1) repairs to any of the
15 nonmedical facilities under the jurisdiction or for the use
16 of the Department which are necessary because of loss or
17 damage caused by any natural disaster or catastrophe;
18 and (2) temporary measures necessary to prevent or to
19 minimize further loss by such causes.

20 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
21 FACILITIES

22 For grants to assist States to acquire or construct
23 State nursing home and domiciliary facilities and to re-
24 model, modify, or alter existing hospital, nursing home,
25 and domiciliary facilities in State homes, for furnishing

1237

1 care to veterans as authorized by sections 8131 through
2 8137 of title 38, United States Code, \$150,000,000, to
3 remain available until expended.

4 GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

5 For grants to assist States and tribal organizations
6 in establishing, expanding, or improving veterans ceme-
7 teries as authorized by section 2408 of title 38, United
8 States Code, \$50,000,000, to remain available until ex-
9 pended.

10 COST OF WAR TOXIC EXPOSURES FUND

11 For investment in the delivery of veterans' health
12 care associated with exposure to environmental hazards,
13 the expenses incident to the delivery of veterans' health
14 care and benefits associated with exposure to environ-
15 mental hazards, and medical and other research relating
16 to exposure to environmental hazards, as authorized by
17 section 324 of title 38, United States Code, and in addi-
18 tion to amounts otherwise available for such purposes in
19 the appropriations provided in this or prior Acts,
20 \$5,000,000,000, to remain available until September 30,
21 2027: *Provided*, That not later than 30 days after the date
22 of enactment of this Act, the Secretary of Veterans Affairs
23 shall submit to the Committees on Appropriations of both
24 Houses of Congress an expenditure plan for funds pro-
25 vided under this heading for fiscal year 2023.

1238

1 ADMINISTRATIVE PROVISIONS

2 (INCLUDING TRANSFER OF FUNDS)

3 SEC. 201. Any appropriation for fiscal year 2023 for
4 “Compensation and Pensions”, “Readjustment Benefits”,
5 and “Veterans Insurance and Indemnities” may be trans-
6 ferred as necessary to any other of the mentioned appro-
7 priations: *Provided*, That, before a transfer may take
8 place, the Secretary of Veterans Affairs shall request from
9 the Committees on Appropriations of both Houses of Con-
10 gress the authority to make the transfer and such Com-
11 mittees issue an approval, or absent a response, a period
12 of 30 days has elapsed.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 202. Amounts made available for the Depart-
15 ment of Veterans Affairs for fiscal year 2023, in this or
16 any other Act, under the “Medical Services”, “Medical
17 Community Care”, “Medical Support and Compliance”,
18 and “Medical Facilities” accounts may be transferred
19 among the accounts: *Provided*, That any transfers among
20 the “Medical Services”, “Medical Community Care”, and
21 “Medical Support and Compliance” accounts of 1 percent
22 or less of the total amount appropriated to the account
23 in this or any other Act may take place subject to notifica-
24 tion from the Secretary of Veterans Affairs to the Com-
25 mittees on Appropriations of both Houses of Congress of

1 the amount and purpose of the transfer: *Provided further*,
2 That any transfers among the “Medical Services”, “Med-
3 ical Community Care”, and “Medical Support and Compli-
4 ance” accounts in excess of 1 percent, or exceeding the
5 cumulative 1 percent for the fiscal year, may take place
6 only after the Secretary requests from the Committees on
7 Appropriations of both Houses of Congress the authority
8 to make the transfer and an approval is issued: *Provided*
9 *further*, That any transfers to or from the “Medical Facili-
10 ties” account may take place only after the Secretary re-
11 quests from the Committees on Appropriations of both
12 Houses of Congress the authority to make the transfer
13 and an approval is issued.

14 SEC. 203. Appropriations available in this title for
15 salaries and expenses shall be available for services au-
16 thorized by section 3109 of title 5, United States Code;
17 hire of passenger motor vehicles; lease of a facility or land
18 or both; and uniforms or allowances therefore, as author-
19 ized by sections 5901 through 5902 of title 5, United
20 States Code.

21 SEC. 204. No appropriations in this title (except the
22 appropriations for “Construction, Major Projects”, and
23 “Construction, Minor Projects”) shall be available for the
24 purchase of any site for or toward the construction of any
25 new hospital or home.

1 SEC. 205. No appropriations in this title shall be
2 available for hospitalization or examination of any persons
3 (except beneficiaries entitled to such hospitalization or ex-
4 amination under the laws providing such benefits to vet-
5 erans, and persons receiving such treatment under sec-
6 tions 7901 through 7904 of title 5, United States Code,
7 or the Robert T. Stafford Disaster Relief and Emergency
8 Assistance Act (42 U.S.C. 5121 et seq.)), unless reim-
9 bursement of the cost of such hospitalization or examina-
10 tion is made to the “Medical Services” account at such
11 rates as may be fixed by the Secretary of Veterans Affairs.

12 SEC. 206. Appropriations available in this title for
13 “Compensation and Pensions”, “Readjustment Benefits”,
14 and “Veterans Insurance and Indemnities” shall be avail-
15 able for payment of prior year accrued obligations re-
16 quired to be recorded by law against the corresponding
17 prior year accounts within the last quarter of fiscal year
18 2022.

19 SEC. 207. Appropriations available in this title shall
20 be available to pay prior year obligations of corresponding
21 prior year appropriations accounts resulting from sections
22 3328(a), 3334, and 3712(a) of title 31, United States
23 Code, except that if such obligations are from trust fund
24 accounts they shall be payable only from “Compensation
25 and Pensions”.

1241

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 208. Notwithstanding any other provision of
3 law, during fiscal year 2023, the Secretary of Veterans
4 Affairs shall, from the National Service Life Insurance
5 Fund under section 1920 of title 38, United States Code,
6 the Veterans' Special Life Insurance Fund under section
7 1923 of title 38, United States Code, and the United
8 States Government Life Insurance Fund under section
9 1955 of title 38, United States Code, reimburse the "Gen-
10 eral Operating Expenses, Veterans Benefits Administra-
11 tion" and "Information Technology Systems" accounts for
12 the cost of administration of the insurance programs fi-
13 nanced through those accounts: *Provided*, That reimburse-
14 ment shall be made only from the surplus earnings accu-
15 mulated in such an insurance program during fiscal year
16 2023 that are available for dividends in that program after
17 claims have been paid and actuarially determined reserves
18 have been set aside: *Provided further*, That if the cost of
19 administration of such an insurance program exceeds the
20 amount of surplus earnings accumulated in that program,
21 reimbursement shall be made only to the extent of such
22 surplus earnings: *Provided further*, That the Secretary
23 shall determine the cost of administration for fiscal year
24 2023 which is properly allocable to the provision of each
25 such insurance program and to the provision of any total

1 disability income insurance included in that insurance pro-
2 gram.

3 SEC. 209. Amounts deducted from enhanced-use
4 lease proceeds to reimburse an account for expenses in-
5 curred by that account during a prior fiscal year for pro-
6 viding enhanced-use lease services shall be available until
7 expended.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 210. Funds available in this title or funds for
10 salaries and other administrative expenses shall also be
11 available to reimburse the Office of Resolution Manage-
12 ment, Diversity and Inclusion, the Office of Employment
13 Discrimination Complaint Adjudication, and the Alter-
14 native Dispute Resolution function within the Office of
15 Human Resources and Administration for all services pro-
16 vided at rates which will recover actual costs but not to
17 exceed \$86,481,000 for the Office of Resolution Manage-
18 ment, Diversity and Inclusion, \$6,812,000 for the Office
19 of Employment Discrimination Complaint Adjudication,
20 and \$4,576,000 for the Alternative Dispute Resolution
21 function within the Office of Human Resources and Ad-
22 ministration: *Provided*, That payments may be made in
23 advance for services to be furnished based on estimated
24 costs: *Provided further*, That amounts received shall be
25 credited to the “General Administration” and “Informa-

1 tion Technology Systems” accounts for use by the office
2 that provided the service.

3 SEC. 211. No funds of the Department of Veterans
4 Affairs shall be available for hospital care, nursing home
5 care, or medical services provided to any person under
6 chapter 17 of title 38, United States Code, for a non-serv-
7 ice-connected disability described in section 1729(a)(2) of
8 such title, unless that person has disclosed to the Sec-
9 retary of Veterans Affairs, in such form as the Secretary
10 may require, current, accurate third-party reimbursement
11 information for purposes of section 1729 of such title: *Pro-*
12 *vided*, That the Secretary may recover, in the same man-
13 ner as any other debt due the United States, the reason-
14 able charges for such care or services from any person who
15 does not make such disclosure as required: *Provided fur-*
16 *ther*, That any amounts so recovered for care or services
17 provided in a prior fiscal year may be obligated by the
18 Secretary during the fiscal year in which amounts are re-
19 ceived.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 212. Notwithstanding any other provision of
22 law, proceeds or revenues derived from enhanced-use leas-
23 ing activities (including disposal) may be deposited into
24 the “Construction, Major Projects” and “Construction,
25 Minor Projects” accounts and be used for construction

1 (including site acquisition and disposition), alterations,
2 and improvements of any medical facility under the juris-
3 diction or for the use of the Department of Veterans Af-
4 fairs. Such sums as realized are in addition to the amount
5 provided for in “Construction, Major Projects” and “Con-
6 struction, Minor Projects”.

7 SEC. 213. Amounts made available under “Medical
8 Services” are available—

9 (1) for furnishing recreational facilities, sup-
10 plies, and equipment; and

11 (2) for funeral expenses, burial expenses, and
12 other expenses incidental to funerals and burials for
13 beneficiaries receiving care in the Department.

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 214. Such sums as may be deposited into the
16 Medical Care Collections Fund pursuant to section 1729A
17 of title 38, United States Code, may be transferred to the
18 “Medical Services” and “Medical Community Care” ac-
19 counts to remain available until expended for the purposes
20 of these accounts.

21 SEC. 215. The Secretary of Veterans Affairs may
22 enter into agreements with Federally Qualified Health
23 Centers in the State of Alaska and Indian Tribes and
24 Tribal organizations which are party to the Alaska Native
25 Health Compact with the Indian Health Service, to pro-

1 vide healthcare, including behavioral health and dental
2 care, to veterans in rural Alaska. The Secretary shall re-
3 quire participating veterans and facilities to comply with
4 all appropriate rules and regulations, as established by the
5 Secretary. The term “rural Alaska” shall mean those
6 lands which are not within the boundaries of the munic-
7 ipality of Anchorage or the Fairbanks North Star Borough.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 216. Such sums as may be deposited into the
10 Department of Veterans Affairs Capital Asset Fund pur-
11 suant to section 8118 of title 38, United States Code, may
12 be transferred to the “Construction, Major Projects” and
13 “Construction, Minor Projects” accounts, to remain avail-
14 able until expended for the purposes of these accounts.

15 SEC. 217. Not later than 30 days after the end of
16 each fiscal quarter, the Secretary of Veterans Affairs shall
17 submit to the Committees on Appropriations of both
18 Houses of Congress a report on the financial status of the
19 Department of Veterans Affairs for the preceding quarter:
20 *Provided, That*, at a minimum, the report shall include
21 the direction contained in the paragraph entitled “Quar-
22 terly reporting”, under the heading “General Administra-
23 tion” in the joint explanatory statement accompanying
24 Public Law 114–223.

1246

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 218. Amounts made available under the “Med-
3 ical Services”, “Medical Community Care”, “Medical Sup-
4 port and Compliance”, “Medical Facilities”, “General Op-
5 erating Expenses, Veterans Benefits Administration”,
6 “Board of Veterans Appeals”, “General Administration”,
7 and “National Cemetery Administration” accounts for fis-
8 cal year 2023 may be transferred to or from the “Informa-
9 tion Technology Systems” account: *Provided*, That such
10 transfers may not result in a more than 10 percent aggre-
11 gate increase in the total amount made available by this
12 Act for the “Information Technology Systems” account:
13 *Provided further*, That, before a transfer may take place,
14 the Secretary of Veterans Affairs shall request from the
15 Committees on Appropriations of both Houses of Congress
16 the authority to make the transfer and an approval is
17 issued.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 219. Of the amounts appropriated to the De-
20 partment of Veterans Affairs for fiscal year 2023 for
21 “Medical Services”, “Medical Community Care”, “Medical
22 Support and Compliance”, “Medical Facilities”, “Con-
23 struction, Minor Projects”, and “Information Technology
24 Systems”, up to \$330,140,000, plus reimbursements, may
25 be transferred to the Joint Department of Defense—De-

1 partment of Veterans Affairs Medical Facility Demonstra-
2 tion Fund, established by section 1704 of the National De-
3 fense Authorization Act for Fiscal Year 2010 (Public Law
4 111–84; 123 Stat. 2571) and may be used for operation
5 of the facilities designated as combined Federal medical
6 facilities as described by section 706 of the Duncan Hun-
7 ter National Defense Authorization Act for Fiscal Year
8 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*,
9 That additional funds may be transferred from accounts
10 designated in this section to the Joint Department of De-
11 fense—Department of Veterans Affairs Medical Facility
12 Demonstration Fund upon written notification by the Sec-
13 retary of Veterans Affairs to the Committees on Appro-
14 priations of both Houses of Congress: *Provided further*,
15 That section 220 of title II of division J of Public Law
16 117–103 is repealed.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 220. Of the amounts appropriated to the De-
19 partment of Veterans Affairs which become available on
20 October 1, 2023, for “Medical Services”, “Medical Com-
21 munity Care”, “Medical Support and Compliance”, and
22 “Medical Facilities”, up to \$314,825,000, plus reimburse-
23 ments, may be transferred to the Joint Department of De-
24 fense—Department of Veterans Affairs Medical Facility
25 Demonstration Fund, established by section 1704 of the

1 National Defense Authorization Act for Fiscal Year 2010
2 (Public Law 111–84; 123 Stat. 2571) and may be used
3 for operation of the facilities designated as combined Fed-
4 eral medical facilities as described by section 706 of the
5 Duncan Hunter National Defense Authorization Act for
6 Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500):
7 *Provided*, That additional funds may be transferred from
8 accounts designated in this section to the Joint Depart-
9 ment of Defense—Department of Veterans Affairs Med-
10 ical Facility Demonstration Fund upon written notifica-
11 tion by the Secretary of Veterans Affairs to the Commit-
12 tees on Appropriations of both Houses of Congress.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 221. Such sums as may be deposited into the
15 Medical Care Collections Fund pursuant to section 1729A
16 of title 38, United States Code, for healthcare provided
17 at facilities designated as combined Federal medical facili-
18 ties as described by section 706 of the Duncan Hunter
19 National Defense Authorization Act for Fiscal Year 2009
20 (Public Law 110–417; 122 Stat. 4500) shall also be avail-
21 able: (1) for transfer to the Joint Department of De-
22 fense—Department of Veterans Affairs Medical Facility
23 Demonstration Fund, established by section 1704 of the
24 National Defense Authorization Act for Fiscal Year 2010
25 (Public Law 111–84; 123 Stat. 2571); and (2) for oper-

1 ations of the facilities designated as combined Federal
2 medical facilities as described by section 706 of the Dun-
3 can Hunter National Defense Authorization Act for Fiscal
4 Year 2009 (Public Law 110–417; 122 Stat. 4500): *Pro-*
5 *vided*, That, notwithstanding section 1704(b)(3) of the
6 National Defense Authorization Act for Fiscal Year 2010
7 (Public Law 111–84; 123 Stat. 2573), amounts trans-
8 ferred to the Joint Department of Defense—Department
9 of Veterans Affairs Medical Facility Demonstration Fund
10 shall remain available until expended.

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 222. Of the amounts available in this title for
13 “Medical Services”, “Medical Community Care”, “Medical
14 Support and Compliance”, and “Medical Facilities”, a
15 minimum of \$15,000,000 shall be transferred to the
16 DOD–VA Health Care Sharing Incentive Fund, as au-
17 thorized by section 8111(d) of title 38, United States
18 Code, to remain available until expended, for any purpose
19 authorized by section 8111 of title 38, United States Code.

20 SEC. 223. None of the funds available to the Depart-
21 ment of Veterans Affairs, in this or any other Act, may
22 be used to replace the current system by which the Vet-
23 erans Integrated Service Networks select and contract for
24 diabetes monitoring supplies and equipment.

1 SEC. 224. The Secretary of Veterans Affairs shall no-
2 tify the Committees on Appropriations of both Houses of
3 Congress of all bid savings in a major construction project
4 that total at least \$5,000,000, or 5 percent of the pro-
5 grammed amount of the project, whichever is less: *Pro-*
6 *vided*, That such notification shall occur within 14 days
7 of a contract identifying the programmed amount: *Pro-*
8 *vided further*, That the Secretary shall notify the Commit-
9 tees on Appropriations of both Houses of Congress 14
10 days prior to the obligation of such bid savings and shall
11 describe the anticipated use of such savings.

12 SEC. 225. None of the funds made available for
13 “Construction, Major Projects” may be used for a project
14 in excess of the scope specified for that project in the origi-
15 nal justification data provided to the Congress as part of
16 the request for appropriations unless the Secretary of Vet-
17 erans Affairs receives approval from the Committees on
18 Appropriations of both Houses of Congress.

19 SEC. 226. Not later than 30 days after the end of
20 each fiscal quarter, the Secretary of Veterans Affairs shall
21 submit to the Committees on Appropriations of both
22 Houses of Congress a quarterly report containing perform-
23 ance measures and data from each Veterans Benefits Ad-
24 ministration Regional Office: *Provided*, That, at a min-
25 imum, the report shall include the direction contained in

1 title (except appropriations made to the “General Oper-
2 ating Expenses, Veterans Benefits Administration” ac-
3 count) or any discretionary unobligated balances within
4 the Department of Veterans Affairs, including those ap-
5 propriated for fiscal year 2023, that were provided in ad-
6 vance by appropriations Acts: *Provided*, That transfers
7 shall be made only with the approval of the Office of Man-
8 agement and Budget: *Provided further*, That the transfer
9 authority provided in this section is in addition to any
10 other transfer authority provided by law: *Provided further*,
11 That no amounts may be transferred from amounts that
12 were designated by Congress as an emergency requirement
13 pursuant to a concurrent resolution on the budget or the
14 Balanced Budget and Emergency Deficit Control Act of
15 1985: *Provided further*, That such authority to transfer
16 may not be used unless for higher priority items, based
17 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
20 Congress: *Provided further*, That, upon determination that
21 all or part of the funds transferred from an appropriation
22 are not necessary, such amounts may be transferred back
23 to that appropriation and shall be available for the same
24 purposes as originally appropriated: *Provided further*,
25 That before a transfer may take place, the Secretary of

1 Veterans Affairs shall request from the Committees on
2 Appropriations of both Houses of Congress the authority
3 to make the transfer and receive approval of that request.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 230. Amounts made available for the Depart-
6 ment of Veterans Affairs for fiscal year 2023, under the
7 “Board of Veterans Appeals” and the “General Operating
8 Expenses, Veterans Benefits Administration” accounts
9 may be transferred between such accounts: *Provided*, That
10 before a transfer may take place, the Secretary of Vet-
11 erans Affairs shall request from the Committees on Appro-
12 priations of both Houses of Congress the authority to
13 make the transfer and receive approval of that request.

14 SEC. 231. The Secretary of Veterans Affairs may not
15 reprogram funds among major construction projects or
16 programs if such instance of reprogramming will exceed
17 \$7,000,000, unless such reprogramming is approved by
18 the Committees on Appropriations of both Houses of Con-
19 gress.

20 SEC. 232. (a) The Secretary of Veterans Affairs shall
21 ensure that the toll-free suicide hotline under section
22 1720F(h) of title 38, United States Code—

23 (1) provides to individuals who contact the hot-
24 line immediate assistance from a trained profes-
25 sional; and

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 Execu-
5 tive action that prohibits the Secretary of Veterans Affairs
6 from appointing an individual to occupy a vacant civil
7 service position, or establishing a new civil service position,
8 at the Department of Veterans Affairs with respect to
9 such a position relating to the hotline specified in sub-
10 section (a).

11 (2) In this subsection—

12 (A) the term “civil service” has the meaning
13 given such term in section 2101(1) of title 5, United
14 States Code; and

15 (B) the term “Executive action” includes—

16 (i) any Executive order, Presidential
17 memorandum, or other action by the President;
18 and

19 (ii) any agency policy, order, or other di-
20 rective.

21 (c)(1) The Secretary of Veterans Affairs shall con-
22 duct a study on the effectiveness of the hotline specified
23 in subsection (a) during the 5-year period beginning on
24 January 1, 2016, based on an analysis of national suicide
25 data and data collected from such hotline.

1 (2) At a minimum, the study required by paragraph
2 (1) shall—

3 (A) determine the number of veterans who con-
4 tact the hotline specified in subsection (a) and who
5 receive follow up services from the hotline or mental
6 health services from the Department of Veterans Af-
7 fairs thereafter;

8 (B) determine the number of veterans who con-
9 tact the hotline who are not referred to, or do not
10 continue receiving, mental health care who commit
11 suicide; and

12 (C) determine the number of veterans described
13 in subparagraph (A) who commit or attempt suicide.

14 SEC. 233. Effective during the period beginning on
15 October 1, 2018, and ending on January 1, 2024, none
16 of the funds made available to the Secretary of Veterans
17 Affairs by this or any other Act may be obligated or ex-
18 pended in contravention of the “Veterans Health Adminis-
19 tration Clinical Preventive Services Guidance Statement
20 on the Veterans Health Administration’s Screening for
21 Breast Cancer Guidance” published on May 10, 2017, as
22 issued by the Veterans Health Administration National
23 Center for Health Promotion and Disease Prevention.

24 SEC. 234. (a) Notwithstanding any other provision
25 of law, the amounts appropriated or otherwise made avail-

1 able to the Department of Veterans Affairs for the “Med-
2 ical Services” account may be used to provide—

3 (1) fertility counseling and treatment using as-
4 sisted reproductive technology to a covered veteran
5 or the spouse of a covered veteran; or

6 (2) adoption reimbursement to a covered vet-
7 eran.

8 (b) In this section:

9 (1) The term “service-connected” has the
10 meaning given such term in section 101 of title 38,
11 United States Code.

12 (2) The term “covered veteran” means a vet-
13 eran, as such term is defined in section 101 of title
14 38, United States Code, who has a service-connected
15 disability that results in the inability of the veteran
16 to procreate without the use of fertility treatment.

17 (3) The term “assisted reproductive tech-
18 nology” means benefits relating to reproductive as-
19 sistance provided to a member of the Armed Forces
20 who incurs a serious injury or illness on active duty
21 pursuant to section 1074(c)(4)(A) of title 10, United
22 States Code, as described in the memorandum on
23 the subject of “Policy for Assisted Reproductive
24 Services for the Benefit of Seriously or Severely Ill/
25 Injured (Category II or III) Active Duty Service

1 Members’ issued by the Assistant Secretary of De-
2 fense for Health Affairs on April 3, 2012, and the
3 guidance issued to implement such policy, including
4 any limitations on the amount of such benefits avail-
5 able to such a member except that—

6 (A) the time periods regarding embryo
7 cryopreservation and storage set forth in part
8 III(G) and in part IV(H) of such memorandum
9 shall not apply; and

10 (B) such term includes embryo
11 cryopreservation and storage without limitation
12 on the duration of such cryopreservation and
13 storage.

14 (4) The term “adoption reimbursement” means
15 reimbursement for the adoption-related expenses for
16 an adoption that is finalized after the date of the en-
17 actment of this Act under the same terms as apply
18 under the adoption reimbursement program of the
19 Department of Defense, as authorized in Depart-
20 ment of Defense Instruction 1341.09, including the
21 reimbursement limits and requirements set forth in
22 such instruction.

23 (c) Amounts made available for the purposes speci-
24 fied in subsection (a) of this section are subject to the
25 requirements for funds contained in section 508 of division

1 H of the Consolidated Appropriations Act, 2018 (Public
2 Law 115–141).

3 SEC. 235. None of the funds appropriated or other-
4 wise made available by this Act or any other Act for the
5 Department of Veterans Affairs may be used in a manner
6 that is inconsistent with: (1) section 842 of the Transpor-
7 tation, Treasury, Housing and Urban Development, the
8 Judiciary, the District of Columbia, and Independent
9 Agencies Appropriations Act, 2006 (Public Law 109–115;
10 119 Stat. 2506); or (2) section 8110(a)(5) of title 38,
11 United States Code.

12 SEC. 236. Section 842 of Public Law 109–115 shall
13 not apply to conversion of an activity or function of the
14 Veterans Health Administration, Veterans Benefits Ad-
15 ministration, or National Cemetery Administration to con-
16 tractor performance by a business concern that is at least
17 51 percent owned by one or more Indian Tribes as defined
18 in section 5304(e) of title 25, United States Code, or one
19 or more Native Hawaiian Organizations as defined in sec-
20 tion 637(a)(15) of title 15, United States Code.

21 SEC. 237. (a) Except as provided in subsection (b),
22 the Secretary of Veterans Affairs, in consultation with the
23 Secretary of Defense and the Secretary of Labor, shall dis-
24 continue using Social Security account numbers to identify

1 individuals in all information systems of the Department
2 of Veterans Affairs as follows:

3 (1) For all veterans submitting to the Secretary
4 of Veterans Affairs new claims for benefits under
5 laws administered by the Secretary, not later than
6 March 23, 2023.

7 (2) For all individuals not described in para-
8 graph (1), not later than March 23, 2026.

9 (b) The Secretary of Veterans Affairs may use a So-
10 cial Security account number to identify an individual in
11 an information system of the Department of Veterans Af-
12 fairs if and only if the use of such number is required
13 to obtain information the Secretary requires from an in-
14 formation system that is not under the jurisdiction of the
15 Secretary.

16 (c) The matter in subsections (a) and (b) shall super-
17 sede section 238 of division F of Public Law 116–94.

18 SEC. 238. For funds provided to the Department of
19 Veterans Affairs for each of fiscal year 2023 and 2024
20 for “Medical Services”, section 239 of division A of Public
21 Law 114–223 shall apply.

22 SEC. 239. None of the funds appropriated in this or
23 prior appropriations Acts or otherwise made available to
24 the Department of Veterans Affairs may be used to trans-
25 fer any amounts from the Filipino Veterans Equity Com-

1 pension Fund to any other account within the Depart-
2 ment of Veterans Affairs.

3 SEC. 240. Of the funds provided to the Department
4 of Veterans Affairs for each of fiscal year 2023 and fiscal
5 year 2024 for “Medical Services”, funds may be used in
6 each year to carry out and expand the child care program
7 authorized by section 205 of Public Law 111–163, not-
8 withstanding subsection (e) of such section.

9 SEC. 241. None of the funds appropriated or other-
10 wise made available in this title may be used by the Sec-
11 retary of Veterans Affairs to enter into an agreement re-
12 lated to resolving a dispute or claim with an individual
13 that would restrict in any way the individual from speak-
14 ing to members of Congress or their staff on any topic
15 not otherwise prohibited from disclosure by Federal law
16 or required by Executive order to be kept secret in the
17 interest of national defense or the conduct of foreign af-
18 fairs.

19 SEC. 242. For funds provided to the Department of
20 Veterans Affairs for each of fiscal year 2023 and 2024,
21 section 258 of division A of Public Law 114–223 shall
22 apply.

23 SEC. 243. (a) None of the funds appropriated or oth-
24 erwise made available by this Act may be used to deny
25 an Inspector General funded under this Act timely access

1 to any records, documents, or other materials available to
2 the department or agency over which that Inspector Gen-
3 eral has responsibilities under the Inspector General Act
4 of 1978 (5 U.S.C. App.), or to prevent or impede the ac-
5 cess of the Inspector General to such records, documents,
6 or other materials, under any provision of law, except a
7 provision of law that expressly refers to such Inspector
8 General and expressly limits the right of access.

9 (b) A department or agency covered by this section
10 shall provide its Inspector General access to all records,
11 documents, and other materials in a timely manner.

12 (c) Each Inspector General shall ensure compliance
13 with statutory limitations on disclosure relevant to the in-
14 formation provided by the establishment over which that
15 Inspector General has responsibilities under the Inspector
16 General Act of 1978 (5 U.S.C. App.).

17 (d) Each Inspector General covered by this section
18 shall report to the Committee on Appropriations of the
19 Senate and the Committee on Appropriations of the House
20 of Representatives within 5 calendar days of any failure
21 by any department or agency covered by this section to
22 comply with this requirement.

23 SEC. 244. None of the funds made available in this
24 Act may be used in a manner that would increase wait

1 times for veterans who seek care at medical facilities of
2 the Department of Veterans Affairs.

3 SEC. 245. None of the funds appropriated or other-
4 wise made available by this Act to the Veterans Health
5 Administration may be used in fiscal year 2023 to convert
6 any program which received specific purpose funds in fis-
7 cal year 2022 to a general purpose funded program unless
8 the Secretary of Veterans Affairs submits written notifica-
9 tion of any such proposal to the Committees on Appropria-
10 tions of both Houses of Congress at least 30 days prior
11 to any such action and an approval is issued by the Com-
12 mittees.

13 SEC. 246. For funds provided to the Department of
14 Veterans Affairs for each of fiscal year 2023 and 2024,
15 section 248 of division A of Public Law 114–223 shall
16 apply.

17 SEC. 247. (a) None of the funds appropriated or oth-
18 erwise made available by this Act may be used to conduct
19 research commencing on or after October 1, 2019, that
20 uses any canine, feline, or non-human primate unless the
21 Secretary of Veterans Affairs approves such research spe-
22 cifically and in writing pursuant to subsection (b).

23 (b)(1) The Secretary of Veterans Affairs may approve
24 the conduct of research commencing on or after October

1 1, 2019, using canines, felines, or non-human primates if
2 the Secretary determines that—

3 (A) the scientific objectives of the research can
4 only be met by using such canines, felines, or non-
5 human primates;

6 (B) such scientific objectives are directly related
7 to an illness or injury that is combat-related; and

8 (C) the research is consistent with the revised
9 Department of Veterans Affairs canine research pol-
10 icy document dated December 15, 2017, including
11 any subsequent revisions to such document.

12 (2) The Secretary may not delegate the authority
13 under this subsection.

14 (c) If the Secretary approves any new research pursu-
15 ant to subsection (b), not later than 30 days before the
16 commencement of such research, the Secretary shall sub-
17 mit to the Committees on Appropriations of the Senate
18 and House of Representatives a report describing—

19 (1) the nature of the research to be conducted
20 using canines, felines, or non-human primates;

21 (2) the date on which the Secretary approved
22 the research;

23 (3) the justification for the determination of the
24 Secretary that the scientific objectives of such re-

1 search could only be met using canines, felines, or
2 non-human primates;

3 (4) the frequency and duration of such re-
4 search; and

5 (5) the protocols in place to ensure the neces-
6 sity, safety, and efficacy of the research.

7 (d) Not later than 180 days after the date of the en-
8 actment of this Act, and biannually thereafter, the Sec-
9 retary shall submit to such Committees a report describ-
10 ing—

11 (1) any research being conducted by the De-
12 partment of Veterans Affairs using canines, felines,
13 or non-human primates as of the date of the sub-
14 mittal of the report;

15 (2) the circumstances under which such re-
16 search was conducted using canines, felines, or non-
17 human primates;

18 (3) the justification for using canines, felines,
19 or non-human primates to conduct such research;
20 and

21 (4) the protocols in place to ensure the neces-
22 sity, safety, and efficacy of such research.

23 (e) The Department shall implement a plan under
24 which the Secretary will eliminate or reduce the research
25 conducted using canines, felines, or non-human primates

1 by not later than 5 years after the date of enactment of
2 Public Law 116–94.

3 SEC. 248. (a) The Secretary of Veterans Affairs may
4 use amounts appropriated or otherwise made available in
5 this title to ensure that the ratio of veterans to full-time
6 employment equivalents within any program of rehabilita-
7 tion conducted under chapter 31 of title 38, United States
8 Code, does not exceed 125 veterans to one full-time em-
9 ployment equivalent.

10 (b) Not later than 180 days after the date of the en-
11 actment of this Act, the Secretary shall submit to Con-
12 gress a report on the programs of rehabilitation conducted
13 under chapter 31 of title 38, United States Code, includ-
14 ing—

15 (1) an assessment of the veteran-to-staff ratio
16 for each such program; and

17 (2) recommendations for such action as the
18 Secretary considers necessary to reduce the veteran-
19 to-staff ratio for each such program.

20 SEC. 249. Amounts made available for the “Veterans
21 Health Administration, Medical Community Care” ac-
22 count in this or any other Act for fiscal years 2023 and
23 2024 may be used for expenses that would otherwise be
24 payable from the Veterans Choice Fund established by

1 section 802 of the Veterans Access, Choice, and Account-
2 ability Act, as amended (38 U.S.C. 1701 note).

3 SEC. 250. Obligations and expenditures applicable to
4 the “Medical Services” account in fiscal years 2017
5 through 2019 for aid to state homes (as authorized by
6 section 1741 of title 38, United States Code) shall remain
7 in the “Medical Community Care” account for such fiscal
8 years.

9 SEC. 251. Of the amounts made available for the De-
10 partment of Veterans Affairs for fiscal year 2023, in this
11 or any other Act, under the “Veterans Health Administra-
12 tion—Medical Services”, “Veterans Health Administra-
13 tion—Medical Community Care”, “Veterans Health Ad-
14 ministration—Medical Support and Compliance”, and
15 “Veterans Health Administration—Medical Facilities” ac-
16 counts, \$840,446,000 shall be made available for gender-
17 specific care and programmatic efforts to deliver care for
18 women veterans.

19 SEC. 252. Of the unobligated balances available in
20 fiscal year 2023 in the “Recurring Expenses Trans-
21 formational Fund” established in section 243 of division
22 J of Public Law 114–113, and in addition to any funds
23 otherwise made available for such purposes in this, prior,
24 or subsequent fiscal years, the following amounts shall be

1267

1 available for the following purposes during the period of
2 availability of the Fund:

3 (1) \$804,510,000, for constructing, altering, ex-
4 tending, and improving medical facilities of the Vet-
5 erans Health Administration, including all sup-
6 porting activities and required contingencies;

7 (2) \$88,490,000, for facilities improvements at
8 existing medical facilities of the Veterans Health Ad-
9 ministration; and

10 (3) \$75,000,000, for the deployment, upgrade,
11 or installation of infrastructure or equipment to sup-
12 port goals established in Executive Order 14057:

13 *Provided*, That prior to obligation of any of the funds pro-
14 vided in this subsection, the Secretary of Veterans Affairs
15 must provide a plan for the execution of the funds appro-
16 priated in this subsection to the Committees on Appropria-
17 tions of both Houses of Congress and such Committees
18 issue an approval, or absent a response, a period of 30
19 days has elapsed: *Provided further*, That funds may be re-
20 programmed among the three purposes subject to the Sec-
21 retary of Veterans Affairs providing a request with the
22 amount and purpose of the reprogramming to the Com-
23 mittees on Appropriations of both Houses of Congress and
24 such Committees issuing an approval, or absent a re-
25 sponse, a period of 30 days has elapsed.

1 SEC. 253. Not later than 30 days after the end of
2 each fiscal quarter, the Secretary of Veterans Affairs shall
3 submit to the Committees on Appropriations of both
4 Houses of Congress a quarterly report on the status of
5 the “Veterans Medical Care and Health Fund”, estab-
6 lished to execute section 8002 of the American Rescue
7 Plan Act of 2021 (Public Law 117–2): *Provided*, That,
8 at a minimum, the report shall include an update on obli-
9 gations by program, project or activity and a plan for ex-
10 pending the remaining funds: *Provided further*, That the
11 Secretary of Veterans Affairs must submit notification of
12 any plans to reallocate funds from the current apporportion-
13 ment categories of “Medical Services”, “Medical Support
14 and Compliance”, “Medical Facilities”, “Medical Commu-
15 nity Care”, or “Medical and Prosthetic Research”, includ-
16 ing the amount and purpose of each reallocation to the
17 Committees on Appropriations of both Houses of Congress
18 and such Committees issue an approval, or absent a re-
19 sponse, a period of 30 days has elapsed.

20 SEC. 254. Any amounts transferred to the Secretary
21 and administered by a corporation referred to in section
22 7364(b) of title 38, United States Code, between October
23 1, 2017 and September 30, 2018 for purposes of carrying
24 out an order placed with the Department of Veterans Af-
25 fairs pursuant to section 1535 of title 31, United States

1 Code, that are available for obligation pursuant to section
2 7364(b)(1) of title 38, United States Code, are to remain
3 available for the liquidation of valid obligations incurred
4 by such corporation during the period of performance of
5 such order, provided that the Secretary of Veterans Af-
6 fairs determines that such amounts need to remain avail-
7 able for such liquidation.

8 (RESCISSIONS OF FUNDS)

9 SEC. 255. Of the unobligated balances available to
10 the Department of Veterans Affairs from prior appropria-
11 tions Acts, the following funds are hereby rescinded from
12 the following accounts in the amounts specified:

13 “Asset and Infrastructure Review”, \$5,000,000;

14 “Departmental Administration—Veterans Elec-
15 tronic Health Record”, \$150,000,000; and

16 “Departmental Administration—Construction,
17 Major Projects”, \$76,000,000:

18 *Provided*, That no amounts may be rescinded from
19 amounts that were designated by the Congress as an
20 emergency requirement pursuant to a concurrent resolu-
21 tion on the budget or the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985.

23 SEC. 256. None of the funds in this or any other Act
24 may be used to close Department of Veterans Affairs hos-
25 pitals, domiciliaries, or clinics, conduct an environmental

1270

1 assessment, or to diminish healthcare services at existing
2 Veterans Health Administration medical facilities as part
3 of a planned realignment of services until the Secretary
4 provides to the Committees on Appropriations of both
5 Houses of Congress a report including an analysis of how
6 any such planned realignment of services will impact ac-
7 cess to care for veterans living in rural or highly rural
8 areas, including travel distances and transportation costs
9 to access a Department medical facility and availability
10 of local specialty and primary care.

11 (RESCISSION OF FUNDS)

12 SEC. 257. Of the unobligated balances in the “Recur-
13 ring Expenses Transformational Fund” established in sec-
14 tion 243 of division J of Public Law 114–113,
15 \$90,874,000 is hereby rescinded.

16 SEC. 258. Unobligated balances available under the
17 headings “Construction, Major Projects” and “Construc-
18 tion, Minor Projects” may be obligated by the Secretary
19 of Veterans Affairs for a facility pursuant to section
20 2(e)(1) of the Communities Helping Invest through Prop-
21 erty and Improvements Needed for Veterans Act of 2016
22 (Public Law 114–294; 38 U.S.C. 8103 note), as amended,
23 to provide additional funds or to fund an escalation clause
24 under such section of such Act: *Provided*, That before such
25 unobligated balances are obligated pursuant to this sec-

1271

1 tion, the Secretary of Veterans Affairs shall request from
2 the Committees on Appropriations of both Houses of Con-
3 gress the authority to obligate such unobligated balances
4 and such Committees issue an approval, or absent a re-
5 sponse, a period of 30 days has elapsed: *Provided further,*
6 That the request to obligate such unobligated balances
7 must provide Congress notice that the entity described in
8 section 2(a)(2) of Public Law 114–294, as amended, has
9 exhausted available cost containment approaches as set
10 forth in the agreement under section 2(c) of such Public
11 Law.

1272

1 TITLE III

2 RELATED AGENCIES

3 AMERICAN BATTLE MONUMENTS COMMISSION

4 SALARIES AND EXPENSES

5 For necessary expenses, not otherwise provided for,
6 of the American Battle Monuments Commission, including
7 the acquisition of land or interest in land in foreign coun-
8 tries; purchases and repair of uniforms for caretakers of
9 national cemeteries and monuments outside of the United
10 States and its territories and possessions; rent of office
11 and garage space in foreign countries; purchase (one-for-
12 one replacement basis only) and hire of passenger motor
13 vehicles; not to exceed \$15,000 for official reception and
14 representation expenses; and insurance of official motor
15 vehicles in foreign countries, when required by law of such
16 countries, \$87,500,000, to remain available until ex-
17 pended.

18 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

19 For necessary expenses, not otherwise provided for,
20 of the American Battle Monuments Commission, such
21 sums as may be necessary, to remain available until ex-
22 pended, for purposes authorized by section 2109 of title
23 36, United States Code.

1273

1 UNITED STATES COURT OF APPEALS FOR VETERANS

2 CLAIMS

3 SALARIES AND EXPENSES

4 For necessary expenses for the operation of the
5 United States Court of Appeals for Veterans Claims as
6 authorized by sections 7251 through 7298 of title 38,
7 United States Code, \$46,900,000: *Provided*, That
8 \$3,385,000 shall be available for the purpose of providing
9 financial assistance as described and in accordance with
10 the process and reporting procedures set forth under this
11 heading in Public Law 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 re-
19 placement on a one-for-one basis only, and not to exceed
20 \$2,000 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,
23 such sums as may be necessary for parking maintenance,
24 repairs and replacement, to be derived from the "Lease

1274

1 of Department of Defense Real Property for Defense
2 Agencies’’ account.

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
7 remain 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
18 Retirement Home—Washington, District of Columbia,
19 and the Armed Forces Retirement Home—Gulfport, Mis-
20 sissippi, to be paid from funds available in the Armed
21 Forces Retirement Home Trust Fund, \$75,360,000, to re-
22 main available until September 30, 2024, of which
23 \$7,300,000 shall remain available until expended for con-
24 struction and renovation of the physical plants at the
25 Armed Forces Retirement Home—Washington, District of

1275

1 Columbia, and the Armed Forces Retirement Home—
2 Gulfport, Mississippi: *Provided*, That of the amounts made
3 available under this heading from funds available in the
4 Armed Forces Retirement Home Trust Fund,
5 \$25,000,000 shall be paid from the general fund of the
6 Treasury to the Trust Fund.

7 MAJOR CONSTRUCTION

8 For an additional amount for necessary expenses re-
9 lated to design, planning, and construction for renovation
10 of the Sheridan Building at the Armed Forces Retirement
11 Home—Washington, District of Columbia, \$77,000,000,
12 to remain available until expended, shall be paid from the
13 general fund of the Treasury to the Armed Forces Retire-
14 ment Home Trust Fund.

15 ADMINISTRATIVE PROVISION

16 SEC. 301. Amounts deposited into the special account
17 established under 10 U.S.C. 7727 are appropriated and
18 shall be available until expended to support activities at
19 the Army National Military Cemeteries.

1276

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,
8 when it is made known to the Federal entity or official
9 to which the funds are made available that the program,
10 project, or activity is not in compliance with any Federal
11 law relating to risk assessment, the protection of private
12 property rights, 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 con-
17 duct of their business practices and public service activi-
18 ties.

19 SEC. 404. Unless stated otherwise, all reports and no-
20 tifications required by this Act shall be submitted to the
21 Subcommittee on Military Construction and Veterans Af-
22 fairs, and Related Agencies of the Committee on Appro-
23 priations of the House of Representatives and the Sub-
24 committee on Military Construction and Veterans Affairs,

1 and Related Agencies of the Committee on Appropriations
2 of the Senate.

3 SEC. 405. None of the funds made available in this
4 Act may be transferred to any department, agency, or in-
5 strumentality of the United States Government except
6 pursuant to a transfer made by, or transfer authority pro-
7 vided in, this or any other appropriations Act.

8 SEC. 406. None of the funds made available in this
9 Act may be used for a project or program named for an
10 individual serving as a Member, Delegate, or Resident
11 Commissioner of the United States House of Representa-
12 tives.

13 SEC. 407. (a) Any agency receiving funds made avail-
14 able in this Act, shall, subject to subsections (b) and (c),
15 post on the public Web site of that agency any report re-
16 quired to be submitted by the Congress in this or any
17 other Act, upon the determination by the head of the agen-
18 cy that it shall serve the national interest.

19 (b) Subsection (a) shall not apply to a report if—

20 (1) the public posting of the report com-
21 promises national security; or

22 (2) the report contains confidential or propri-
23 etary information.

24 (c) The head of the agency posting such report shall
25 do so only after such report has been made available to

1 the requesting Committee or Committees of Congress for
2 no less than 45 days.

3 SEC. 408. (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 blocks the viewing,
6 downloading, and exchanging of pornography.

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 SEC. 409. None of the funds made available in this
12 Act may be used by an agency of the executive branch
13 to pay for first-class travel by an employee of the agency
14 in contravention of sections 301–10.122 through 301–
15 10.124 of title 41, Code of Federal Regulations.

16 SEC. 410. None of the funds made available in this
17 Act may be used to execute a contract for goods or serv-
18 ices, including construction services, where the contractor
19 has not complied with Executive Order No. 12989.

20 SEC. 411. None of the funds made available by this
21 Act may be used in contravention of section 101(e)(8) of
22 title 10, United States Code.

23 SEC. 412. (a) IN GENERAL.—None of the funds ap-
24 propriated or otherwise made available to the Department
25 of Defense in this Act may be used to construct, renovate,

1 or expand any facility in the United States, its territories,
2 or possessions to house any individual detained at United
3 States Naval Station, Guantánamo Bay, Cuba, for the
4 purposes of detention or imprisonment in the custody or
5 under the control 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;
14 and

15 (2) is—

16 (A) in the custody or under the effective
17 control of the Department of Defense; or

18 (B) otherwise under detention at United
19 States Naval Station, Guantánamo Bay, Cuba.

20 This division may be cited as the “Military Construc-
21 tion, Veterans Affairs, and Related Agencies Appropria-
22 tions Act, 2023”.

1280

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

7 AGENCY

8 DEPARTMENT OF STATE

9 ADMINISTRATION OF FOREIGN AFFAIRS

10 DIPLOMATIC PROGRAMS

11 For necessary expenses of the Department of State
12 and the Foreign Service not otherwise provided for,
13 \$9,463,159,000, of which \$844,418,000 may remain avail-
14 able until September 30, 2024, and of which up to
15 \$3,813,707,000 may remain available until expended for
16 Worldwide Security Protection: *Provided*, That funds
17 made available under this heading shall be allocated in ac-
18 cordance with paragraphs (1) through (4), as follows:

19 (1) HUMAN RESOURCES.—For necessary ex-
20 penses for training, human resources management,
21 and salaries, including employment without regard
22 to civil service and classification laws of persons on
23 a temporary basis (not to exceed \$700,000), as au-
24 thorized by section 801 of the United States Infor-
25 mation and Educational Exchange Act of 1948 (62

1 Stat. 11; Chapter 36), \$3,420,898,000, of which up
2 to \$684,767,000 is for Worldwide Security Protec-
3 tion.

4 (2) OVERSEAS PROGRAMS.—For necessary ex-
5 penses for the regional bureaus of the Department
6 of State and overseas activities as authorized by law,
7 \$1,841,831,000.

8 (3) DIPLOMATIC POLICY AND SUPPORT.—For
9 necessary expenses for the functional bureaus of the
10 Department of State, including representation to
11 certain international organizations in which the
12 United States participates pursuant to treaties rati-
13 fied pursuant to the advice and consent of the Sen-
14 ate or specific Acts of Congress, general administra-
15 tion, and arms control, nonproliferation, and disar-
16 mament activities as authorized, \$1,043,372,000.

17 (4) SECURITY PROGRAMS.—For necessary ex-
18 penses for security activities, \$3,157,058,000, of
19 which up to \$3,128,940,000 is for Worldwide Secu-
20 rity Protection.

21 (5) FEES AND PAYMENTS COLLECTED.—In ad-
22 dition to amounts otherwise made available under
23 this heading—

24 (A) as authorized by section 810 of the
25 United States Information and Educational Ex-

1 change Act, not to exceed \$5,000,000, to re-
2 main available until expended, may be credited
3 to this appropriation from fees or other pay-
4 ments received from English teaching, library,
5 motion pictures, and publication programs and
6 from fees from educational advising and coun-
7 seling and exchange visitor programs; and

8 (B) not to exceed \$15,000, which shall be
9 derived from reimbursements, surcharges, and
10 fees for use of Blair House facilities.

11 (6) TRANSFER OF FUNDS, REPROGRAMMING,
12 AND OTHER MATTERS.—

13 (A) Notwithstanding any other provision of
14 this Act, funds may be reprogrammed within
15 and between paragraphs (1) through (4) under
16 this heading subject to section 7015 of this Act.

17 (B) Of the amount made available under
18 this heading for Worldwide Security Protection,
19 not to exceed \$50,000,000 may be transferred
20 to, and merged with, funds made available by
21 this Act under the heading “Emergencies in the
22 Diplomatic and Consular Service”, to be avail-
23 able only for emergency evacuations and re-
24 wards, as authorized: *Provided*, That the exer-
25 cise of the authority provided by this subpara-

1 graph shall be subject to prior consultation with
2 the Committees 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 examina-
8 tion of programs and activities in the United
9 States funded from any account contained in
10 this title.

11 (D) Funds appropriated under this head-
12 ing shall be made available to support the ac-
13 tivities of the Ambassador-at-Large for the Arc-
14 tic Region, as described in the explanatory
15 statement described in section 4 (in the matter
16 preceding division A of this consolidated Act).

17 (E) Of the amount made available under
18 this heading, up to \$75,000,000 may be trans-
19 ferred to, and merged with, funds made avail-
20 able in title I of this Act under the heading
21 “Capital Investment Fund”: *Provided*, That the
22 exercise of the authority provided by this sub-
23 paragraph shall be subject to prior consultation
24 with the Committees on Appropriations.

1284

1 (F) The eleventh proviso under the head-
2 ing “Diplomatic and Consular Programs” in
3 the Department of State, Foreign Operations,
4 and Related Programs Appropriations Act,
5 2008 (title I of division J of Public Law 110–
6 161) is amended by inserting “and for expenses
7 of rewards programs” after “for rewards pay-
8 ments”.

9 (G) Consistent with section 204 of the Ad-
10 miral James W. Nance and Meg Donovan For-
11 eign Relations Authorization Act, Fiscal Years
12 2000 and 2001 (22 U.S.C. 2452b), up to
13 \$25,000,000 of the amounts made available
14 under this heading may be obligated and ex-
15 pended for United States participation in inter-
16 national fairs and expositions abroad, including
17 for construction and operation of a United
18 States pavilion at Expo 2025.

19 (H) Of the funds appropriated under this
20 heading, not less than \$2,000,000 shall be
21 made available for a grant to a postsecondary
22 educational institution for the purpose of estab-
23 lishing a program to increase the participation
24 of undergraduate students in the Foreign Serv-
25 ice, as authorized by section 150 of the Foreign

1285

1 Relations Authorization Act, Fiscal Years 1990
2 and 1991 (22 U.S.C. 2719): *Provided*, That
3 such grant program shall hereafter be named
4 the “Nancy Pelosi Fellowship Program”.

5 CAPITAL INVESTMENT FUND

6 For necessary expenses of the Capital Investment
7 Fund, as authorized, \$389,000,000, to remain available
8 until expended.

9 OFFICE OF INSPECTOR GENERAL

10 For necessary expenses of the Office of Inspector
11 General, \$98,500,000, of which \$14,775,000 may remain
12 available until September 30, 2024: *Provided*, That funds
13 appropriated under this heading are made available not-
14 withstanding section 209(a)(1) of the Foreign Service Act
15 of 1980 (22 U.S.C. 3929(a)(1)), as it relates to post in-
16 spections.

17 In addition, for the Special Inspector General for Af-
18 ghanistan Reconstruction (SIGAR) for reconstruction
19 oversight, \$35,200,000, to remain available until Sep-
20 tember 30, 2024: *Provided*, That funds appropriated
21 under this heading that are made available for the print-
22 ing and reproduction costs of SIGAR shall not exceed
23 amounts for such costs during the prior fiscal year.

1286

1 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

2 For necessary expenses of educational and cultural
3 exchange programs, as authorized, \$777,500,000, to re-
4 main available until expended, of which not less than
5 \$287,500,000 shall be for the Fulbright Program and not
6 less than \$115,000,000 shall be for Citizen Exchange Pro-
7 gram: *Provided*, That fees or other payments received
8 from, or in connection with, English teaching, educational
9 advising and counseling programs, and exchange visitor
10 programs as authorized may be credited to this account,
11 to remain available until expended: *Provided further*, That
12 a portion of the Fulbright awards from the Eurasia and
13 Central Asia regions shall be designated as Edmund S.
14 Muskie Fellowships, following consultation with the Com-
15 mittees on Appropriations: *Provided further*, That funds
16 appropriated under this heading that are made available
17 for the Benjamin Gilman International Scholarships Pro-
18 gram shall also be made available for the John S. McCain
19 Scholars Program, pursuant to section 7075 of the De-
20 partment of State, Foreign Operations, and Related Pro-
21 grams Appropriations Act, 2019 (division F of Public Law
22 116–6): *Provided further*, That funds appropriated under
23 this heading shall be made available for the Arctic Ex-
24 change Program: *Provided further*, That any substantive
25 modifications from the prior fiscal year to programs fund-

1287

1 ed by this Act under this heading shall be subject to prior
2 consultation with, and the regular notification procedures
3 of, the Committees on Appropriations.

4 REPRESENTATION EXPENSES

5 For representation expenses as authorized,
6 \$7,415,000.

7 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

8 For necessary expenses, not otherwise provided, to
9 enable the Secretary of State to provide for extraordinary
10 protective services, as authorized, \$30,890,000, to remain
11 available until September 30, 2024.

12 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

13 For necessary expenses for carrying out the Foreign
14 Service Buildings Act of 1926 (22 U.S.C. 292 et seq.),
15 preserving, maintaining, repairing, and planning for real
16 property that are owned or leased by the Department of
17 State, and renovating, in addition to funds otherwise avail-
18 able, the Harry S Truman Building, \$902,615,000, to re-
19 main available until September 30, 2027, of which not to
20 exceed \$25,000 may be used for overseas representation
21 expenses as authorized: *Provided*, That none of the funds
22 appropriated in this paragraph shall be available for acqui-
23 sition of furniture, furnishings, or generators for other de-
24 partments and agencies of the United States Government.

1288

1 In addition, for the costs of worldwide security up-
2 grades, acquisition, and construction as authorized,
3 \$1,055,206,000, to remain available until expended.

4 EMERGENCIES IN THE DIPLOMATIC AND CONSULAR
5 SERVICE

6 For necessary expenses to enable the Secretary of
7 State to meet unforeseen emergencies arising in the Diplo-
8 matic and Consular Service, as authorized, \$8,885,000, to
9 remain available until expended, of which not to exceed
10 \$1,000,000 may be transferred to, and merged with, funds
11 appropriated by this Act under the heading “Repatriation
12 Loans Program Account”.

13 REPATRIATION LOANS PROGRAM ACCOUNT

14 For the cost of direct loans, \$1,300,000, as author-
15 ized: *Provided*, That such costs, including the cost of modi-
16 fying such loans, shall be as defined in section 502 of the
17 Congressional Budget Act of 1974: *Provided further*, That
18 such funds are available to subsidize gross obligations for
19 the principal amount of direct loans not to exceed
20 \$4,753,048.

21 PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

22 For necessary expenses to carry out the Taiwan Rela-
23 tions Act (Public Law 96–8), \$34,083,000.

1289

1 INTERNATIONAL CENTER, WASHINGTON, DISTRICT OF
2 COLUMBIA

3 Not to exceed \$1,842,732 shall be derived from fees
4 collected from other executive agencies for lease or use of
5 facilities at the International Center in accordance with
6 section 4 of the International Center Act (Public Law 90–
7 553), and, in addition, as authorized by section 5 of such
8 Act, \$743,000, to be derived from the reserve authorized
9 by such section, to be used for the purposes set out in
10 that section.

11 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND
12 DISABILITY FUND

13 For payment to the Foreign Service Retirement and
14 Disability Fund, as authorized, \$158,900,000.

15 INTERNATIONAL ORGANIZATIONS

16 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

17 For necessary expenses, not otherwise provided for,
18 to meet annual obligations of membership in international
19 multilateral organizations, pursuant to treaties ratified
20 pursuant to the advice and consent of the Senate, conven-
21 tions, or specific Acts of Congress, \$1,438,000,000, of
22 which \$96,240,000 may remain available until September
23 30, 2024: *Provided*, That the Secretary of State shall, at
24 the time of the submission of the President's budget to
25 Congress under section 1105(a) of title 31, United States

1290

1 Code, transmit to the Committees on Appropriations the
2 most recent biennial budget prepared by the United Na-
3 tions for the operations of the United Nations: *Provided*
4 *further*, That the Secretary of State shall notify the Com-
5 mittees on Appropriations at least 15 days in advance (or
6 in an emergency, as far in advance as is practicable) of
7 any United Nations action to increase funding for any
8 United Nations program without identifying an offsetting
9 decrease elsewhere in the United Nations budget: *Provided*
10 *further*, That any payment of arrearages under this head-
11 ing shall be directed to activities that are mutually agreed
12 upon by the United States and the respective international
13 organization and shall be subject to the regular notifica-
14 tion procedures of the Committees on Appropriations: *Pro-*
15 *vided further*, That none of the funds appropriated under
16 this heading shall be available for a United States con-
17 tribution to an international organization for the United
18 States share of interest costs made known to the United
19 States Government by such organization for loans in-
20 curred on or after October 1, 1984, through external bor-
21 rowings.

22 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING
23 ACTIVITIES

24 For necessary expenses to pay assessed and other ex-
25 penses of international peacekeeping activities directed to

1291

1 the maintenance or restoration of international peace and
2 security, \$1,481,915,000, of which \$740,958,000 may re-
3 main available until September 30, 2024: *Provided*, That
4 none of the funds made available by this Act shall be obli-
5 gated or expended for any new or expanded United Na-
6 tions peacekeeping mission unless, at least 15 days in ad-
7 vance of voting for such mission in the United Nations
8 Security Council (or in an emergency as far in advance
9 as is practicable), the Committees on Appropriations are
10 notified of: (1) the estimated cost and duration of the mis-
11 sion, the objectives of the mission, the national interest
12 that will be served, and the exit strategy; and (2) the
13 sources of funds, including any reprogrammings or trans-
14 fers, that will be used to pay the cost of the new or ex-
15 panded mission, and the estimated cost in future fiscal
16 years: *Provided further*, That none of the funds appro-
17 priated under this heading may be made available for obli-
18 gation unless the Secretary of State certifies and reports
19 to the Committees on Appropriations on a peacekeeping
20 mission-by-mission basis that the United Nations is imple-
21 menting effective policies and procedures to prevent
22 United Nations employees, contractor personnel, and
23 peacekeeping troops serving in such mission from traf-
24 ficking in persons, exploiting victims of trafficking, or
25 committing acts of sexual exploitation and abuse or other

1 violations of human rights, and to hold accountable indi-
2 viduals who engage in such acts while participating in
3 such mission, including prosecution in their home coun-
4 tries and making information about such prosecutions
5 publicly available on the website of the United Nations:
6 *Provided further*, That the Secretary of State shall work
7 with the United Nations and foreign governments contrib-
8 uting peacekeeping troops to implement effective vetting
9 procedures to ensure that such troops have not violated
10 human rights: *Provided further*, That funds shall be avail-
11 able for peacekeeping expenses unless the Secretary of
12 State determines that United States manufacturers and
13 suppliers are not being given opportunities to provide
14 equipment, services, and material for United Nations
15 peacekeeping activities equal to those being given to for-
16 eign manufacturers and suppliers: *Provided further*, That
17 none of the funds appropriated or otherwise made avail-
18 able under this heading may be used for any United Na-
19 tions peacekeeping mission that will involve United States
20 Armed Forces under the command or operational control
21 of a foreign national, unless the President's military advi-
22 sors have submitted to the President a recommendation
23 that such involvement is in the national interest of the
24 United States and the President has submitted to Con-
25 gress such a recommendation: *Provided further*, That any

1293

1 payment of arrearages with funds appropriated by this Act
2 shall be subject to the regular notification procedures of
3 the Committees on Appropriations.

4 INTERNATIONAL COMMISSIONS

5 For necessary expenses, not otherwise provided for,
6 to meet obligations of the United States arising under
7 treaties, or specific Acts of Congress, as follows:

8 INTERNATIONAL BOUNDARY AND WATER COMMISSION,
9 UNITED STATES AND MEXICO

10 For necessary expenses for the United States Section
11 of the International Boundary and Water Commission,
12 United States and Mexico, and to comply with laws appli-
13 cable to the United States Section, including not to exceed
14 \$6,000 for representation expenses, as follows:

15 SALARIES AND EXPENSES

16 For salaries and expenses, not otherwise provided for,
17 \$57,935,000, of which \$8,690,000 may remain available
18 until September 30, 2024.

19 CONSTRUCTION

20 For detailed plan preparation and construction of au-
21 thorized projects, \$53,030,000, to remain available until
22 expended, as authorized: *Provided*, That of the funds ap-
23 propriated under this heading in this Act and prior Acts
24 making appropriations for the Department of State, for-
25 eign operations, and related programs for the United

1294

1 States Section, up to \$5,000,000 may be transferred to,
2 and merged with, funds appropriated under the heading
3 “Salaries and Expenses” to carry out the purposes of the
4 United States Section, which shall be subject to prior con-
5 sultation with, and the regular notification procedures of,
6 the Committees on Appropriations: *Provided further*, That
7 such transfer authority is in addition to any other transfer
8 authority provided in this Act.

9 AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

10 For necessary expenses, not otherwise provided, for
11 the International Joint Commission and the International
12 Boundary Commission, United States and Canada, as au-
13 thorized by treaties between the United States and Can-
14 ada or Great Britain, and for technical assistance grants
15 and the Community Assistance Program of the North
16 American Development Bank, \$16,204,000: *Provided*,
17 That of the amount provided under this heading for the
18 International Joint Commission, up to \$1,250,000 may re-
19 main available until September 30, 2024, and up to
20 \$9,000 may be made available for representation expenses:
21 *Provided further*, That of the amount provided under this
22 heading for the International Boundary Commission, up
23 to \$1,000 may be made available for representation ex-
24 penses.

1295

1 INTERNATIONAL FISHERIES COMMISSIONS

2 For necessary expenses for international fisheries
3 commissions, not otherwise provided for, as authorized by
4 law, \$65,719,000: *Provided*, That the United States share
5 of such expenses may be advanced to the respective com-
6 missions pursuant to section 3324 of title 31, United
7 States Code.

8 RELATED AGENCY

9 UNITED STATES AGENCY FOR GLOBAL MEDIA

10 INTERNATIONAL BROADCASTING OPERATIONS

11 For necessary expenses to enable the United States
12 Agency for Global Media (USAGM), as authorized, to
13 carry out international communication activities, and to
14 make and supervise grants for radio, Internet, and tele-
15 vision broadcasting to the Middle East, \$875,000,000, of
16 which \$43,750,000 may remain available until September
17 30, 2024: *Provided*, That in addition to amounts otherwise
18 available for such purposes, up to \$60,708,000 of the
19 amount appropriated under this heading may remain
20 available until expended for satellite transmissions and
21 Internet freedom programs, of which not less than
22 \$40,000,000 shall be for Internet freedom programs: *Pro-*
23 *vided further*, That of the total amount appropriated under
24 this heading, not to exceed \$35,000 may be used for rep-
25 resentation expenses, of which \$10,000 may be used for

1296

1 such expenses within the United States as authorized, and
2 not to exceed \$30,000 may be used for representation ex-
3 penses of Radio Free Europe/Radio Liberty: *Provided fur-*
4 *ther*, That funds appropriated under this heading shall be
5 allocated in accordance with the table included under this
6 heading in the explanatory statement described in section
7 4 (in the matter preceding division A of this consolidated
8 Act): *Provided further*, That notwithstanding the previous
9 proviso, funds may be reprogrammed within and between
10 amounts designated in such table, subject to the regular
11 notification procedures of the Committees on Appropria-
12 tions, except that no such reprogramming may reduce a
13 designated amount by more than 5 percent: *Provided fur-*
14 *ther*, That funds appropriated under this heading shall be
15 made available in accordance with the principles and
16 standards set forth in section 303(a) and (b) of the United
17 States International Broadcasting Act of 1994 (22 U.S.C.
18 6202) and section 305(b) of such Act (22 U.S.C. 6204):
19 *Provided further*, That the USAGM Chief Executive Offi-
20 cer shall notify the Committees on Appropriations within
21 15 days of any determination by the USAGM that any
22 of its broadcast entities, including its grantee organiza-
23 tions, provides an open platform for international terror-
24 ists or those who support international terrorism, or is in
25 violation of the principles and standards set forth in sec-

1 tion 303(a) and (b) of such Act or the entity’s journalistic
2 code of ethics: *Provided further*, That in addition to funds
3 made available under this heading, and notwithstanding
4 any other provision of law, up to \$5,000,000 in receipts
5 from advertising and revenue from business ventures, up
6 to \$500,000 in receipts from cooperating international or-
7 ganizations, and up to \$1,000,000 in receipts from privat-
8 ization efforts of the Voice of America and the Inter-
9 national Broadcasting Bureau, shall remain available until
10 expended for carrying out authorized purposes: *Provided*
11 *further*, That significant modifications to USAGM broad-
12 cast hours previously justified to Congress, including
13 changes to transmission platforms (shortwave, medium
14 wave, satellite, Internet, and television), for all USAGM
15 language services shall be subject to the regular notifica-
16 tion procedures of the Committees on Appropriations: *Pro-*
17 *vided further*, That up to \$5,000,000 from the USAGM
18 Buying Power Maintenance account may be transferred
19 to, and merged with, funds appropriated by this Act under
20 the heading “International Broadcasting Operations”,
21 which shall remain available until expended: *Provided fur-*
22 *ther*, That such transfer authority is in addition to any
23 transfer authority otherwise available under any other pro-
24 vision of law and shall be subject to prior consultation

1 with, and the regular notification procedures of, the Com-
2 mittees on Appropriations.

3 BROADCASTING CAPITAL IMPROVEMENTS

4 For the purchase, rent, construction, repair, preser-
5 vation, and improvement of facilities for radio, television,
6 and digital transmission and reception; the purchase, rent,
7 and installation of necessary equipment for radio, tele-
8 vision, and digital transmission and reception, including
9 to Cuba, as authorized; and physical security worldwide,
10 in addition to amounts otherwise available for such pur-
11 poses, \$9,700,000, to remain available until expended, as
12 authorized.

13 RELATED PROGRAMS

14 THE ASIA FOUNDATION

15 For a grant to The Asia Foundation, as authorized
16 by The Asia Foundation Act (22 U.S.C. 4402),
17 \$22,000,000, to remain available until expended.

18 UNITED STATES INSTITUTE OF PEACE

19 For necessary expenses of the United States Institute
20 of Peace, as authorized by the United States Institute of
21 Peace Act (22 U.S.C. 4601 et seq.), \$55,000,000, to re-
22 main available until September 30, 2024, which shall not
23 be used for construction activities.

1299

1 CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE
2 TRUST FUND

3 For necessary expenses of the Center for Middle
4 Eastern-Western Dialogue Trust Fund, as authorized by
5 section 633 of the Departments of Commerce, Justice, and
6 State, the Judiciary, and Related Agencies Appropriations
7 Act, 2004 (22 U.S.C. 2078), the total amount of the inter-
8 est and earnings accruing to such Fund on or before Sep-
9 tember 30, 2023, to remain available until expended.

10 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

11 For necessary expenses of Eisenhower Exchange Fel-
12 lowships, Incorporated, as authorized by sections 4 and
13 5 of the Eisenhower Exchange Fellowship Act of 1990 (20
14 U.S.C. 5204–5205), all interest and earnings accruing to
15 the Eisenhower Exchange Fellowship Program Trust
16 Fund on or before September 30, 2023, to remain avail-
17 able until expended: *Provided*, That none of the funds ap-
18 propriated herein shall be used to pay any salary or other
19 compensation, or to enter into any contract providing for
20 the payment thereof, in excess of the rate authorized by
21 section 5376 of title 5, United States Code; or for pur-
22 poses which are not in accordance with section 200 of title
23 2 of the Code of Federal Regulations, including the re-
24 strictions on compensation for personal services.

1300

1 ISRAELI ARAB SCHOLARSHIP PROGRAM

2 For necessary expenses of the Israeli Arab Scholar-
3 ship Program, as authorized by section 214 of the Foreign
4 Relations Authorization Act, Fiscal Years 1992 and 1993
5 (22 U.S.C. 2452 note), all interest and earnings accruing
6 to the Israeli Arab Scholarship Fund on or before Sep-
7 tember 30, 2023, to remain available until expended.

8 EAST-WEST CENTER

9 To enable the Secretary of State to provide for car-
10 rying out the provisions of the Center for Cultural and
11 Technical Interchange Between East and West Act of
12 1960, by grant to the Center for Cultural and Technical
13 Interchange Between East and West in the State of Ha-
14 waii, \$22,000,000.

15 NATIONAL ENDOWMENT FOR DEMOCRACY

16 For grants made by the Department of State to the
17 National Endowment for Democracy, as authorized by the
18 National Endowment for Democracy Act (22 U.S.C.
19 4412), \$315,000,000, to remain available until expended,
20 of which \$205,632,000 shall be allocated in the traditional
21 and customary manner, including for the core institutes,
22 and \$109,368,000 shall be for democracy programs: *Pro-*
23 *vided*, That the requirements of section 7062(a) of this
24 Act shall not apply to funds made available under this
25 heading.

1301

1 OTHER COMMISSIONS

2 COMMISSION FOR THE PRESERVATION OF AMERICA'S

3 HERITAGE ABROAD

4 SALARIES AND EXPENSES

5 For necessary expenses for the Commission for the
6 Preservation of America's Heritage Abroad, \$819,000, as
7 authorized by chapter 3123 of title 54, United States
8 Code: *Provided*, That the Commission may procure tem-
9 porary, intermittent, and other services notwithstanding
10 paragraph (3) of section 312304(b) of such chapter: *Pro-*
11 *vided further*, That such authority shall terminate on Octo-
12 ber 1, 2023: *Provided further*, That the Commission shall
13 notify the Committees on Appropriations prior to exer-
14 cising such authority.

15 UNITED STATES COMMISSION ON INTERNATIONAL

16 RELIGIOUS FREEDOM

17 SALARIES AND EXPENSES

18 For necessary expenses for the United States Com-
19 mission on International Religious Freedom, as authorized
20 by title II of the International Religious Freedom Act of
21 1998 (22 U.S.C. 6431 et seq.), \$3,500,000, to remain
22 available until September 30, 2024, including not more
23 than \$4,000 for representation expenses.

1302

1 COMMISSION ON SECURITY AND COOPERATION IN
2 EUROPE
3 SALARIES AND EXPENSES

4 For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public
5 Law 94–304 (22 U.S.C. 3001 et seq.), \$2,908,000, including not more than \$6,000 for representation expenses, to
6 remain available until September 30, 2024.

9 CONGRESSIONAL-EXECUTIVE COMMISSION ON THE
10 PEOPLE’S REPUBLIC OF CHINA
11 SALARIES AND EXPENSES

12 For necessary expenses of the Congressional-Executive Commission on the People’s Republic of China, as authorized by title III of the U.S.-China Relations Act of
13 2000 (22 U.S.C. 6911 et seq.), \$2,300,000, including not more than \$3,000 for representation expenses, to remain
14 available until September 30, 2024.

18 UNITED STATES-CHINA ECONOMIC AND SECURITY
19 REVIEW COMMISSION
20 SALARIES AND EXPENSES

21 For necessary expenses of the United States-China Economic and Security Review Commission, as authorized
22 by section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002),
23 \$4,000,000, including not more than \$4,000 for represen-

1303

1 tation expenses, to remain available until September 30,
2 2024: *Provided*, That the authorities, requirements, limi-
3 tations, and conditions contained in the second through
4 fifth provisos under this heading in the Department of
5 State, Foreign Operations, and Related Programs Appro-
6 priations Act, 2010 (division F of Public Law 111–117)
7 shall continue in effect during fiscal year 2023 and shall
8 apply to funds appropriated under this heading.

1304

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
7 of 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
13 architect and engineering services), purchase, or long-term
14 lease of offices for use by the United States Agency for
15 International Development, unless the USAID Adminis-
16 trator has identified such proposed use of funds in a re-
17 port submitted to the Committees on Appropriations at
18 least 15 days prior to the obligation of funds for such pur-
19 poses: *Provided further*, That contracts or agreements en-
20 tered into with funds appropriated under this heading may
21 entail commitments for the expenditure of such funds
22 through the following fiscal year: *Provided further*, That
23 the authority of sections 610 and 109 of the Foreign As-
24 sistance Act of 1961 may be exercised by the Secretary
25 of State to transfer funds appropriated to carry out chap-

1305

1 ter 1 of part I of such Act to “Operating Expenses” in
2 accordance with the provisions of those sections: *Provided*
3 *further*, That of the funds appropriated or made available
4 under this heading, not to exceed \$250,000 may be avail-
5 able for representation and entertainment expenses, of
6 which not to exceed \$5,000 may be available for entertain-
7 ment expenses, and not to exceed \$100,500 shall be for
8 official residence expenses, for USAID during the current
9 fiscal year: *Provided further*, That of the funds appro-
10 priated under this heading, up to \$20,000,000 may be
11 transferred to, and merged with, funds appropriated or
12 otherwise made available in title II of this Act under the
13 heading “Capital Investment Fund”, subject to prior con-
14 sultation with, and the regular notification procedures of,
15 the Committees on Appropriations.

16 CAPITAL INVESTMENT FUND

17 For necessary expenses for overseas construction and
18 related costs, and for the procurement and enhancement
19 of information technology and related capital investments,
20 pursuant to section 667 of the Foreign Assistance Act of
21 1961, \$259,100,000, to remain available until expended:
22 *Provided*, That this amount is in addition to funds other-
23 wise available for such purposes: *Provided further*, That
24 funds appropriated under this heading shall be available

1306

1 subject to the regular notification procedures of the Com-
2 mittees on Appropriations.

3 OFFICE OF INSPECTOR GENERAL

4 For necessary expenses to carry out the provisions
5 of section 667 of the Foreign Assistance Act of 1961,
6 \$80,500,000, of which up to \$12,075,000 may remain
7 available until September 30, 2024, for the Office of In-
8 spector General of the United States Agency for Inter-
9 national Development.

1307

1 TITLE III

2 BILATERAL ECONOMIC ASSISTANCE

3 FUNDS APPROPRIATED TO THE PRESIDENT

4 For necessary expenses to enable the President to
5 carry out the provisions of the Foreign Assistance Act of
6 1961, and for other purposes, as follows:

7 GLOBAL HEALTH PROGRAMS

8 For necessary expenses to carry out the provisions
9 of chapters 1 and 10 of part I of the Foreign Assistance
10 Act of 1961, for global health activities, in addition to
11 funds otherwise available for such purposes,
12 \$4,165,950,000, to remain available until September 30,
13 2024, and which shall be apportioned directly to the
14 United States Agency for International Development: *Pro-*
15 *vided*, That this amount shall be made available for train-
16 ing, equipment, and technical assistance to build the ca-
17 pacity of public health institutions and organizations in
18 developing countries, and for such activities as: (1) child
19 survival and maternal health programs; (2) immunization
20 and oral rehydration programs; (3) other health, nutrition,
21 water and sanitation programs which directly address the
22 needs of mothers and children, and related education pro-
23 grams; (4) assistance for children displaced or orphaned
24 by causes other than AIDS; (5) programs for the preven-
25 tion, treatment, control of, and research on HIV/AIDS,

1 tuberculosis, polio, malaria, and other infectious diseases
2 including neglected tropical diseases, and for assistance to
3 communities severely affected by HIV/AIDS, including
4 children infected or affected by AIDS; (6) disaster pre-
5 paredness training for health crises; (7) programs to pre-
6 vent, prepare for, and respond to unanticipated and
7 emerging global health threats, including zoonotic dis-
8 eases; and (8) family planning/reproductive health: *Pro-*
9 *vided further*, That funds appropriated under this para-
10 graph may be made available for United States contribu-
11 tions to The GAVI Alliance and to a multilateral vaccine
12 development partnership to support epidemic prepared-
13 ness: *Provided further*, That none of the funds made avail-
14 able in this Act nor any unobligated balances from prior
15 appropriations Acts may be made available to any organi-
16 zation or program which, as determined by the President
17 of the United States, supports or participates in the man-
18 agement of a program of coercive abortion or involuntary
19 sterilization: *Provided further*, That any determination
20 made under the previous proviso must be made not later
21 than 6 months after the date of enactment of this Act,
22 and must be accompanied by the evidence and criteria uti-
23 lized to make the determination: *Provided further*, That
24 none of the funds made available under this Act may be
25 used to pay for the performance of abortion as a method

1 of family planning or to motivate or coerce any person
2 to practice abortions: *Provided further*, That nothing in
3 this paragraph shall be construed to alter any existing
4 statutory prohibitions against abortion under section 104
5 of the Foreign Assistance Act of 1961: *Provided further*,
6 That none of the funds made available under this Act may
7 be used to lobby for or against abortion: *Provided further*,
8 That in order to reduce reliance on abortion in developing
9 nations, funds shall be available only to voluntary family
10 planning projects which offer, either directly or through
11 referral to, or information about access to, a broad range
12 of family planning methods and services, and that any
13 such voluntary family planning project shall meet the fol-
14 lowing requirements: (1) service providers or referral
15 agents in the project shall not implement or be subject
16 to quotas, or other numerical targets, of total number of
17 births, number of family planning acceptors, or acceptors
18 of a particular method of family planning (this provision
19 shall not be construed to include the use of quantitative
20 estimates or indicators for budgeting and planning pur-
21 poses); (2) the project shall not include payment of incen-
22 tives, bribes, gratuities, or financial reward to: (A) an indi-
23 vidual in exchange for becoming a family planning accep-
24 tor; or (B) program personnel for achieving a numerical
25 target or quota of total number of births, number of fam-

1 ily planning acceptors, or acceptors of a particular method
2 of family planning; (3) the project shall not deny any right
3 or benefit, including the right of access to participate in
4 any program of general welfare or the right of access to
5 health care, as a consequence of any individual's decision
6 not to accept family planning services; (4) the project shall
7 provide family planning acceptors comprehensible infor-
8 mation on the health benefits and risks of the method cho-
9 sen, including those conditions that might render the use
10 of the method inadvisable and those adverse side effects
11 known to be consequent to the use of the method; and
12 (5) the project shall ensure that experimental contracep-
13 tive drugs and devices and medical procedures are pro-
14 vided only in the context of a scientific study in which
15 participants are advised of potential risks and benefits;
16 and, not less than 60 days after the date on which the
17 USAID Administrator determines that there has been a
18 violation of the requirements contained in paragraph (1),
19 (2), (3), or (5) of this proviso, or a pattern or practice
20 of violations of the requirements contained in paragraph
21 (4) of this proviso, the Administrator shall submit to the
22 Committees on Appropriations a report containing a de-
23 scription of such violation and the corrective action taken
24 by the Agency: *Provided further*, That in awarding grants
25 for natural family planning under section 104 of the For-

1 eign Assistance Act of 1961 no applicant shall be discrimi-
2 nated against because of such applicant’s religious or con-
3 scientious commitment to offer only natural family plan-
4 ning; and, additionally, all such applicants shall comply
5 with the requirements of the previous proviso: *Provided*
6 *further*, That for purposes of this or any other Act author-
7 izing or appropriating funds for the Department of State,
8 foreign operations, and related programs, the term “moti-
9 vate”, as it relates to family planning assistance, shall not
10 be construed to prohibit the provision, consistent with
11 local law, of information or counseling about all pregnancy
12 options: *Provided further*, That information provided about
13 the use of condoms as part of projects or activities that
14 are funded from amounts appropriated by this Act shall
15 be medically accurate and shall include the public health
16 benefits and failure rates of such use.

17 In addition, for necessary expenses to carry out the
18 provisions of the Foreign Assistance Act of 1961 for the
19 prevention, treatment, and control of, and research on,
20 HIV/AIDS, \$6,395,000,000, to remain available until
21 September 30, 2027, which shall be apportioned directly
22 to the Department of State: *Provided*, That funds appro-
23 priated under this paragraph may be made available, not-
24 withstanding any other provision of law, except for the
25 United States Leadership Against HIV/AIDS, Tuber-

1312

1 culosis, and Malaria Act of 2003 (Public Law 108–25),
2 for a United States contribution to the Global Fund to
3 Fight AIDS, Tuberculosis and Malaria (Global Fund):
4 *Provided further*, That the amount of such contribution
5 shall be \$2,000,000,000: *Provided further*, That up to 5
6 percent of the aggregate amount of funds made available
7 to the Global Fund in fiscal year 2023 may be made avail-
8 able to USAID for technical assistance related to the ac-
9 tivities of the Global Fund, subject to the regular notifica-
10 tion procedures of the Committees on Appropriations: *Pro-*
11 *vided further*, That of the funds appropriated under this
12 paragraph, up to \$17,000,000 may be made available, in
13 addition to amounts otherwise available for such purposes,
14 for administrative expenses of the Office of the United
15 States Global AIDS Coordinator.

16 DEVELOPMENT ASSISTANCE

17 For necessary expenses to carry out the provisions
18 of sections 103, 105, 106, 214, and sections 251 through
19 255, and chapter 10 of part I of the Foreign Assistance
20 Act of 1961, \$4,368,613,000, to remain available until
21 September 30, 2024: *Provided*, That funds made available
22 under this heading shall be apportioned to the United
23 States Agency for International Development.

1313

1 INTERNATIONAL DISASTER ASSISTANCE

2 For necessary expenses to carry out the provisions
3 of section 491 of the Foreign Assistance Act of 1961 for
4 international disaster relief, rehabilitation, and recon-
5 struction assistance, \$3,905,460,000, to remain available
6 until expended: *Provided*, That funds made available
7 under this heading shall be apportioned to the United
8 States Agency for International Development not later
9 than 60 days after the date of enactment of this Act.

10 TRANSITION INITIATIVES

11 For necessary expenses for international disaster re-
12 habilitation and reconstruction assistance administered by
13 the Office of Transition Initiatives, United States Agency
14 for International Development, pursuant to section 491 of
15 the Foreign Assistance Act of 1961, and to support transi-
16 tion to democracy and long-term development of countries
17 in crisis, \$80,000,000, to remain available until expended:
18 *Provided*, That such support may include assistance to de-
19 velop, strengthen, or preserve democratic institutions and
20 processes, revitalize basic infrastructure, and foster the
21 peaceful resolution of conflict: *Provided further*, That the
22 USAID Administrator shall submit a report to the Com-
23 mittees on Appropriations at least 5 days prior to begin-
24 ning a new, or terminating a, program of assistance: *Pro-*
25 *vided further*, That if the Secretary of State determines

1314

1 that it is important to the national interest of the United
2 States to provide transition assistance in excess of the
3 amount appropriated under this heading, up to
4 \$15,000,000 of the funds appropriated by this Act to
5 carry out the provisions of part I of the Foreign Assist-
6 ance Act of 1961 may be used for purposes of this heading
7 and under the authorities applicable to funds appropriated
8 under this heading: *Provided further*, That funds made
9 available pursuant to the previous proviso shall be made
10 available subject to prior consultation with the Committees
11 on Appropriations.

12 COMPLEX CRISES FUND

13 For necessary expenses to carry out the provisions
14 of section 509(b) of the Global Fragility Act of 2019 (title
15 V of division J of Public Law 116–94), \$60,000,000, to
16 remain available until expended: *Provided*, That funds ap-
17 propriated under this heading may be made available not-
18 withstanding any other provision of law, except sections
19 7007, 7008, and 7018 of this Act and section 620M of
20 the Foreign Assistance Act of 1961: *Provided further*,
21 That funds appropriated under this heading shall be ap-
22 portioned to the United States Agency for International
23 Development.

1315

1 ECONOMIC SUPPORT FUND

2 For necessary expenses to carry out the provisions
3 of chapter 4 of part II of the Foreign Assistance Act of
4 1961, \$4,301,301,000, to remain available until Sep-
5 tember 30, 2024.

6 DEMOCRACY FUND

7 For necessary expenses to carry out the provisions
8 of the Foreign Assistance Act of 1961 for the promotion
9 of democracy globally, including to carry out the purposes
10 of section 502(b)(3) and (5) of Public Law 98–164 (22
11 U.S.C. 4411), \$222,450,000, to remain available until
12 September 30, 2024, which shall be made available for the
13 Human Rights and Democracy Fund of the Bureau of De-
14 mocracy, Human Rights, and Labor, Department of
15 State: *Provided*, That funds appropriated under this head-
16 ing that are made available to the National Endowment
17 for Democracy and its core institutes are in addition to
18 amounts otherwise made available by this Act for such
19 purposes: *Provided further*, That the Assistant Secretary
20 for Democracy, Human Rights, and Labor, Department
21 of State, shall consult with the Committees on Appropria-
22 tions prior to the initial obligation of funds appropriated
23 under this paragraph.

24 For an additional amount for such purposes,
25 \$133,250,000, to remain available until September 30,

1 2024, which shall be made available for the Bureau for
2 Development, Democracy, and Innovation, United States
3 Agency for International Development.

4 ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

5 For necessary expenses to carry out the provisions
6 of the Foreign Assistance Act of 1961, the FREEDOM
7 Support Act (Public Law 102–511), and the Support for
8 Eastern European Democracy (SEED) Act of 1989 (Pub-
9 lic Law 101–179), \$500,334,000, to remain available until
10 September 30, 2024, which shall be available, notwith-
11 standing any other provision of law, except section 7047
12 of this Act, for assistance and related programs for coun-
13 tries identified in section 3 of the FREEDOM Support
14 Act (22 U.S.C. 5801) and section 3(c) of the SEED Act
15 of 1989 (22 U.S.C. 5402), in addition to funds otherwise
16 available for such purposes: *Provided*, That funds appro-
17 priated by this Act under the headings “Global Health
18 Programs”, “Economic Support Fund”, and “Inter-
19 national Narcotics Control and Law Enforcement” that
20 are made available for assistance for such countries shall
21 be administered in accordance with the responsibilities of
22 the coordinator designated pursuant to section 102 of the
23 FREEDOM Support Act and section 601 of the SEED
24 Act of 1989: *Provided further*, That funds appropriated
25 under this heading shall be considered to be economic as-

1317

1 sistance under the Foreign Assistance Act of 1961 for
2 purposes of making available the administrative authori-
3 ties contained in that Act for the use of economic assist-
4 ance: *Provided further*, That funds appropriated under this
5 heading may be made available for contributions to multi-
6 lateral initiatives to counter hybrid threats.

7 DEPARTMENT OF STATE

8 MIGRATION AND REFUGEE ASSISTANCE

9 For necessary expenses not otherwise provided for,
10 to enable the Secretary of State to carry out the provisions
11 of section 2(a) and (b) of the Migration and Refugee As-
12 sistance Act of 1962 (22 U.S.C. 2601), and other activi-
13 ties to meet refugee and migration needs; salaries and ex-
14 penses of personnel and dependents as authorized by the
15 Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.);
16 allowances as authorized by sections 5921 through 5925
17 of title 5, United States Code; purchase and hire of pas-
18 senger motor vehicles; and services as authorized by sec-
19 tion 3109 of title 5, United States Code, \$2,912,188,000,
20 to remain available until expended, of which \$5,000,000
21 shall be made available for refugees resettling in Israel.

22 UNITED STATES EMERGENCY REFUGEE AND MIGRATION

23 ASSISTANCE FUND

24 For necessary expenses to carry out the provisions
25 of section 2(c) of the Migration and Refugee Assistance

1318

1 Act of 1962 (22 U.S.C. 2601(c)), \$100,000, to remain
2 available until expended: *Provided*, That amounts in excess
3 of the limitation contained in paragraph (2) of such sec-
4 tion shall be transferred to, and merged with, funds made
5 available by this Act under the heading “Migration and
6 Refugee Assistance”.

7 INDEPENDENT AGENCIES

8 PEACE CORPS

9 (INCLUDING TRANSFER OF FUNDS)

10 For necessary expenses to carry out the provisions
11 of the Peace Corps Act (22 U.S.C. 2501 et seq.), including
12 the purchase of not to exceed five passenger motor vehicles
13 for administrative purposes for use outside of the United
14 States, \$430,500,000, of which \$7,300,000 is for the Of-
15 fice of Inspector General, to remain available until Sep-
16 tember 30, 2024: *Provided*, That the Director of the Peace
17 Corps may transfer to the Foreign Currency Fluctuations
18 Account, as authorized by section 16 of the Peace Corps
19 Act (22 U.S.C. 2515), an amount not to exceed
20 \$5,000,000: *Provided further*, That funds transferred pur-
21 suant to the previous proviso may not be derived from
22 amounts made available for Peace Corps overseas oper-
23 ations: *Provided further*, That of the funds appropriated
24 under this heading, not to exceed \$104,000 may be avail-
25 able for representation expenses, of which not to exceed

1 \$4,000 may be made available for entertainment expenses:
2 *Provided further*, That in addition to the requirements
3 under section 7015(a) of this Act, the Peace Corps shall
4 consult with the Committees on Appropriations prior to
5 any decision to open, close, or suspend a domestic or over-
6 seas office or a country program unless there is a substan-
7 tial risk to volunteers or other Peace Corps personnel: *Pro-*
8 *vided further*, That none of the funds appropriated under
9 this heading shall be used to pay for abortions: *Provided*
10 *further*, That notwithstanding the previous proviso, section
11 614 of division E of Public Law 113–76 shall apply to
12 funds appropriated under this heading.

13 MILLENNIUM CHALLENGE CORPORATION

14 For necessary expenses to carry out the provisions
15 of the Millennium Challenge Act of 2003 (22 U.S.C. 7701
16 et seq.) (MCA), \$930,000,000, to remain available until
17 expended: *Provided*, That of the funds appropriated under
18 this heading, up to \$130,000,000 may be available for ad-
19 ministrative expenses of the Millennium Challenge Cor-
20 poration: *Provided further*, That section 605(e) of the
21 MCA (22 U.S.C. 7704(e)) shall apply to funds appro-
22 priated under this heading: *Provided further*, That funds
23 appropriated under this heading may be made available
24 for a Millennium Challenge Compact entered into pursu-
25 ant to section 609 of the MCA (22 U.S.C. 7708) only if

1320

1 such Compact obligates, or contains a commitment to obli-
2 gate subject to the availability of funds and the mutual
3 agreement of the parties to the Compact to proceed, the
4 entire amount of the United States Government funding
5 anticipated for the duration of the Compact: *Provided fur-*
6 *ther*, That of the funds appropriated under this heading,
7 not to exceed \$100,000 may be available for representa-
8 tion and entertainment expenses, of which not to exceed
9 \$5,000 may be available for entertainment expenses.

10 INTER-AMERICAN FOUNDATION

11 For necessary expenses to carry out the functions of
12 the Inter-American Foundation in accordance with the
13 provisions of section 401 of the Foreign Assistance Act
14 of 1969, \$47,000,000, to remain available until September
15 30, 2024: *Provided*, That of the funds appropriated under
16 this heading, not to exceed \$2,000 may be available for
17 representation expenses.

18 UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

19 For necessary expenses to carry out the African De-
20 velopment Foundation Act (title V of Public Law 96-533;
21 22 U.S.C. 290h et seq.), \$45,000,000, to remain available
22 until September 30, 2024, of which not to exceed \$2,000
23 may be available for representation expenses: *Provided*,
24 That funds made available to grantees may be invested
25 pending expenditure for project purposes when authorized

1 by the Board of Directors of the United States African
2 Development Foundation (USADF): *Provided further,*
3 That interest earned shall be used only for the purposes
4 for which the grant was made: *Provided further,* That not-
5 withstanding section 505(a)(2) of the African Develop-
6 ment Foundation Act (22 U.S.C. 290h-3(a)(2)), in excep-
7 tional circumstances the Board of Directors of the
8 USADF may waive the \$250,000 limitation contained in
9 that section with respect to a project and a project may
10 exceed the limitation by up to 10 percent if the increase
11 is due solely to foreign currency fluctuation: *Provided fur-*
12 *ther,* That the USADF shall submit a report to the appro-
13 priate congressional committees after each time such waiv-
14 er authority is exercised: *Provided further,* That the
15 USADF may make rent or lease payments in advance
16 from appropriations available for such purpose for offices,
17 buildings, grounds, and quarters in Africa as may be nec-
18 essary to carry out its functions: *Provided further,* That
19 the USADF may maintain bank accounts outside the
20 United States Treasury and retain any interest earned on
21 such accounts, in furtherance of the purposes of the Afri-
22 can Development Foundation Act: *Provided further,* That
23 the USADF may not withdraw any appropriation from the
24 Treasury prior to the need of spending such funds for pro-
25 gram purposes.

1322

1 DEPARTMENT OF THE TREASURY

2 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

3 For necessary expenses to carry out the provisions
4 of section 129 of the Foreign Assistance Act of 1961,
5 \$38,000,000, to remain available until expended, of which
6 not more than \$9,500,000 may be used for administrative
7 expenses: *Provided*, That amounts made available under
8 this heading may be made available to contract for services
9 as described in section 129(d)(3)(A) of the Foreign Assist-
10 ance Act of 1961, without regard to the location in which
11 such services are performed.

12 DEBT RESTRUCTURING

13 For “Bilateral Economic Assistance—Department of
14 the Treasury—Debt Restructuring” there is appropriated
15 \$52,000,000, to remain available until September 30,
16 2026, for the costs, as defined in section 502 of the Con-
17 gressional Budget Act of 1974, of modifying loans and
18 loan guarantees for, or credits extended to, such countries
19 as the President may determine, including the costs of
20 selling, reducing, or canceling amounts owed to the United
21 States pursuant to multilateral debt restructurings, in-
22 cluding Paris Club debt restructurings and the “Common
23 Framework for Debt Treatments beyond the Debt Service
24 Suspension Initiative”: *Provided*, That such amounts may
25 be used notwithstanding any other provision of law.

1323

1 TROPICAL FOREST AND CORAL REEF CONSERVATION

2 For the costs, as defined in section 502 of the Con-
3 gressional Budget Act of 1974, of modifying loans and
4 loan guarantees, as the President may determine, for
5 which funds have been appropriated or otherwise made
6 available for programs within the International Affairs
7 Budget Function 150, including the costs of selling, reduc-
8 ing, or canceling amounts owed to the United States as
9 a result of concessional loans made to eligible countries
10 pursuant to part V of the Foreign Assistance Act of 1961,
11 \$20,000,000, to remain available until September 30,
12 2026.

1324

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
7 the Foreign Assistance Act of 1961, \$1,391,004,000, to
8 remain available until September 30, 2024: *Provided,*
9 That the Department of State may use the authority of
10 section 608 of the Foreign Assistance Act of 1961, with-
11 out regard to its restrictions, to receive excess property
12 from an agency of the United States Government for the
13 purpose of providing such property to a foreign country
14 or international organization under chapter 8 of part I of
15 such Act, subject to the regular notification procedures of
16 the Committees on Appropriations: *Provided further,* That
17 section 482(b) of the Foreign Assistance Act of 1961 shall
18 not apply to funds appropriated under this heading, except
19 that any funds made available notwithstanding such sec-
20 tion shall be subject to the regular notification procedures
21 of the Committees on Appropriations: *Provided further,*
22 That funds appropriated under this heading shall be made
23 available to support training and technical assistance for
24 foreign law enforcement, corrections, judges, and other ju-
25 dicial authorities, utilizing regional partners: *Provided fur-*

1325

1 *ther*, That funds made available under this heading that
2 are transferred to another department, agency, or instru-
3 mentality of the United States Government pursuant to
4 section 632(b) of the Foreign Assistance Act of 1961 val-
5 ued in excess of \$5,000,000, and any agreement made
6 pursuant to section 632(a) of such Act, shall be subject
7 to the regular notification procedures of the Committees
8 on Appropriations: *Provided further*, That funds made
9 available under this heading for Program Development
10 and Support may be made available notwithstanding pre-
11 obligation requirements contained in this Act, except for
12 the notification requirements of section 7015.

13 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
14 RELATED PROGRAMS

15 For necessary expenses for nonproliferation, anti-ter-
16 rorism, demining and related programs and activities,
17 \$921,000,000, to remain available until September 30,
18 2024, to carry out the provisions of chapter 8 of part II
19 of the Foreign Assistance Act of 1961 for anti-terrorism
20 assistance, chapter 9 of part II of the Foreign Assistance
21 Act of 1961, section 504 of the FREEDOM Support Act
22 (22 U.S.C. 5854), section 23 of the Arms Export Control
23 Act (22 U.S.C. 2763), or the Foreign Assistance Act of
24 1961 for demining activities, the clearance of unexploded
25 ordnance, the destruction of small arms, and related ac-

1326

1 tivities, notwithstanding any other provision of law, includ-
2 ing activities implemented through nongovernmental and
3 international organizations, and section 301 of the For-
4 eign Assistance Act of 1961 for a United States contribu-
5 tion to the Comprehensive Nuclear Test Ban Treaty Pre-
6 paratory Commission, and for a voluntary contribution to
7 the International Atomic Energy Agency (IAEA): *Pro-*
8 *vided*, That funds made available under this heading for
9 the Nonproliferation and Disarmament Fund shall be
10 made available, notwithstanding any other provision of law
11 and subject to prior consultation with, and the regular no-
12 tification procedures of, the Committees on Appropria-
13 tions, to promote bilateral and multilateral activities relat-
14 ing to nonproliferation, disarmament, and weapons de-
15 struction, and shall remain available until expended: *Pro-*
16 *vided further*, That such funds may also be used for such
17 countries other than the Independent States of the former
18 Soviet Union and international organizations when it is
19 in the national security interest of the United States to
20 do so: *Provided further*, That funds appropriated under
21 this heading may be made available for the IAEA unless
22 the Secretary of State determines that Israel is being de-
23 nied its right to participate in the activities of that Agen-
24 cy: *Provided further*, That funds made available for con-
25 ventional weapons destruction programs, including

1327

1 demining and related activities, in addition to funds other-
2 wise available for such purposes, may be used for adminis-
3 trative expenses related to the operation and management
4 of such programs and activities, subject to the regular no-
5 tification procedures of the Committees on Appropria-
6 tions.

7 PEACEKEEPING OPERATIONS

8 For necessary expenses to carry out the provisions
9 of section 551 of the Foreign Assistance Act of 1961,
10 \$460,759,000, of which \$330,000,000 may remain avail-
11 able until September 30, 2024: *Provided*, That funds ap-
12 propriated under this heading may be used, notwith-
13 standing section 660 of the Foreign Assistance Act of
14 1961, to provide assistance to enhance the capacity of for-
15 eign civilian security forces, including gendarmes, to par-
16 ticipate in peacekeeping operations: *Provided further*, That
17 of the funds appropriated under this heading, not less
18 than \$25,000,000 shall be made available for a United
19 States contribution to the Multinational Force and Ob-
20 servers mission in the Sinai: *Provided further*, That funds
21 appropriated under this heading may be made available
22 to pay assessed expenses of international peacekeeping ac-
23 tivities in Somalia under the same terms and conditions,
24 as applicable, as funds appropriated by this Act under the
25 heading “Contributions for International Peacekeeping

1328

1 Activities’’: *Provided further*, That funds appropriated
2 under this heading shall be subject to the regular notifica-
3 tion procedures of the Committees on Appropriations.

4 FUNDS APPROPRIATED TO THE PRESIDENT

5 INTERNATIONAL MILITARY EDUCATION AND TRAINING

6 For necessary expenses to carry out the provisions
7 of section 541 of the Foreign Assistance Act of 1961,
8 \$112,925,000, to remain available until September 30,
9 2024: *Provided*, That the civilian personnel for whom mili-
10 tary education and training may be provided under this
11 heading may include civilians who are not members of a
12 government whose participation would contribute to im-
13 proved civil-military relations, civilian control of the mili-
14 tary, or respect for human rights: *Provided further*, That
15 of the funds appropriated under this heading, \$3,000,000
16 shall remain available until expended to increase the par-
17 ticipation of women in programs and activities funded
18 under this heading, following consultation with the Com-
19 mittees on Appropriations: *Provided further*, That of the
20 funds appropriated under this heading, not to exceed
21 \$50,000 may be available for entertainment expenses.

22 FOREIGN MILITARY FINANCING PROGRAM

23 For necessary expenses for grants to enable the
24 President to carry out the provisions of section 23 of the
25 Arms Export Control Act (22 U.S.C. 2763),

1 \$6,053,049,000: *Provided*, That to expedite the provision
2 of assistance to foreign countries and international organi-
3 zations, the Secretary of State, following consultation with
4 the Committees on Appropriations and subject to the reg-
5 ular notification procedures of such Committees, may use
6 the funds appropriated under this heading to procure de-
7 fense articles and services to enhance the capacity of for-
8 eign security forces: *Provided further*, That funds appro-
9 priated or otherwise made available under this heading
10 shall be nonrepayable notwithstanding any requirement in
11 section 23 of the Arms Export Control Act: *Provided fur-*
12 *ther*, That funds made available under this heading shall
13 be obligated upon apportionment in accordance with para-
14 graph (5)(C) of section 1501(a) of title 31, United States
15 Code.

16 None of the funds made available under this heading
17 shall be available to finance the procurement of defense
18 articles, defense services, or design and construction serv-
19 ices that are not sold by the United States Government
20 under the Arms Export Control Act unless the foreign
21 country proposing to make such procurement has first
22 signed an agreement with the United States Government
23 specifying the conditions under which such procurement
24 may be financed with such funds: *Provided*, That all coun-
25 try and funding level increases in allocations shall be sub-

1 mitted through the regular notification procedures of sec-
2 tion 7015 of this Act: *Provided further*, That funds made
3 available under this heading may be used, notwithstanding
4 any other provision of law, for demining, the clearance of
5 unexploded ordnance, and related activities, and may in-
6 clude activities implemented through nongovernmental
7 and international organizations: *Provided further*, That a
8 country that is a member of the North Atlantic Treaty
9 Organization (NATO) or is a major non-NATO ally des-
10 ignated by section 517(b) of the Foreign Assistance Act
11 of 1961 may utilize funds made available under this head-
12 ing for procurement of defense articles, defense services,
13 or design and construction services that are not sold by
14 the United States Government under the Arms Export
15 Control Act: *Provided further*, That funds appropriated
16 under this heading shall be expended at the minimum rate
17 necessary to make timely payment for defense articles and
18 services: *Provided further*, That not more than
19 \$70,000,000 of the funds appropriated under this heading
20 may be obligated for necessary expenses, including the
21 purchase of passenger motor vehicles for replacement only
22 for use outside of the United States, for the general costs
23 of administering military assistance and sales, except that
24 this limitation may be exceeded only through the regular
25 notification procedures of the Committees on Appropria-

1331

1 tions: *Provided further*, That of the funds made available
2 under this heading for general costs of administering mili-
3 tary assistance and sales, not to exceed \$4,000 may be
4 available for entertainment expenses and not to exceed
5 \$130,000 may be available for representation expenses:
6 *Provided further*, That not more than \$1,253,810,229 of
7 funds realized pursuant to section 21(e)(1)(A) of the Arms
8 Export Control Act (22 U.S.C. 2761(e)(1)(A)) may be ob-
9 ligated for expenses incurred by the Department of De-
10 fense during fiscal year 2023 pursuant to section 43(b)
11 of the Arms Export Control Act (22 U.S.C. 2792(b)), ex-
12 cept that this limitation may be exceeded only through the
13 regular notification procedures of the Committees on Ap-
14 propriations.

1332

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
6 of section 301 of the Foreign Assistance Act of 1961,
7 \$508,600,000: *Provided*, That section 307(a) of the For-
8 eign Assistance Act of 1961 shall not apply to contribu-
9 tions to the United Nations Democracy Fund: *Provided*
10 *further*, That not later than 60 days after the date of en-
11 actment of this Act, such funds shall be made available
12 for core contributions for each entity listed in the table
13 under this heading in the explanatory statement described
14 in section 4 (in the matter preceding division A of this
15 consolidated Act) unless otherwise provided for in this Act,
16 or if the Secretary of State has justified to the Committees
17 on Appropriations the proposed uses of funds other than
18 for core contributions following prior consultation with,
19 and subject to the regular notification procedures of, such
20 Committees.

21 INTERNATIONAL FINANCIAL INSTITUTIONS

22 GLOBAL ENVIRONMENT FACILITY

23 For payment to the International Bank for Recon-
24 struction and Development as trustee for the Global Envi-

1333

1 ronment Facility by the Secretary of the Treasury,
2 \$150,200,000, to remain available until expended.

3 CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

4 For contribution to the Clean Technology Fund,
5 \$125,000,000, to remain available until expended: *Pro-*
6 *vided*, That up to \$125,000,000 of such amount shall be
7 available to cover costs, as defined in section 502 of the
8 Congressional Budget Act of 1974, of direct loans issued
9 to the Clean Technology Fund: *Provided further*, That
10 such funds are available to subsidize gross obligations for
11 the principal amount of direct loans without limitation.

12 CONTRIBUTION TO THE INTERNATIONAL BANK FOR

13 RECONSTRUCTION AND DEVELOPMENT

14 For payment to the International Bank for Recon-
15 struction and Development by the Secretary of the Treas-
16 ury for the United States share of the paid-in portion of
17 the increases in capital stock, \$206,500,000, to remain
18 available until expended.

19 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

20 The United States Governor of the International
21 Bank for Reconstruction and Development may subscribe
22 without fiscal year limitation to the callable capital portion
23 of the United States share of increases in capital stock
24 in an amount not to exceed \$1,421,275,728.70.

1334

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
12 the Secretary of the Treasury for the United States share
13 of 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
18 to the callable capital portion of the United States share
19 of 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
23 the Secretary of the Treasury, \$171,300,000, to remain
24 available until expended.

1335

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 Se-
8 curity Program by the Secretary of the Treasury,
9 \$10,000,000, to remain available until expended.

10 CONTRIBUTIONS TO THE INTERNATIONAL MONETARY

11 FUND 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
16 30, 2031.

1336

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
6 General in carrying out the provisions of the Inspector
7 General Act of 1978 (5 U.S.C. App.), \$7,500,000, of
8 which up to \$1,125,000 may remain available until Sep-
9 tember 30, 2024.

10 PROGRAM ACCOUNT

11 The Export-Import Bank of the United States is au-
12 thorized to make such expenditures within the limits of
13 funds and borrowing authority available to such corpora-
14 tion, and in accordance with law, and to make such con-
15 tracts and commitments without regard to fiscal year limi-
16 tations, as provided by section 9104 of title 31, United
17 States Code, as may be necessary in carrying out the pro-
18 gram for the current fiscal year for such corporation: *Pro-*
19 *vided*, That none of the funds available during the current
20 fiscal year may be used to make expenditures, contracts,
21 or commitments for the export of nuclear equipment, fuel,
22 or technology to any country, other than a nuclear-weapon
23 state as defined in Article IX of the Treaty on the Non-
24 Proliferation of Nuclear Weapons eligible to receive eco-
25 nomic or military assistance under this Act, that has deto-

1 nated a nuclear explosive after the date of enactment of
2 this 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
8 to exceed \$30,000 for official reception and representation
9 expenses for members of the Board of Directors, not to
10 exceed \$125,000,000, of which up to \$18,750,000 may re-
11 main available until September 30, 2024: *Provided*, That
12 the Export-Import Bank (the Bank) may accept, and use,
13 payment or services provided by transaction participants
14 for legal, financial, or technical services in connection with
15 any transaction for which an application for a loan, guar-
16 antee or insurance commitment has been made: *Provided*
17 *further*, That notwithstanding subsection (b) of section
18 117 of the Export Enhancement Act of 1992, subsection
19 (a) of such section shall remain in effect until September
20 30, 2023: *Provided further*, That the Bank shall charge
21 fees for necessary expenses (including special services per-
22 formed on a contract or fee basis, but not including other
23 personal services) in connection with the collection of mon-
24 eys owed the Bank, repossession or sale of pledged collat-
25 eral or other assets acquired by the Bank in satisfaction

1338

1 of moneys owed the Bank, or the investigation or appraisal
2 of any property, or the evaluation of the legal, financial,
3 or technical aspects of any transaction for which an appli-
4 cation for a loan, guarantee or insurance commitment has
5 been made, or systems infrastructure directly supporting
6 transactions: *Provided further*, That in addition to other
7 funds appropriated for administrative expenses, such fees
8 shall be credited to this account for such purposes, to re-
9 main available until expended.

10 PROGRAM BUDGET APPROPRIATIONS

11 For the cost of direct loans, loan guarantees, insur-
12 ance, and tied-aid grants as authorized by section 10 of
13 the Export-Import Bank Act of 1945, as amended, not
14 to exceed \$15,000,000, to remain available until Sep-
15 tember 30, 2026: *Provided*, That such costs, including the
16 cost of modifying such loans, shall be as defined in section
17 502 of the Congressional Budget Act of 1974: *Provided*
18 *further*, That such funds shall remain available until Sep-
19 tember 30, 2038, for the disbursement of direct loans,
20 loan guarantees, insurance and tied-aid grants obligated
21 in fiscal years 2023 through 2026.

22 RECEIPTS COLLECTED

23 Receipts collected pursuant to the Export-Import
24 Bank Act of 1945 (Public Law 79–173) and the Federal
25 Credit Reform Act of 1990, in an amount not to exceed

1339

1 the amount appropriated herein, shall be credited as off-
2 setting collections to this account: *Provided*, That the
3 sums herein appropriated from the General Fund shall be
4 reduced on a dollar-for-dollar basis by such offsetting col-
5 lections so as to result in a final fiscal year appropriation
6 from the General Fund estimated at \$0.

7 UNITED STATES INTERNATIONAL DEVELOPMENT
8 FINANCE CORPORATION
9 INSPECTOR GENERAL

10 For necessary expenses of the Office of Inspector
11 General in carrying out the provisions of the Inspector
12 General Act of 1978 (5 U.S.C. App.), \$5,583,000, to re-
13 main available until September 30, 2024.

14 CORPORATE CAPITAL ACCOUNT

15 The United States International Development Fi-
16 nance Corporation (the Corporation) is authorized to
17 make such expenditures and commitments within the lim-
18 its of funds and borrowing authority available to the Cor-
19 poration, and in accordance with the law, and to make
20 such expenditures and commitments without regard to fis-
21 cal year limitations, as provided by section 9104 of title
22 31, United States Code, as may be necessary in carrying
23 out the programs for the current fiscal year for the Cor-
24 poration: *Provided*, That for necessary expenses of the ac-
25 tivities described in subsections (b), (c), (e), (f), and (g)

1 of section 1421 of the BUILD Act of 2018 (division F
2 of Public Law 115–254) and for administrative expenses
3 to carry out authorized activities and project-specific
4 transaction costs described in section 1434(d) of such Act,
5 \$1,000,000,000: *Provided further*, That of the amount
6 provided—

7 (1) \$220,000,000 shall remain available until
8 September 30, 2025, for administrative expenses to
9 carry out authorized activities (including an amount
10 for official reception and representation expenses
11 which shall not exceed \$25,000) and project-specific
12 transaction costs as described in section 1434(k) of
13 such Act; and

14 (2) \$780,000,000 shall remain available until
15 September 30, 2025, for the activities described in
16 subsections (b), (c), (e), (f), and (g) of section 1421
17 of the BUILD Act of 2018, except such amounts ob-
18 ligated in a fiscal year for activities described in sec-
19 tion 1421(c) of such Act shall remain available for
20 disbursement for the term of the underlying project:
21 *Provided further*, That amounts made available
22 under this paragraph may be paid to the “United
23 States International Development Finance Corpora-
24 tion—Program Account” for programs authorized

1341

1 by subsections (b), (e), (f), and (g) of section 1421
2 of the BUILD Act of 2018:

3 *Provided further*, That funds may only be obligated pursu-
4 ant to section 1421(g) of the BUILD Act of 2018 subject
5 to prior consultation with the appropriate congressional
6 committees and the regular notification procedures of the
7 Committees on Appropriations: *Provided further*, That
8 funds appropriated by this Act and prior Acts making ap-
9 propriations for the Department of State, foreign oper-
10 ations, and related programs for support by the Corpora-
11 tion in upper-middle income countries shall be subject to
12 prior consultation with the Committees on Appropriations:
13 *Provided further*, That in fiscal year 2023 collections of
14 amounts described in section 1434(h) of the BUILD Act
15 of 2018 shall be credited as offsetting collections to this
16 appropriation: *Provided further*, That such collections col-
17 lected in fiscal year 2023 in excess of \$1,000,000,000
18 shall be credited to this account and shall be available in
19 future fiscal years only to the extent provided in advance
20 in appropriations Acts: *Provided further*, That in fiscal
21 year 2023, if such collections are less than
22 \$1,000,000,000, receipts collected pursuant to the
23 BUILD Act of 2018 and the Federal Credit Reform Act
24 of 1990, in an amount equal to such shortfall, shall be
25 credited as offsetting collections to this appropriation:

1342

1 *Provided further*, That funds appropriated or otherwise
2 made available under this heading may not be used to pro-
3 vide any type of assistance that is otherwise prohibited
4 by any other provision of law or to provide assistance to
5 any foreign country that is otherwise prohibited by any
6 other provision of law: *Provided further*, That the sums
7 herein appropriated from the General Fund shall be re-
8 duced on a dollar-for-dollar basis by the offsetting collec-
9 tions described under this heading so as to result in a final
10 fiscal year appropriation from the General Fund estimated
11 at \$588,000,000.

12 PROGRAM ACCOUNT

13 Amounts paid from “United States International De-
14 velopment Finance Corporation—Corporate Capital Ac-
15 count” (CCA) shall remain available until September 30,
16 2025: *Provided*, That amounts paid to this account from
17 CCA or transferred to this account pursuant to section
18 1434(j) of the BUILD Act of 2018 (division F of Public
19 Law 115–254) shall be available for the costs of direct
20 and guaranteed loans provided by the Corporation pursu-
21 ant to section 1421(b) of such Act and the costs of modi-
22 fying loans and loan guarantees transferred to the Cor-
23 poration pursuant to section 1463 of such Act: *Provided*
24 *further*, That such costs, including the cost of modifying
25 such loans, shall be as defined in section 502 of the Con-

1343

1 gressional Budget Act of 1974: *Provided further*, That
2 such amounts obligated in a fiscal year shall remain avail-
3 able for disbursement for the following 8 fiscal years: *Pro-*
4 *vided further*, That funds made available in this Act and
5 transferred to carry out the Foreign Assistance Act of
6 1961 pursuant to section 1434(j) of the BUILD Act of
7 2018 may remain available for obligation for 1 additional
8 fiscal year: *Provided further*, That the total loan principal
9 or guaranteed principal amount shall not exceed
10 \$8,000,000,000.

11 TRADE AND DEVELOPMENT AGENCY

12 For necessary expenses to carry out the provisions
13 of section 661 of the Foreign Assistance Act of 1961,
14 \$87,000,000, to remain available until September 30,
15 2024, of which no more than \$21,000,000 may be used
16 for administrative expenses: *Provided*, That of the funds
17 appropriated under this heading, not more than \$5,000
18 may be available for representation and entertainment ex-
19 penses.

1344

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
6 allowances and differentials as authorized by subchapter
7 59 of title 5, United States Code; for services as author-
8 ized by section 3109 of such title and for hire of passenger
9 transportation pursuant to section 1343(b) of title 31,
10 United States Code.

11 UNOBLIGATED BALANCES REPORT

12 SEC. 7002. Any department or agency of the United
13 States Government to which funds are appropriated or
14 otherwise made available by this Act shall provide to the
15 Committees on Appropriations a quarterly accounting of
16 cumulative unobligated balances and obligated, but unex-
17 pended, balances by program, project, and activity, and
18 Treasury Account Fund Symbol of all funds received by
19 such department or agency in fiscal year 2023 or any pre-
20 vious fiscal year, disaggregated by fiscal year: *Provided*,
21 That the report required by this section shall be submitted
22 not later than 30 days after the end of each fiscal quarter
23 and should specify by account the amount of funds obli-
24 gated pursuant to bilateral agreements which have not
25 been further sub-obligated.

1345

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
6 where such expenditures are a matter of public record and
7 available for public inspection, except where otherwise pro-
8 vided under existing law, or under existing Executive order
9 issued pursuant to existing law.

10 DIPLOMATIC FACILITIES

11 SEC. 7004. (a) CAPITAL SECURITY COST SHARING
12 EXCEPTION.—Notwithstanding paragraph (2) of section
13 604(e) of the Secure Embassy Construction and Counter-
14 terrorism 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 Au-
18 thorities Act, Fiscal Year 2017 (Public Law 114–323), a
19 project to construct a facility of the United States may
20 include office space or other accommodations for members
21 of the 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

1 acquisition of property or award of construction contracts
2 for overseas United States diplomatic facilities during fis-
3 cal year 2023, shall be subject to prior consultation with,
4 and the regular notification procedures of, the Committees
5 on Appropriations: *Provided*, That notifications pursuant
6 to this subsection shall include the information enumer-
7 ated under the heading “Embassy Security, Construction,
8 and Maintenance” in House Report 117–401.

9 (c) INTERIM AND TEMPORARY FACILITIES
10 ABROAD.—

11 (1) SECURITY VULNERABILITIES.—Funds ap-
12 propriated by this Act under the heading “Embassy
13 Security, Construction, and Maintenance” may be
14 made available, following consultation with the ap-
15 propriate congressional committees, to address secu-
16 rity vulnerabilities at interim and temporary United
17 States diplomatic facilities abroad, including physical
18 security upgrades and local guard staffing.

19 (2) CONSULTATION.—Notwithstanding any
20 other provision of law, the opening, closure, or any
21 significant modification to an interim or temporary
22 United States diplomatic facility shall be subject to
23 prior consultation with the appropriate congressional
24 committees and the regular notification procedures
25 of the Committees on Appropriations, except that

1 such consultation and notification may be waived if
2 there is 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 up-
6 grades to soft targets, including schools, recreational fa-
7 cilities, and residences used by United States diplomatic
8 personnel and their dependents.

9 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
20 reprogramming of funds under section 7015 of this Act.

21 PROHIBITION ON PUBLICITY OR PROPAGANDA

22 SEC. 7006. No part of any appropriation contained
23 in this Act shall be used for publicity or propaganda pur-
24 poses within the United States not authorized before en-
25 actment of this Act by Congress: *Provided*, That up to

1348

1 \$25,000 may be made available to carry out the provisions
2 of section 316 of the International Security and Develop-
3 ment Cooperation Act of 1980 (Public Law 96–533; 22
4 U.S.C. 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
11 Cuba, North Korea, Iran, or Syria: *Provided*, That for
12 purposes of this section, the prohibition on obligations or
13 expenditures shall include direct loans, credits, insurance,
14 and 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 en-
22 actment of this Act, a coup d'état or decree in which the
23 military plays a decisive role: *Provided*, That assistance
24 may be resumed to such government if the Secretary of
25 State certifies and reports to the appropriate congres-

1 sional committees that subsequent to the termination of
2 assistance a democratically elected government has taken
3 office: *Provided further*, That the provisions of this section
4 shall not apply to assistance to promote democratic elec-
5 tions or public participation in democratic processes, or
6 to support a democratic transition: *Provided further*, That
7 funds made available pursuant to the previous provisos
8 shall be subject to prior consultation with, and the regular
9 notification procedures of, the Committees on Appropria-
10 tions.

11 (b) WAIVER.—The Secretary of State, following con-
12 sultation with the heads of relevant Federal agencies, may
13 waive the restriction in this section on a program-by-pro-
14 gram basis if the Secretary certifies and reports to the
15 Committees on Appropriations that such waiver is in the
16 national security interest of the United States: *Provided*,
17 That funds made available pursuant to such waiver shall
18 be subject to prior consultation with, and the regular noti-
19 fication procedures of, the Committees on Appropriations.

20 TRANSFER OF FUNDS AUTHORITY

21 SEC. 7009. (a) DEPARTMENT OF STATE AND
22 UNITED STATES AGENCY FOR GLOBAL MEDIA.—

23 (1) DEPARTMENT OF STATE.—

24 (A) IN GENERAL.—Not to exceed 5 percent
25 of any appropriation made available for the cur-

1 rent fiscal year for the Department of State
2 under title I of this Act may be transferred be-
3 tween, and merged with, such appropriations,
4 but no such appropriation, except as otherwise
5 specifically provided, shall be increased by more
6 than 10 percent by any such transfers, and no
7 such transfer may be made to increase the ap-
8 propriation under the heading “Representation
9 Expenses”.

10 (B) EMBASSY SECURITY.—Funds appro-
11 priated under the headings “Diplomatic Pro-
12 grams”, including for Worldwide Security Pro-
13 tection, “Embassy Security, Construction, and
14 Maintenance”, and “Emergencies in the Diplo-
15 matic and Consular Service” in this Act may be
16 transferred to, and merged with, funds appro-
17 priated under such headings if the Secretary of
18 State determines and reports to the Committees
19 on Appropriations that to do so is necessary to
20 implement the recommendations of the
21 Benghazi Accountability Review Board, for
22 emergency evacuations, or to prevent or re-
23 spond to security situations and requirements,
24 following consultation with, and subject to the
25 regular notification procedures of, such Com-

1 mittees: *Provided*, That such transfer authority
2 is in addition to any transfer authority other-
3 wise available in this Act and under any other
4 provision of law.

5 (2) UNITED STATES AGENCY FOR GLOBAL
6 MEDIA.—Not to exceed 5 percent of any appropria-
7 tion made available for the current fiscal year for
8 the United States Agency for Global Media under
9 title I of this Act may be transferred between, and
10 merged with, such appropriations, but no such ap-
11 propriation, except as otherwise specifically provided,
12 shall be increased by more than 10 percent by any
13 such transfers.

14 (3) TREATMENT AS REPROGRAMMING.—Any
15 transfer pursuant to this subsection shall be treated
16 as a reprogramming of funds under section 7015 of
17 this Act and shall not be available for obligation or
18 expenditure except in compliance with the proce-
19 dures set forth in that section.

20 (b) LIMITATION ON TRANSFERS OF FUNDS BE-
21 TWEEN AGENCIES.—

22 (1) IN GENERAL.—None of the funds made
23 available under titles II through V of this Act may
24 be transferred to any department, agency, or instru-
25 mentality of the United States Government, except

1 pursuant to a transfer made by, or transfer author-
2 ity provided in, this Act or any other appropriations
3 Act.

4 (2) ALLOCATION AND TRANSFERS.—Notwith-
5 standing paragraph (1), in addition to transfers
6 made by, or authorized elsewhere in, this Act, funds
7 appropriated by this Act to carry out the purposes
8 of the Foreign Assistance Act of 1961 may be allo-
9 cated or transferred to agencies of the United States
10 Government pursuant to the provisions of sections
11 109, 610, and 632 of the Foreign Assistance Act of
12 1961, and section 1434(j) of the BUILD Act of
13 2018 (division F of Public Law 115–254).

14 (3) NOTIFICATION.—Any agreement entered
15 into by the United States Agency for International
16 Development or the Department of State with any
17 department, agency, or instrumentality of the United
18 States Government pursuant to section 632(b) of the
19 Foreign Assistance Act of 1961 valued in excess of
20 \$1,000,000 and any agreement made pursuant to
21 section 632(a) of such Act, with funds appropriated
22 by this Act or prior Acts making appropriations for
23 the Department of State, foreign operations, and re-
24 lated programs under the headings “Global Health
25 Programs”, “Development Assistance”, “Economic

1 Support Fund”, and “Assistance for Europe, Eur-
2 asia and Central Asia” shall be subject to the reg-
3 ular notification procedures of the Committees on
4 Appropriations: *Provided*, That the requirement in
5 the previous sentence shall not apply to agreements
6 entered into between USAID and the Department of
7 State.

8 (c) UNITED STATES INTERNATIONAL DEVELOPMENT
9 FINANCE CORPORATION.—

10 (1) TRANSFERS.—Amounts transferred pursu-
11 ant to section 1434(j) of the BUILD Act of 2018
12 (division F of Public Law 115–254) may only be
13 transferred from funds made available under title III
14 of this Act: *Provided*, That any such transfers, and
15 any amounts transferred to the United States Inter-
16 national Development Finance Corporation (the Cor-
17 poration) pursuant to section 632 of the Foreign As-
18 sistance Act of 1961, shall be subject to prior con-
19 sultation with, and the regular notification proce-
20 dures of, the Committees on Appropriations: *Pro-*
21 *vided further*, That the Secretary of State, the Ad-
22 ministrator of the United States Agency for Inter-
23 national Development, and the Chief Executive Offi-
24 cer of the Corporation, as appropriate, shall ensure
25 that the programs funded by such transfers are co-

1 ordinated with, and complement, foreign assistance
2 programs implemented by the Department of State
3 and USAID: *Provided further*, That no funds trans-
4 ferred pursuant to section 1434(j) of the BUILD
5 Act of 2018 may be used by the Corporation to post
6 personnel abroad.

7 (2) TRANSFER OF FUNDS FROM MILLENNIUM
8 CHALLENGE CORPORATION.—Funds appropriated
9 under the heading “Millennium Challenge Corpora-
10 tion” in this Act or prior Acts making appropria-
11 tions for the Department of State, foreign oper-
12 ations, and related programs may be transferred to
13 accounts under the heading “United States Inter-
14 national Development Finance Corporation” and,
15 when so transferred, may be used for the costs of
16 activities described in subsections (b) and (c) of sec-
17 tion 1421 of the BUILD Act of 2018: *Provided*,
18 That such funds shall be subject to the limitations
19 provided in the second, third, and fifth provisos
20 under the heading “United States International De-
21 velopment Finance Corporation—Program Account”
22 in this Act: *Provided further*, That any transfer exe-
23 cuted pursuant to the transfer authority provided in
24 this paragraph shall not exceed 10 percent of an in-
25 dividual Compact awarded pursuant to section

1 609(a) of the Millennium Challenge Act of 2003
2 (title VI of Public Law 108–199): *Provided further*,
3 That such funds shall not be available for adminis-
4 trative expenses of the United States International
5 Development Finance Corporation: *Provided further*,
6 That such authority shall be subject to prior con-
7 sultation with, and the regular notification proce-
8 dures of, the Committees on Appropriations: *Pro-*
9 *vided further*, That the transfer authority provided
10 in this section is in addition to any other transfer
11 authority provided by law: *Provided further*, That
12 within 60 days of the termination in whole or in part
13 of the Compact from which funds were transferred
14 under this authority to the United States Inter-
15 national Development Finance Corporation, any un-
16 obligated balances shall be transferred back to the
17 Millennium Challenge Corporation, subject to the
18 regular notification procedures of the Committees on
19 Appropriations.

20 (d) TRANSFER OF FUNDS BETWEEN ACCOUNTS.—

21 None of the funds made available under titles II through
22 V of this Act may be obligated under an appropriations
23 account to which such funds were not appropriated, except
24 for transfers specifically provided for in this Act, unless
25 the President, not less than 5 days prior to the exercise

1 of any authority contained in the Foreign Assistance Act
2 of 1961 to transfer funds, consults with and provides a
3 written policy justification to the Committees on Appro-
4 priations.

5 (e) AUDIT OF INTER-AGENCY TRANSFERS OF
6 FUNDS.—Any agreement for the transfer or allocation of
7 funds appropriated by this Act or prior Acts making ap-
8 propriations for the Department of State, foreign oper-
9 ations, and related programs entered into between the De-
10 partment of State or USAID and another agency of the
11 United States Government under the authority of section
12 632(a) of the Foreign Assistance Act of 1961, or any com-
13 parable provision of law, shall expressly provide that the
14 Inspector General (IG) for the agency receiving the trans-
15 fer or allocation of such funds, or other entity with audit
16 responsibility if the receiving agency does not have an IG,
17 shall perform periodic program and financial audits of the
18 use of such funds and report to the Department of State
19 or USAID, as appropriate, upon completion of such au-
20 dits: *Provided*, That such audits shall be transmitted to
21 the Committees on Appropriations by the Department of
22 State or USAID, as appropriate: *Provided further*, That
23 funds transferred under such authority may be made
24 available for the cost of such audits.

1 PROHIBITION AND LIMITATION ON CERTAIN EXPENSES

2 SEC. 7010. (a) FIRST-CLASS TRAVEL.—None of the
3 funds made available by this Act may be used for first-
4 class travel by employees of United States Government de-
5 partments and agencies funded by this Act in contraven-
6 tion of section 301–10.122 through 301–10.124 of title
7 41, Code of Federal Regulations.

8 (b) COMPUTER NETWORKS.—None of the funds
9 made available by this Act for the operating expenses of
10 any United States Government department or agency may
11 be used to establish or maintain a computer network for
12 use by such department or agency unless such network
13 has filters designed to block access to sexually explicit
14 websites: *Provided*, That nothing in this subsection shall
15 limit the use of funds necessary for any Federal, State,
16 Tribal, or local law enforcement agency, or any other enti-
17 ty carrying out the following activities: criminal investiga-
18 tions, prosecutions, and adjudications; administrative dis-
19 cipline; and the monitoring of such websites undertaken
20 as part of official business.

21 (c) PROHIBITION ON PROMOTION OF TOBACCO.—
22 None of the funds made available by this Act shall be
23 available to promote the sale or export of tobacco or to-
24 bacco products (including electronic nicotine delivery sys-
25 tems), or to seek the reduction or removal by any foreign

1 country of restrictions on the marketing of tobacco or to-
2 bacco products (including electronic nicotine delivery sys-
3 tems), except for restrictions which are not applied equally
4 to all tobacco or tobacco products (including electronic nie-
5 otine delivery systems) of the same type.

6 (d) EMAIL SERVERS OUTSIDE THE .GOV DOMAIN.—
7 None of the funds appropriated by this Act under the
8 headings “Diplomatic Programs” and “Capital Invest-
9 ment Fund” in title I, and “Operating Expenses” and
10 “Capital Investment Fund” in title II that are made avail-
11 able to the Department of State and the United States
12 Agency for International Development may be made avail-
13 able to support the use or establishment of email accounts
14 or email servers created outside the .gov domain or not
15 fitted for automated records management as part of a
16 Federal government records management program in con-
17 travention of the Presidential and Federal Records Act
18 Amendments of 2014 (Public Law 113–187).

19 (e) REPRESENTATION AND ENTERTAINMENT EX-
20 PENSES.—Each Federal department, agency, or entity
21 funded in titles I or II of this Act, and the Department
22 of the Treasury and independent agencies funded in titles
23 III or VI of this Act, shall take steps to ensure that do-
24 mestic and overseas representation and entertainment ex-

1 penses further official agency business and United States
2 foreign policy interests, and—

3 (1) are primarily for fostering relations outside
4 of the Executive Branch;

5 (2) are principally for meals and events of a
6 protocol nature;

7 (3) are not for employee-only events; and

8 (4) do not include activities that are substan-
9 tially of a recreational character.

10 (f) LIMITATIONS ON ENTERTAINMENT EXPENSES.—

11 None of the funds appropriated or otherwise made avail-
12 able by this Act under the headings “International Mili-
13 tary Education and Training” or “Foreign Military Fi-
14 nancing Program” for Informational Program activities or
15 under the headings “Global Health Programs”, “Develop-
16 ment Assistance”, “Economic Support Fund”, and “As-
17 sistance for Europe, Eurasia and Central Asia” may be
18 obligated or expended to pay for—

19 (1) alcoholic beverages; or

20 (2) entertainment expenses for activities that
21 are substantially of a recreational character, includ-
22 ing entrance fees at sporting events, theatrical and
23 musical productions, and amusement parks.

1360

1 AVAILABILITY OF FUNDS

2 SEC. 7011. No part of any appropriation contained
3 in this Act shall remain available for obligation after the
4 expiration of the current fiscal year unless expressly so
5 provided by this Act: *Provided*, That funds appropriated
6 for the purposes of chapters 1 and 8 of part I, section
7 661, chapters 4, 5, 6, 8, and 9 of part II of the Foreign
8 Assistance Act of 1961, section 23 of the Arms Export
9 Control Act (22 U.S.C. 2763), and funds made available
10 for “United States International Development Finance
11 Corporation” and under the heading “Assistance for Eu-
12 rope, Eurasia and Central Asia” shall remain available for
13 an additional 4 years from the date on which the avail-
14 ability of such funds would otherwise have expired, if such
15 funds are initially obligated before the expiration of their
16 respective periods of availability contained in this Act:
17 *Provided further*, That notwithstanding any other provi-
18 sion of this Act, any funds made available for the purposes
19 of chapter 1 of part I and chapter 4 of part II of the
20 Foreign Assistance Act of 1961 which are allocated or ob-
21 ligated for cash disbursements in order to address balance
22 of payments or economic policy reform objectives, shall re-
23 main available for an additional 4 years from the date on
24 which the availability of such funds would otherwise have
25 expired, if such funds are initially allocated or obligated

1 a foreign country under a new bilateral agreement gov-
2 erning the terms and conditions under which such assist-
3 ance is to be provided unless such agreement includes a
4 provision stating that assistance provided by the United
5 States shall be exempt from taxation, or reimbursed, by
6 the foreign government, and the Secretary of State and
7 the Administrator of the United States Agency for Inter-
8 national Development shall expeditiously seek to negotiate
9 amendments to existing bilateral agreements, as nec-
10 essary, to conform with this requirement.

11 (b) NOTIFICATION AND REIMBURSEMENT OF FOR-
12 EIGN TAXES.—An amount equivalent to 200 percent of
13 the total taxes assessed during fiscal year 2023 on funds
14 appropriated by this Act and prior Acts making appropria-
15 tions for the Department of State, foreign operations, and
16 related programs by a foreign government or entity
17 against United States assistance programs, either directly
18 or through grantees, contractors, and subcontractors, shall
19 be withheld from obligation from funds appropriated for
20 assistance for fiscal year 2024 and for prior fiscal years
21 and allocated for the central government of such country
22 or for the West Bank and Gaza program, as applicable,
23 if, not later than September 30, 2024, such taxes have
24 not been reimbursed.

1 (c) DE MINIMIS EXCEPTION.—Foreign taxes of a de
2 minimis nature shall not be subject to the provisions of
3 subsection (b).

4 (d) REPROGRAMMING OF FUNDS.—Funds withheld
5 from obligation for each foreign government or entity pur-
6 suant to subsection (b) shall be reprogrammed for assist-
7 ance for countries which do not assess taxes on United
8 States assistance or which have an effective arrangement
9 that is providing substantial reimbursement of such taxes,
10 and that can reasonably accommodate such assistance in
11 a programmatically responsible manner.

12 (e) DETERMINATIONS.—

13 (1) IN GENERAL.—The provisions of this sec-
14 tion shall not apply to any foreign government or en-
15 tity that assesses such taxes if the Secretary of
16 State reports to the Committees on Appropriations
17 that—

18 (A) such foreign government or entity has
19 an effective arrangement that is providing sub-
20 stantial reimbursement of such taxes; or

21 (B) the foreign policy interests of the
22 United States outweigh the purpose of this sec-
23 tion to ensure that United States assistance is
24 not subject to taxation.

1 (2) CONSULTATION.—The Secretary of State
2 shall consult with the Committees on Appropriations
3 at least 15 days prior to exercising the authority of
4 this subsection with regard to any foreign govern-
5 ment or entity.

6 (f) IMPLEMENTATION.—The Secretary of State shall
7 issue and update rules, regulations, or policy guidance, as
8 appropriate, to implement the prohibition against the tax-
9 ation of assistance contained in this section.

10 (g) DEFINITIONS.—As used in this section:

11 (1) BILATERAL AGREEMENT.—The term “bilat-
12 eral agreement” refers to a framework bilateral
13 agreement between the Government of the United
14 States and the government of the country receiving
15 assistance that describes the privileges and immuni-
16 ties applicable to United States foreign assistance
17 for such country generally, or an individual agree-
18 ment between the Government of the United States
19 and such government that describes, among other
20 things, the treatment for tax purposes that will be
21 accorded the United States assistance provided
22 under that agreement.

23 (2) TAXES AND TAXATION.—The term “taxes
24 and taxation” shall include value added taxes and

1 customs duties but shall not include individual in-
2 come taxes assessed to local staff.

3 RESERVATIONS OF FUNDS

4 SEC. 7014. (a) REPROGRAMMING.—Funds appro-
5 priated under titles III through VI of this Act which are
6 specifically designated may be reprogrammed for other
7 programs within the same account notwithstanding the
8 designation if compliance with the designation is made im-
9 possible by operation of any provision of this or any other
10 Act: *Provided*, That any such reprogramming shall be sub-
11 ject to the regular notification procedures of the Commit-
12 tees on Appropriations: *Provided further*, That assistance
13 that is reprogrammed pursuant to this subsection shall be
14 made available under the same terms and conditions as
15 originally provided.

16 (b) EXTENSION OF AVAILABILITY.—In addition to
17 the authority contained in subsection (a), the original pe-
18 riod of availability of funds appropriated by this Act and
19 administered by the Department of State or the United
20 States Agency for International Development that are spe-
21 cifically designated for particular programs or activities by
22 this or any other Act may be extended for an additional
23 fiscal year if the Secretary of State or the USAID Admin-
24 istrator, as appropriate, determines and reports promptly
25 to the Committees on Appropriations that the termination

1 of assistance to a country or a significant change in cir-
2 cumstances makes it unlikely that such designated funds
3 can be obligated during the original period of availability:
4 *Provided*, That such designated funds that continue to be
5 available for an additional fiscal year shall be obligated
6 only for the purpose of such designation.

7 (c) OTHER ACTS.—Ceilings and specifically des-
8 igned funding levels contained in this Act shall not be
9 applicable to funds or authorities appropriated or other-
10 wise made available by any subsequent Act unless such
11 Act specifically so directs: *Provided*, That specifically des-
12 igned funding levels or minimum funding requirements
13 contained in any other Act shall not be applicable to funds
14 appropriated by this Act.

15 NOTIFICATION REQUIREMENTS

16 SEC. 7015. (a) NOTIFICATION OF CHANGES IN PRO-
17 GRAMS, PROJECTS, AND ACTIVITIES.—None of the funds
18 made available in titles I, II, and VI, and under the head-
19 ings “Peace Corps” and “Millennium Challenge Corpora-
20 tion”, of this Act or prior Acts making appropriations for
21 the Department of State, foreign operations, and related
22 programs to the departments and agencies funded by this
23 Act that remain available for obligation in fiscal year
24 2023, or provided from any accounts in the Treasury of
25 the United States derived by the collection of fees or of

1367

1 currency reflows or other offsetting collections, or made
2 available by transfer, to the departments and agencies
3 funded by this Act, shall be available for obligation to—

4 (1) create new programs;

5 (2) suspend or eliminate a program, project, or
6 activity;

7 (3) close, suspend, open, or reopen a mission or
8 post;

9 (4) create, close, reorganize, downsize, or re-
10 name bureaus, centers, or offices; or

11 (5) contract out or privatize any functions or
12 activities presently performed by Federal employees;

13 unless previously justified to the Committees on Appro-
14 priations or such Committees are notified 15 days in ad-
15 vance of such obligation.

16 (b) NOTIFICATION OF REPROGRAMMING OF
17 FUNDS.—None of the funds provided under titles I, II,
18 and VI of this Act or prior Acts making appropriations
19 for the Department of State, foreign operations, and re-
20 lated programs, to the departments and agencies funded
21 under such titles that remain available for obligation in
22 fiscal year 2023, or provided from any accounts in the
23 Treasury of the United States derived by the collection
24 of fees available to the department and agency funded
25 under title I of this Act, shall be available for obligation

1368

1 or expenditure for programs, projects, or activities
2 through a reprogramming of funds in excess of
3 \$1,000,000 or 10 percent, whichever is less, that—

4 (1) augments or changes existing programs,
5 projects, or activities;

6 (2) relocates an existing office or employees;

7 (3) reduces by 10 percent funding for any exist-
8 ing program, project, or activity, or numbers of per-
9 sonnel by 10 percent as approved by Congress; or

10 (4) results from any general savings, including
11 savings from a reduction in personnel, which would
12 result in a change in existing programs, projects, or
13 activities as approved by Congress;

14 unless the Committees on Appropriations are notified 15
15 days in advance of such reprogramming of funds.

16 (c) NOTIFICATION REQUIREMENT.—None of the
17 funds made available by this Act under the headings
18 “Global Health Programs”, “Development Assistance”,
19 “Economic Support Fund”, “Democracy Fund”, “Assist-
20 ance for Europe, Eurasia and Central Asia”, “Peace
21 Corps”, “Millennium Challenge Corporation”, “Inter-
22 national Narcotics Control and Law Enforcement”, “Non-
23 proliferation, Anti-terrorism, Demining and Related Pro-
24 grams”, “Peacekeeping Operations”, “International Mili-
25 tary Education and Training”, “Foreign Military Financ-

1 ing Program”, “International Organizations and Pro-
2 grams”, “United States International Development Fi-
3 nance Corporation”, and “Trade and Development Agen-
4 cy” shall be available for obligation for programs, projects,
5 activities, type of materiel assistance, countries, or other
6 operations not justified or in excess of the amount justi-
7 fied to the Committees on Appropriations for obligation
8 under any of these specific headings unless the Commit-
9 tees on Appropriations are notified 15 days in advance of
10 such obligation: *Provided*, That the President shall not
11 enter into any commitment of funds appropriated for the
12 purposes of section 23 of the Arms Export Control Act
13 for the provision of major defense equipment, other than
14 conventional ammunition, or other major defense items
15 defined to be aircraft, ships, missiles, or combat vehicles,
16 not previously justified to Congress or 20 percent in excess
17 of the quantities justified to Congress unless the Commit-
18 tees on Appropriations are notified 15 days in advance of
19 such commitment: *Provided further*, That requirements of
20 this subsection or any similar provision of this or any
21 other Act shall not apply to any reprogramming for a pro-
22 gram, project, or activity for which funds are appropriated
23 under titles III through VI of this Act of less than 10
24 percent of the amount previously justified to Congress for
25 obligation for such program, project, or activity for the

1 current fiscal year: *Provided further*, That any notification
2 submitted pursuant to subsection (f) of this section shall
3 include information (if known on the date of transmittal
4 of such notification) on the use of notwithstanding author-
5 ity.

6 (d) DEPARTMENT OF DEFENSE PROGRAMS AND
7 FUNDING NOTIFICATIONS.—

8 (1) PROGRAMS.—None of the funds appro-
9 priated by this Act or prior Acts making appropria-
10 tions for the Department of State, foreign oper-
11 ations, and related programs may be made available
12 to support or continue any program initially funded
13 under any authority of title 10, United States Code,
14 or any Act making or authorizing appropriations for
15 the Department of Defense, unless the Secretary of
16 State, in consultation with the Secretary of Defense
17 and in accordance with the regular notification pro-
18 cedures of the Committees on Appropriations, sub-
19 mits a justification to such Committees that includes
20 a description of, and the estimated costs associated
21 with, the support or continuation of such program.

22 (2) FUNDING.—Notwithstanding any other pro-
23 vision of law, funds transferred by the Department
24 of Defense to the Department of State and the
25 United States Agency for International Development

1 for assistance for foreign countries and international
2 organizations shall be subject to the regular notifica-
3 tion procedures of the Committees on Appropria-
4 tions.

5 (3) NOTIFICATION ON EXCESS DEFENSE ARTI-
6 CLES.—Prior to providing excess Department of De-
7 fense articles in accordance with section 516(a) of
8 the Foreign Assistance Act of 1961, the Department
9 of Defense shall notify the Committees on Appro-
10 priations to the same extent and under the same
11 conditions as other committees pursuant to sub-
12 section (f) of that section: *Provided*, That before
13 issuing a letter of offer to sell excess defense articles
14 under the Arms Export Control Act, the Department
15 of Defense shall notify the Committees on Appro-
16 priations in accordance with the regular notification
17 procedures of such Committees if such defense arti-
18 cles are significant military equipment (as defined in
19 section 47(9) of the Arms Export Control Act) or
20 are valued (in terms of original acquisition cost) at
21 \$7,000,000 or more, or if notification is required
22 elsewhere in this Act for the use of appropriated
23 funds for specific countries that would receive such
24 excess defense articles: *Provided further*, That such

1 Committees shall also be informed of the original ac-
2 quisition cost of such defense articles.

3 (e) WAIVER.—The requirements of this section or
4 any similar provision of this Act or any other Act, includ-
5 ing any prior Act requiring notification in accordance with
6 the regular notification procedures of the Committees on
7 Appropriations, may be waived if failure to do so would
8 pose a substantial risk to human health or welfare: *Pro-*
9 *vided*, That in case of any such waiver, notification to the
10 Committees on Appropriations shall be provided as early
11 as practicable, but in no event later than 3 days after tak-
12 ing the action to which such notification requirement was
13 applicable, in the context of the circumstances necessi-
14 tating such waiver: *Provided further*, That any notification
15 provided pursuant to such a waiver shall contain an expla-
16 nation of the emergency circumstances.

17 (f) COUNTRY NOTIFICATION REQUIREMENTS.—None
18 of the funds appropriated under titles III through VI of
19 this Act may be obligated or expended for assistance for
20 Afghanistan, Bahrain, Burma, Cambodia, Colombia,
21 Cuba, Egypt, El Salvador, Ethiopia, Guatemala, Haiti,
22 Honduras, Iran, Iraq, Lebanon, Libya, Mexico, Nica-
23 ragua, Pakistan, Philippines, the Russian Federation,
24 Rwanda, Somalia, South Sudan, Sri Lanka, Sudan, Syria,
25 Tunisia, Venezuela, Yemen, and Zimbabwe except as pro-

1 vided through the regular notification procedures of the
2 Committees on Appropriations.

3 (g) TRUST FUNDS.—Funds appropriated or other-
4 wise made available in title III of this Act and prior Acts
5 making funds available for the Department of State, for-
6 eign operations, and related programs that are made avail-
7 able for a trust fund held by an international financial
8 institution shall be subject to the regular notification pro-
9 cedures of the Committees on Appropriations, and such
10 notification shall include the information specified under
11 this section in House Report 117–401.

12 (h) OTHER PROGRAM NOTIFICATION REQUIRE-
13 MENT.—

14 (1) DIPLOMATIC PROGRAMS.—Funds appro-
15 priated under title I of this Act under the heading
16 “Diplomatic Programs” that are made available for
17 lateral entry into the Foreign Service shall be sub-
18 ject to prior consultation with, and the regular noti-
19 fication procedures of, the Committees on Appro-
20 priations.

21 (2) OTHER PROGRAMS.—Funds appropriated by
22 this Act that are made available for the following
23 programs and activities shall be subject to the reg-
24 ular notification procedures of the Committees on
25 Appropriations:

1374

1 (A) the Global Engagement Center;

2 (B) the Power Africa and Prosper Africa
3 initiatives;

4 (C) community-based police assistance con-
5 ducted pursuant to the authority of section
6 7035(a)(1) of this Act;

7 (D) the Prevention and Stabilization Fund
8 and the Multi-Donor Global Fragility Fund;

9 (E) the Indo-Pacific Strategy;

10 (F) the Countering PRC Influence Fund
11 and the Countering Russian Influence Fund;

12 (G) the Gender Equity and Equality Ac-
13 tion Fund; and

14 (H) funds specifically allocated for the
15 Partnership for Global Infrastructure and In-
16 vestment.

17 (3) DEMOCRACY PROGRAM POLICY AND PROCE-
18 DURES.—Modifications to democracy program policy
19 and procedures, including relating to the use of con-
20 sortia, by the Department of State and USAID shall
21 be subject to prior consultation with, and the regular
22 notification procedures of, the Committees on Ap-
23 propriations.

24 (4) ARMS SALES.—The reports, notifications,
25 and certifications, and any other documents, re-

1 quired to be submitted pursuant to section 36(a) of
2 the Arms Export Control Act (22 U.S.C. 2776), and
3 such documents submitted pursuant to section 36(b)
4 through (d) of such Act with respect to countries
5 that have received assistance provided with funds
6 appropriated by this Act or prior Acts making ap-
7 propriations for the Department of State, foreign
8 operations, and related programs, shall be concu-
9 rently submitted to the Committees on Appropria-
10 tions and shall include information about the source
11 of funds for any sale or transfer, as applicable, if
12 known at the time of submission.

13 (i) WITHHOLDING OF FUNDS.—Funds appropriated
14 by this Act under titles III and IV that are withheld from
15 obligation or otherwise not programmed as a result of ap-
16 plication of a provision of law in this or any other Act
17 shall, if reprogrammed, be subject to the regular notifica-
18 tion procedures of the Committees on Appropriations.

19 (j) PRIOR CONSULTATION REQUIREMENT.—The Sec-
20 retary of State, the Administrator of the United States
21 Agency for International Development, the Chief Execu-
22 tive Officer of the United States International Develop-
23 ment Finance Corporation, and the Chief Executive Offi-
24 cer of the Millennium Challenge Corporation shall consult
25 with the Committees on Appropriations at least 7 days

1376

1 prior to informing a government of, or publicly announce-
2 ing a decision on, the suspension or early termination of
3 assistance to a country or a territory, including as a result
4 of an interagency review of such assistance, from funds
5 appropriated by this Act or prior Acts making appropria-
6 tions for the Department of State, foreign operations, and
7 related programs: *Provided*, That such consultation shall
8 include a detailed justification for such suspension, includ-
9 ing a description of the assistance being suspended.

10 DOCUMENTS, REPORT POSTING, RECORDS MANAGEMENT,
11 AND RELATED CYBERSECURITY PROTECTIONS

12 SEC. 7016. (a) DOCUMENT REQUESTS.—None of the
13 funds appropriated or made available pursuant to titles
14 III through VI of this Act shall be available to a non-
15 governmental organization, including any contractor,
16 which fails to provide upon timely request any document,
17 file, or record necessary to the auditing requirements of
18 the Department of State and the United States Agency
19 for International Development.

20 (b) PUBLIC POSTING OF REPORTS.—

21 (1) Except as provided in paragraphs (2) and
22 (3), any report required by this Act to be submitted
23 to Congress by any Federal agency receiving funds
24 made available by this Act shall be posted on the
25 public Web site of such agency not later than 45

1 days following the receipt of such report by Con-
2 gress.

3 (2) Paragraph (1) shall not apply to a report
4 if—

5 (A) the public posting of the report would
6 compromise national security, including the
7 conduct of diplomacy;

8 (B) the report contains proprietary or
9 other privileged information; or

10 (C) the public posting of the report is spe-
11 cifically exempted in the explanatory statement
12 described in section 4 (in the matter preceding
13 division A of this consolidated Act).

14 (3) The agency posting such report shall do so
15 only after the report has been made available to the
16 Committees on Appropriations.

17 (c) RECORDS MANAGEMENT AND RELATED CYBER-
18 SECURITY PROTECTIONS.—The Secretary of State and
19 USAID Administrator shall—

20 (1) regularly review and update the policies, di-
21 rectives, and oversight necessary to comply with
22 Federal statutes, regulations, and presidential execu-
23 tive orders and memoranda concerning the preserva-
24 tion of all records made or received in the conduct

1 of official business, including record emails, instant
2 messaging, and other online tools;

3 (2) use funds appropriated by this Act under
4 the headings “Diplomatic Programs” and “Capital
5 Investment Fund” in title I, and “Operating Ex-
6 penses” and “Capital Investment Fund” in title II,
7 as appropriate, to improve Federal records manage-
8 ment pursuant to the Federal Records Act (44
9 U.S.C. Chapters 21, 29, 31, and 33) and other ap-
10 plicable Federal records management statutes, regu-
11 lations, or policies for the Department of State and
12 USAID;

13 (3) direct departing employees, including senior
14 officials, that all Federal records generated by such
15 employees belong to the Federal Government;

16 (4) substantially reduce, compared to the pre-
17 vious fiscal year, the response time for identifying
18 and retrieving Federal records, including requests
19 made pursuant to section 552 of title 5, United
20 States Code (commonly known as the “Freedom of
21 Information Act”); and

22 (5) strengthen cybersecurity measures to miti-
23 gate vulnerabilities, including those resulting from
24 the use of personal email accounts or servers outside
25 the .gov domain, improve the process to identify and

1379

1 remove inactive user accounts, update and enforce
2 guidance related to the control of national security
3 information, and implement the recommendations of
4 the applicable reports of the cognizant Office of In-
5 spector General.

6 USE OF FUNDS IN CONTRAVENTION OF THIS ACT

7 SEC. 7017. If the President makes a determination
8 not to comply with any provision of this Act on constitu-
9 tional grounds, the head of the relevant Federal agency
10 shall notify the Committees on Appropriations in writing
11 within 5 days of such determination, the basis for such
12 determination and any resulting changes to program or
13 policy.

14 PROHIBITION ON FUNDING FOR ABORTIONS AND
15 INVOLUNTARY STERILIZATION

16 SEC. 7018. None of the funds made available to carry
17 out part I of the Foreign Assistance Act of 1961, as
18 amended, may be used to pay for the performance of abor-
19 tions as a method of family planning or to motivate or
20 coerce any person to practice abortions. None of the funds
21 made available to carry out part I of the Foreign Assist-
22 ance Act of 1961, as amended, may be used to pay for
23 the performance of involuntary sterilization as a method
24 of family planning or to coerce or provide any financial
25 incentive to any person to undergo sterilizations. None of

1 the funds made available to carry out part I of the Foreign
2 Assistance Act of 1961, as amended, may be used to pay
3 for any biomedical research which relates in whole or in
4 part, to methods of, or the performance of, abortions or
5 involuntary sterilization as a means of family planning.
6 None of the funds made available to carry out part I of
7 the Foreign Assistance Act of 1961, as amended, may be
8 obligated or expended for any country or organization if
9 the President certifies that the use of these funds by any
10 such country or organization would violate any of the
11 above provisions related to abortions and involuntary steri-
12 lizations.

13 ALLOCATIONS AND REPORTS

14 SEC. 7019. (a) ALLOCATION TABLES.—Subject to
15 subsection (b), funds appropriated by this Act under titles
16 III through V shall be made available in the amounts spe-
17 cifically designated in the respective tables included in the
18 explanatory statement described in section 4 (in the mat-
19 ter preceding division A of this consolidated Act): *Pro-*
20 *vided*, That such designated amounts for foreign countries
21 and international organizations shall serve as the amounts
22 for such countries and international organizations trans-
23 mitted to Congress in the report required by section
24 653(a) of the Foreign Assistance Act of 1961, and shall
25 be made available for such foreign countries and inter-

1 national organizations notwithstanding the date of the
2 transmission of such report.

3 (b) AUTHORIZED DEVIATIONS.—Unless otherwise
4 provided for by this Act, the Secretary of State and the
5 Administrator of the United States Agency for Inter-
6 national Development, as applicable, may only deviate up
7 to 10 percent from the amounts specifically designated in
8 the respective tables included in the explanatory statement
9 described in section 4 (in the matter preceding division
10 A of this consolidated Act): *Provided*, That such percent-
11 age may be exceeded only if the Secretary of State or
12 USAID Administrator, as applicable, determines and re-
13 ports in writing to the Committees on Appropriations on
14 a case-by-case basis that such deviation is necessary to
15 respond to significant, exigent, or unforeseen events, or
16 to address other exceptional circumstances directly related
17 to the national security interest of the United States, in-
18 cluding a description of such events or circumstances: *Pro-*
19 *vided further*, That deviations pursuant to the preceding
20 proviso shall be subject to prior consultation with, and the
21 regular notification procedures of, the Committees on Ap-
22 propriations.

23 (c) LIMITATION.—For specifically designated
24 amounts that are included, pursuant to subsection (a), in
25 the report required by section 653(a) of the Foreign As-

1 sistance Act of 1961, deviations authorized by subsection
2 (b) may only take place after submission of such report.

3 (d) EXCEPTIONS.—

4 (1) Subsections (a) and (b) shall not apply to—

5 (A) amounts designated for “International
6 Military Education and Training” in the re-
7 spective tables included in the explanatory
8 statement described in section 4 (in the matter
9 preceding division A of this consolidated Act);

10 (B) funds for which the initial period of
11 availability has expired; and

12 (C) amounts designated by this Act as
13 minimum funding requirements.

14 (2) The authority of subsection (b) to deviate
15 from amounts designated in the respective tables in-
16 cluded in the explanatory statement described in sec-
17 tion 4 (in the matter preceding division A of this
18 consolidated Act) shall not apply to the table in-
19 cluded under the heading “Global Health Programs”
20 in such statement.

21 (3) With respect to the amounts designated for
22 “Global Programs” in the table under the heading
23 “Economic Support Fund” included in the explana-
24 tory statement described in section 4 (in the matter
25 preceding division A of this consolidated Act), the

1 matter preceding the first proviso in subsection (b)
2 of this section shall be applied by substituting “5
3 percent” for “10 percent”, and the provisos in such
4 subsection (b) shall not apply.

5 (e) REPORTS.—The Secretary of State, USAID Ad-
6 ministrator, and other designated officials, as appropriate,
7 shall submit the reports required, in the manner described,
8 in House Report 117–401 and the explanatory statement
9 described in section 4 (in the matter preceding division
10 A of this consolidated Act), unless otherwise directed in
11 such explanatory statement.

12 (f) CLARIFICATION.—Funds appropriated by this Act
13 under the headings “International Disaster Assistance”
14 and “Migration and Refugee Assistance” shall not be in-
15 cluded for purposes of meeting amounts designated for
16 countries in this Act, unless such headings are specifically
17 designated as the source of funds.

18 MULTI-YEAR PLEDGES

19 SEC. 7020. None of the funds appropriated or other-
20 wise made available by this Act may be used to make any
21 pledge for future year funding for any multilateral or bi-
22 lateral program funded in titles III through VI of this Act
23 unless such pledge was: (1) previously justified, including
24 the projected future year costs, in a congressional budget
25 justification; (2) included in an Act making appropriations

1 for the Department of State, foreign operations, and re-
2 lated programs or previously authorized by an Act of Con-
3 gress; (3) notified in accordance with the regular notifica-
4 tion procedures of the Committees on Appropriations, in-
5 cluding the projected future year costs; or (4) the subject
6 of prior consultation with the Committees on Appropria-
7 tions and such consultation was conducted at least 7 days
8 in advance of the pledge.

9 PROHIBITION ON ASSISTANCE TO GOVERNMENTS

10 SUPPORTING INTERNATIONAL TERRORISM

11 SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EX-
12 PORTS.—

13 (1) PROHIBITION.—None of the funds appro-
14 priated or otherwise made available under titles III
15 through VI of this Act may be made available to any
16 foreign government which provides lethal military
17 equipment to a country the government of which the
18 Secretary of State has determined supports inter-
19 national terrorism for purposes of section 1754(c) of
20 the Export Reform Control Act of 2018 (50 U.S.C.
21 4813(c)): *Provided*, That the prohibition under this
22 section with respect to a foreign government shall
23 terminate 12 months after that government ceases
24 to provide such military equipment: *Provided further*,
25 That this section applies with respect to lethal mili-

1 tary equipment provided under a contract entered
2 into after October 1, 1997.

3 (2) DETERMINATION.—Assistance restricted by
4 paragraph (1) or any other similar provision of law,
5 may be furnished if the President determines that to
6 do so is important to the national interest of the
7 United States.

8 (3) REPORT.—Whenever the President makes a
9 determination pursuant to paragraph (2), the Presi-
10 dent shall submit to the Committees on Appropria-
11 tions a report with respect to the furnishing of such
12 assistance, including a detailed explanation of the
13 assistance to be provided, the estimated dollar
14 amount of such assistance, and an explanation of
15 how the assistance furthers the United States na-
16 tional interest.

17 (b) BILATERAL ASSISTANCE.—

18 (1) LIMITATIONS.—Funds appropriated for bi-
19 lateral assistance in titles III through VI of this Act
20 and funds appropriated under any such title in prior
21 Acts making appropriations for the Department of
22 State, foreign operations, and related programs,
23 shall not be made available to any foreign govern-
24 ment which the President determines—

1386

1 (A) grants sanctuary from prosecution to
2 any individual or group which has committed
3 an act of international terrorism;

4 (B) otherwise supports international ter-
5 rorism; or

6 (C) is controlled by an organization des-
7 igned as a terrorist organization under sec-
8 tion 219 of the Immigration and Nationality
9 Act (8 U.S.C. 1189).

10 (2) WAIVER.—The President may waive the ap-
11 plication of paragraph (1) to a government if the
12 President determines that national security or hu-
13 manitarian reasons justify such waiver: *Provided*,
14 That the President shall publish each such waiver in
15 the Federal Register and, at least 15 days before the
16 waiver takes effect, shall notify the Committees on
17 Appropriations of the waiver (including the justifica-
18 tion for the waiver) in accordance with the regular
19 notification procedures of the Committees on Appro-
20 priations.

21 AUTHORIZATION REQUIREMENTS

22 SEC. 7022. Funds appropriated by this Act, except
23 funds appropriated under the heading “Trade and Devel-
24 opment Agency”, may be obligated and expended notwith-
25 standing section 10 of Public Law 91–672 (22 U.S.C.

1 2412), section 15 of the State Department Basic Authori-
2 ties Act of 1956 (22 U.S.C. 2680), section 313 of the For-
3 eign Relations Authorization Act, Fiscal Years 1994 and
4 1995 (22 U.S.C. 6212), and section 504(a)(1) of the Na-
5 tional Security Act of 1947 (50 U.S.C. 3094(a)(1)).

6 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

7 SEC. 7023. For the purpose of titles II through VI
8 of this Act, “program, project, and activity” shall be de-
9 fined at the appropriations Act account level and shall in-
10 clude all appropriations and authorizations Acts funding
11 directives, ceilings, and limitations with the exception that
12 for the “Economic Support Fund”, “Assistance for Eu-
13 rope, Eurasia and Central Asia”, and “Foreign Military
14 Financing Program” accounts, “program, project, and ac-
15 tivity” shall also be considered to include country, re-
16 gional, and central program level funding within each such
17 account, and for the development assistance accounts of
18 the United States Agency for International Development,
19 “program, project, and activity” shall also be considered
20 to include central, country, regional, and program level
21 funding, either as—

22 (1) justified to Congress; or

23 (2) allocated by the Executive Branch in ac-
24 cordance with the report required by section 653(a)

1 of the Foreign Assistance Act of 1961 or as modi-
2 fied pursuant to section 7019 of this Act.

3 AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN
4 FOUNDATION, AND UNITED STATES AFRICAN DEVEL-
5 OPMENT FOUNDATION

6 SEC. 7024. Unless expressly provided to the contrary,
7 provisions of this or any other Act, including provisions
8 contained in prior Acts authorizing or making appropria-
9 tions for the Department of State, foreign operations, and
10 related programs, shall not be construed to prohibit activi-
11 ties authorized by or conducted under the Peace Corps
12 Act, the Inter-American Foundation Act, or the African
13 Development Foundation Act: *Provided*, That prior to con-
14 ducting activities in a country for which assistance is pro-
15 hibited, the agency shall consult with the Committees on
16 Appropriations and report to such Committees within 15
17 days of taking such action.

18 COMMERCE, TRADE AND SURPLUS COMMODITIES

19 SEC. 7025. (a) WORLD MARKETS.—None of the
20 funds appropriated or made available pursuant to titles
21 III through VI of this Act for direct assistance and none
22 of the funds otherwise made available to the Export-Im-
23 port Bank and the United States International Develop-
24 ment Finance Corporation shall be obligated or expended
25 to finance any loan, any assistance, or any other financial

1 commitments for establishing or expanding production of
2 any commodity for export by any country other than the
3 United States, if the commodity is likely to be in surplus
4 on world markets at the time the resulting productive ca-
5 pacity is expected to become operative and if the assist-
6 ance will cause substantial injury to United States pro-
7 ducers of the same, similar, or competing commodity: *Pro-*
8 *vided*, That such prohibition shall not apply to the Export-
9 Import Bank if in the judgment of its Board of Directors
10 the benefits to industry and employment in the United
11 States are likely to outweigh the injury to United States
12 producers of the same, similar, or competing commodity,
13 and the Chairman of the Board so notifies the Committees
14 on Appropriations: *Provided further*, That this subsection
15 shall not prohibit—

16 (1) activities in a country that is eligible for as-
17 sistance from the International Development Asso-
18 ciation, is not eligible for assistance from the Inter-
19 national Bank for Reconstruction and Development,
20 and does not export on a consistent basis the agri-
21 cultural commodity with respect to which assistance
22 is furnished; or

23 (2) activities in a country the President deter-
24 mines is recovering from widespread conflict, a hu-
25 manitarian crisis, or a complex emergency.

1 (b) EXPORTS.—None of the funds appropriated by
2 this or any other Act to carry out chapter 1 of part I
3 of the Foreign Assistance Act of 1961 shall be available
4 for any testing or breeding feasibility study, variety im-
5 provement or introduction, consultancy, publication, con-
6 ference, or training in connection with the growth or pro-
7 duction in a foreign country of an agricultural commodity
8 for export which would compete with a similar commodity
9 grown or produced in the United States: *Provided*, That
10 this subsection shall not prohibit—

11 (1) activities designed to increase food security
12 in developing countries where such activities will not
13 have a significant impact on the export of agricul-
14 tural commodities of the United States;

15 (2) research activities intended primarily to
16 benefit United States producers;

17 (3) activities in a country that is eligible for as-
18 sistance from the International Development Asso-
19 ciation, is not eligible for assistance from the Inter-
20 national Bank for Reconstruction and Development,
21 and does not export on a consistent basis the agri-
22 cultural commodity with respect to which assistance
23 is furnished; or

1 (A) require that local currencies be depos-
2 ited in a separate account established by that
3 government;

4 (B) enter into an agreement with that gov-
5 ernment which sets forth—

6 (i) the amount of the local currencies
7 to be generated; and

8 (ii) the terms and conditions under
9 which the currencies so deposited may be
10 utilized, consistent with this section; and

11 (C) establish by agreement with that gov-
12 ernment the responsibilities of USAID and that
13 government to monitor and account for deposits
14 into and disbursements from the separate ac-
15 count.

16 (2) USES OF LOCAL CURRENCIES.—As may be
17 agreed upon with the foreign government, local cur-
18 rencies deposited in a separate account pursuant to
19 subsection (a), or an equivalent amount of local cur-
20 rencies, shall be used only—

21 (A) to carry out chapter 1 or 10 of part
22 I or chapter 4 of part II of the Foreign Assist-
23 ance Act of 1961 (as the case may be), for such
24 purposes as—

1393

1 (i) project and sector assistance activi-
2 ties; or

3 (ii) debt and deficit financing; or

4 (B) for the administrative requirements of
5 the United States Government.

6 (3) PROGRAMMING ACCOUNTABILITY.—USAID
7 shall take all necessary steps to ensure that the
8 equivalent of the local currencies disbursed pursuant
9 to subsection (a)(2)(A) from the separate account
10 established pursuant to subsection (a)(1) are used
11 for the purposes agreed upon pursuant to subsection
12 (a)(2).

13 (4) TERMINATION OF ASSISTANCE PRO-
14 GRAMS.—Upon termination of assistance to a coun-
15 try under chapter 1 or 10 of part I or chapter 4 of
16 part II of the Foreign Assistance Act of 1961 (as
17 the case may be), any unencumbered balances of
18 funds which remain in a separate account estab-
19 lished pursuant to subsection (a) shall be disposed of
20 for such purposes as may be agreed to by the gov-
21 ernment of that country and the United States Gov-
22 ernment.

23 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

24 (1) IN GENERAL.—If assistance is made avail-
25 able to the government of a foreign country, under

1 chapter 1 or 10 of part I or chapter 4 of part II of
2 the Foreign Assistance Act of 1961, as cash transfer
3 assistance or as nonproject sector assistance, that
4 country shall be required to maintain such funds in
5 a separate account and not commingle with any
6 other funds.

7 (2) APPLICABILITY OF OTHER PROVISIONS OF
8 LAW.—Such funds may be obligated and expended
9 notwithstanding provisions of law which are incon-
10 sistent with the nature of this assistance, including
11 provisions which are referenced in the Joint Explan-
12 atory Statement of the Committee of Conference ac-
13 companying House Joint Resolution 648 (House Re-
14 port No. 98–1159).

15 (3) NOTIFICATION.—At least 15 days prior to
16 obligating any such cash transfer or nonproject sec-
17 tor assistance, the President shall submit a notifica-
18 tion through the regular notification procedures of
19 the Committees on Appropriations, which shall in-
20 clude a detailed description of how the funds pro-
21 posed to be made available will be used, with a dis-
22 cussion of the United States interests that will be
23 served by such assistance (including, as appropriate,
24 a description of the economic policy reforms that will
25 be promoted by such assistance).

1 (b) PUBLIC LAW 480.—During fiscal year 2023, re-
2 strictions contained in this or any other Act with respect
3 to assistance for a country shall not be construed to re-
4 strict assistance under the Food for Peace Act (Public
5 Law 83–480; 7 U.S.C. 1721 et seq.): *Provided*, That none
6 of the funds appropriated to carry out title I of such Act
7 and made available pursuant to this subsection may be
8 obligated or expended except as provided through the reg-
9 ular notification procedures of the Committees on Appro-
10 priations.

11 (c) EXCEPTION.—This section shall not apply—

12 (1) with respect to section 620A of the Foreign
13 Assistance Act of 1961 or any comparable provision
14 of law prohibiting assistance to countries that sup-
15 port international terrorism; or

16 (2) with respect to section 116 of the Foreign
17 Assistance Act of 1961 or any comparable provision
18 of law prohibiting assistance to the government of a
19 country that violates internationally recognized
20 human rights.

21 DISABILITY PROGRAMS

22 SEC. 7028. (a) ASSISTANCE.—Funds appropriated by
23 this Act under the heading “Development Assistance”
24 shall be made available for programs and activities admin-
25 istered by the United States Agency for International De-

1 velopment to address the needs and protect and promote
2 the rights of people with disabilities in developing coun-
3 tries, including initiatives that focus on independent living,
4 economic self-sufficiency, advocacy, education, employ-
5 ment, transportation, sports, political and electoral par-
6 ticipation, and integration of individuals with disabilities,
7 including for the cost of translation: *Provided*, That funds
8 shall be made available to support disability rights advo-
9 cacy organizations in developing countries.

10 (b) MANAGEMENT, OVERSIGHT, AND TECHNICAL
11 SUPPORT.—Of the funds made available pursuant to this
12 section, 5 percent may be used by USAID for manage-
13 ment, oversight, and technical support.

14 INTERNATIONAL FINANCIAL INSTITUTIONS

15 SEC. 7029. (a) EVALUATIONS.—The Secretary of the
16 Treasury shall instruct the United States executive direc-
17 tor of each international financial institution to use the
18 voice of the United States to encourage such institution
19 to adopt and implement a publicly available policy, includ-
20 ing the strategic use of peer reviews and external experts,
21 to conduct independent, in-depth evaluations of the effec-
22 tiveness of at least 35 percent of all loans, grants, pro-
23 grams, and significant analytical non-lending activities in
24 advancing the institution’s goals of reducing poverty and
25 promoting equitable economic growth, consistent with rel-

1 evant safeguards, to ensure that decisions to support such
2 loans, grants, programs, and activities are based on accu-
3 rate data and objective analysis.

4 (b) SAFEGUARDS.—

5 (1) STANDARD.—The Secretary of the Treasury
6 shall instruct the United States Executive Director
7 of the International Bank for Reconstruction and
8 Development and the International Development As-
9 sociation to use the voice and vote of the United
10 States to oppose any loan, grant, policy, or strategy
11 if such institution has adopted and is implementing
12 any social or environmental safeguard relevant to
13 such loan, grant, policy, or strategy that provides
14 less protection than World Bank safeguards in effect
15 on September 30, 2015.

16 (2) ACCOUNTABILITY, STANDARDS, AND BEST
17 PRACTICES.—The Secretary of the Treasury shall in-
18 struct the United States executive director of each
19 international financial institution to use the voice
20 and vote of the United States to oppose loans or
21 other financing for projects unless such projects—

22 (A) provide for accountability and trans-
23 parency, including the collection, verification,
24 and publication of beneficial ownership informa-

1 tion related to extractive industries and on-site
2 monitoring during the life of the project;

3 (B) will be developed and carried out in ac-
4 cordance with best practices regarding environ-
5 mental conservation, cultural protection, and
6 empowerment of local populations, including
7 free, prior and informed consent of affected In-
8 digenous communities;

9 (C) do not provide incentives for, or facili-
10 tate, forced displacement or other violations of
11 human rights; and

12 (D) do not partner with or otherwise in-
13 volve enterprises owned or controlled by the
14 armed forces.

15 (c) COMPENSATION.—None of the funds appro-
16 priated under title V of this Act may be made as payment
17 to any international financial institution while the United
18 States executive director to such institution is com-
19 pensated by the institution at a rate which, together with
20 whatever compensation such executive director receives
21 from the United States, is in excess of the rate provided
22 for an individual occupying a position at level IV of the
23 Executive Schedule under section 5315 of title 5, United
24 States Code, or while any alternate United States execu-
25 tive director to such institution is compensated by the in-

1 stitution at a rate in excess of the rate provided for an
2 individual occupying a position at level V of the Executive
3 Schedule under section 5316 of title 5, United States
4 Code.

5 (d) HUMAN RIGHTS.—The Secretary of the Treasury
6 shall instruct the United States executive director of each
7 international financial institution to use the voice and vote
8 of the United States to promote human rights due dili-
9 gence and risk management, as appropriate, in connection
10 with any loan, grant, policy, or strategy of such institution
11 in accordance with the requirements specified under this
12 section in House Report 117–401.

13 (e) FRAUD AND CORRUPTION.—The Secretary of the
14 Treasury shall instruct the United States executive direc-
15 tor of each international financial institution to use the
16 voice of the United States to include in loan, grant, and
17 other financing agreements improvements in borrowing
18 countries' financial management and judicial capacity to
19 investigate, prosecute, and punish fraud and corruption.

20 (f) BENEFICIAL OWNERSHIP INFORMATION.—The
21 Secretary of the Treasury shall instruct the United States
22 executive director of each international financial institu-
23 tion to use the voice of the United States to encourage
24 such institution to collect, verify, and publish, to the max-
25 imum extent practicable, beneficial ownership information

1 (excluding proprietary information) for any corporation or
2 limited liability company, other than a publicly listed com-
3 pany, that receives funds from any such financial institu-
4 tion.

5 (g) WHISTLEBLOWER PROTECTIONS.—The Secretary
6 of the Treasury shall instruct the United States executive
7 director of each international financial institution to use
8 the voice of the United States to encourage such institu-
9 tion to effectively implement and enforce policies and pro-
10 cedures which meet or exceed best practices in the United
11 States for the protection of whistleblowers from retalia-
12 tion, including—

13 (1) protection against retaliation for internal
14 and lawful public disclosure;

15 (2) legal burdens of proof;

16 (3) statutes of limitation for reporting retalia-
17 tion;

18 (4) access to binding independent adjudicative
19 bodies, including shared cost and selection external
20 arbitration; and

21 (5) results that eliminate the effects of proven
22 retaliation, including provision for the restoration of
23 prior employment.

24 (h) GRIEVANCE MECHANISMS AND PROCEDURES.—

25 The Secretary of the Treasury shall instruct the United

1 States executive director of each international financial in-
2 stitution to use the voice and vote of the United States
3 to support independent investigative and adjudicative
4 mechanisms and procedures that meet or exceed best prac-
5 tices in the United States to provide due process and fair
6 compensation, including the right to reinstatement, for
7 employees who are subjected to harassment, discrimina-
8 tion, retaliation, false allegations, or other misconduct.

9 (i) CAPITAL INCREASES.—None of the funds appro-
10 priated by this Act may be made available to support a
11 new capital increase for an international financial institu-
12 tion unless the President submits a budget request for
13 such increase to Congress and determines and reports to
14 the Committees on Appropriations that—

15 (1) the institution has completed a thorough
16 analysis of the development challenges facing the rel-
17 evant geographical region, the role of the institution
18 in addressing such challenges and its role relative to
19 other financing partners, and the steps to be taken
20 to enhance the efficiency and effectiveness of the in-
21 stitution; and

22 (2) the governors of such institution have ap-
23 proved the capital increase.

1403

1 TECHNOLOGY SECURITY

2 SEC. 7030. (a) INSECURE COMMUNICATIONS NET-
3 WORKS.—Funds appropriated by this Act shall be made
4 available for programs, including through the Digital
5 Connectivity and Cybersecurity Partnership, to—

6 (1) advance the adoption of secure, next-genera-
7 tion communications networks and services, includ-
8 ing 5G, and cybersecurity policies, in countries re-
9 ceiving assistance under this Act and prior Acts
10 making appropriations for the Department of State,
11 foreign operations, and related programs;

12 (2) counter the establishment of insecure com-
13 munications networks and services, including 5G,
14 promoted by the People’s Republic of China and
15 other state-backed enterprises that are subject to
16 undue or extrajudicial control by their country of or-
17 igin; and

18 (3) provide policy and technical training on de-
19 ploying open, interoperable, reliable, and secure net-
20 works to information communication technology pro-
21 fessionals in countries receiving assistance under
22 this Act, as appropriate:

23 *Provided*, That such funds, including funds appropriated
24 under the heading “Economic Support Fund”, may be
25 used to strengthen civilian cybersecurity and information

1 and communications technology capacity, including par-
2 ticipation of foreign law enforcement and military per-
3 sonnel in non-military activities, notwithstanding any
4 other provision of law and following consultation with the
5 Committees on Appropriations.

6 (b) CHIPS FOR AMERICA INTERNATIONAL TECH-
7 NOLOGY SECURITY AND INNOVATION FUND.—

8 (1) Within 45 days of enactment of this Act,
9 the Secretary of State shall allocate amounts made
10 available from the Creating Helpful Incentives to
11 Produce Semiconductors (CHIPS) for America
12 International Technology Security and Innovation
13 Fund for fiscal year 2023 pursuant to the transfer
14 authority in section 102(e)(1) of the CHIPS Act of
15 2022 (division A of Public Law 117–167), to the ac-
16 counts specified and in the amounts specified, in the
17 table titled “CHIPS for America International Tech-
18 nology Security and Innovation Fund” in the ex-
19 planatory statement described in section 4 (in the
20 matter preceding division A of this consolidated
21 Act): *Provided*, That such funds shall be subject to
22 prior consultation with, and the regular notification
23 procedures of, the Committees on Appropriations.

24 (2) Neither the President nor his designee may
25 allocate any amounts that are made available for

1 any fiscal year under section 102(c)(2) of the
2 CHIPS Act of 2022 if there is in effect an Act mak-
3 ing or continuing appropriations for part of a fiscal
4 year for the Department of State, Foreign Oper-
5 ations, and Related Programs: *Provided*, That in any
6 fiscal year, the matter preceding this proviso shall
7 not apply to the allocation, apportionment, or allot-
8 ment of amounts for continuing administration of
9 programs allocated using funds transferred from the
10 CHIPS for America International Technology Secu-
11 rity and Innovation Fund, which may be allocated
12 pursuant to the transfer authority in section
13 102(c)(1) of the CHIPS Act of 2022 only in
14 amounts that are no more than the allocation for
15 such purposes in paragraph (1) of this subsection.

16 (3) Concurrent with the annual budget submis-
17 sion of the President for fiscal year 2024, the Sec-
18 retary of State shall submit to the Committees on
19 Appropriations proposed allocations by account and
20 by program, project, or activity, with detailed jus-
21 tifications, for amounts made available under section
22 102(c)(2) of the CHIPS Act of 2022 for fiscal year
23 2024.

24 (4) The Secretary of State shall provide the
25 Committees on Appropriations quarterly reports on

1406

1 the status of balances of projects and activities fund-
2 ed by the CHIPS for America International Tech-
3 nology Security and Innovation Fund for amounts
4 allocated pursuant to paragraph (1) of this sub-
5 section, including all uncommitted, committed, and
6 unobligated funds.

7 FINANCIAL MANAGEMENT, BUDGET TRANSPARENCY, AND
8 ANTI-CORRUPTION

9 SEC. 7031. (a) LIMITATION ON DIRECT GOVERN-
10 MENT-TO-GOVERNMENT ASSISTANCE.—

11 (1) REQUIREMENTS.—Funds appropriated by
12 this Act may be made available for direct govern-
13 ment-to-government assistance only if—

14 (A) the requirements included in section
15 7031(a)(1)(A) through (E) of the Department
16 of State, Foreign Operations, and Related Pro-
17 grams Appropriations Act, 2019 (division F of
18 Public Law 116–6) are fully met; and

19 (B) the government of the recipient coun-
20 try is taking steps to reduce corruption.

21 (2) CONSULTATION AND NOTIFICATION.—In
22 addition to the requirements in paragraph (1), funds
23 may only be made available for direct government-
24 to-government assistance subject to prior consulta-
25 tion with, and the regular notification procedures of,

1 the Committees on Appropriations: *Provided*, That
2 such notification shall contain an explanation of how
3 the proposed activity meets the requirements of
4 paragraph (1): *Provided further*, That the require-
5 ments of this paragraph shall only apply to direct
6 government-to-government assistance in excess of
7 \$10,000,000 and all funds available for cash trans-
8 fer, budget support, and cash payments to individ-
9 uals.

10 (3) SUSPENSION OF ASSISTANCE.—The Admin-
11 istrator of the United States Agency for Inter-
12 national Development or the Secretary of State, as
13 appropriate, shall suspend any direct government-to-
14 government assistance if the Administrator or the
15 Secretary has credible information of material mis-
16 use of such assistance, unless the Administrator or
17 the Secretary reports to the Committees on Appro-
18 priations that it is in the national interest of the
19 United States to continue such assistance, including
20 a justification, or that such misuse has been appro-
21 priately addressed.

22 (4) SUBMISSION OF INFORMATION.—The Sec-
23 retary of State shall submit to the Committees on
24 Appropriations, concurrent with the fiscal year 2024
25 congressional budget justification materials, amounts

1 planned for assistance described in paragraph (1) by
2 country, proposed funding amount, source of funds,
3 and type of assistance.

4 (5) DEBT SERVICE PAYMENT PROHIBITION.—
5 None of the funds made available by this Act may
6 be used by the government of any foreign country
7 for debt service payments owed by any country to
8 any international financial institution.

9 (b) NATIONAL BUDGET AND CONTRACT TRANS-
10 PARENCY.—

11 (1) MINIMUM REQUIREMENTS OF FISCAL
12 TRANSPARENCY.—The Secretary of State shall con-
13 tinue to update and strengthen the “minimum re-
14 quirements of fiscal transparency” for each govern-
15 ment receiving assistance appropriated by this Act,
16 as identified in the report required by section
17 7031(b) of the Department of State, Foreign Oper-
18 ations, and Related Programs Appropriations Act,
19 2014 (division K of Public Law 113–76).

20 (2) DETERMINATION AND REPORT.—For each
21 government identified pursuant to paragraph (1),
22 the Secretary of State, not later than 180 days after
23 the date of enactment of this Act, shall make or up-
24 date any determination of “significant progress” or
25 “no significant progress” in meeting the minimum

1 requirements of fiscal transparency, and make such
2 determinations publicly available in an annual “Fis-
3 cal Transparency Report” to be posted on the De-
4 partment of State website: *Provided*, That such re-
5 port shall include the elements included under this
6 section in House Report 117–401.

7 (3) ASSISTANCE.—Not less than \$7,000,000 of
8 the funds appropriated by this Act under the head-
9 ing “Economic Support Fund” shall be made avail-
10 able for programs and activities to assist govern-
11 ments identified pursuant to paragraph (1) to im-
12 prove budget transparency and to support civil soci-
13 ety organizations in such countries that promote
14 budget transparency.

15 (c) ANTI-KLEPTOCRACY AND HUMAN RIGHTS.—

16 (1) INELIGIBILITY.—

17 (A) Officials of foreign governments and
18 their immediate family members about whom
19 the Secretary of State has credible information
20 have been involved, directly or indirectly, in sig-
21 nificant corruption, including corruption related
22 to the extraction of natural resources, or a
23 gross violation of human rights, including the
24 wrongful detention of locally employed staff of
25 a United States diplomatic mission or a United

1 States citizen or national, shall be ineligible for
2 entry into the United States.

3 (B) Concurrent with the application of
4 subparagraph (A), the Secretary shall, as ap-
5 propriate, refer the matter to the Office of For-
6 eign Assets Control, Department of the Treas-
7 ury, to determine whether to apply sanctions
8 authorities in accordance with United States
9 law to block the transfer of property and inter-
10 ests in property, and all financial transactions,
11 in the United States involving any person de-
12 scribed in such subparagraph.

13 (C) The Secretary shall also publicly or
14 privately designate or identify the officials of
15 foreign governments and their immediate family
16 members about whom the Secretary has such
17 credible information without regard to whether
18 the individual has applied for a visa.

19 (2) EXCEPTION.—Individuals shall not be ineli-
20 gible for entry into the United States pursuant to
21 paragraph (1) if such entry would further important
22 United States law enforcement objectives or is nec-
23 essary to permit the United States to fulfill its obli-
24 gations under the United Nations Headquarters
25 Agreement: *Provided*, That nothing in paragraph (1)

1 shall be construed to derogate from United States
2 Government obligations under applicable inter-
3 national agreements.

4 (3) WAIVER.—The Secretary may waive the ap-
5 plication of paragraph (1) if the Secretary deter-
6 mines that the waiver would serve a compelling na-
7 tional interest or that the circumstances which
8 caused the individual to be ineligible have changed
9 sufficiently.

10 (4) REPORT.—Not later than 30 days after the
11 date of enactment of this Act, and every 90 days
12 thereafter until September 30, 2024, the Secretary
13 of State shall submit a report, including a classified
14 annex if necessary, to the appropriate congressional
15 committees and the Committees on the Judiciary de-
16 scribing the information related to corruption or vio-
17 lation of human rights concerning each of the indi-
18 viduals found ineligible in the previous 12 months
19 pursuant to paragraph (1)(A) as well as the individ-
20 uals who the Secretary designated or identified pur-
21 suant to paragraph (1)(B), or who would be ineli-
22 gible but for the application of paragraph (2), a list
23 of any waivers provided under paragraph (3), and
24 the justification for each waiver.

1412

1 (5) POSTING OF REPORT.—Any unclassified
2 portion of the report required under paragraph (4)
3 shall be posted on the Department of State website.

4 (6) CLARIFICATION.—For purposes of para-
5 graphs (1), (4), and (5), the records of the Depart-
6 ment of State and of diplomatic and consular offices
7 of the United States pertaining to the issuance or
8 refusal of visas or permits to enter the United
9 States shall not be considered confidential.

10 (d) EXTRACTION OF NATURAL RESOURCES.—

11 (1) ASSISTANCE.—Funds appropriated by this
12 Act shall be made available to promote and support
13 transparency and accountability of expenditures and
14 revenues related to the extraction of natural re-
15 sources, including by strengthening implementation
16 and monitoring of the Extractive Industries Trans-
17 parency Initiative, implementing and enforcing sec-
18 tion 8204 of the Food, Conservation, and Energy
19 Act of 2008 (Public Law 110–246; 122 Stat. 2052)
20 and the amendments made by such section, and to
21 prevent the sale of conflict diamonds, and for tech-
22 nical assistance to promote independent audit mech-
23 anisms and support civil society participation in nat-
24 ural resource management.

1413

1 (2) PUBLIC DISCLOSURE AND INDEPENDENT
2 AUDITS.—

3 (A) The Secretary of the Treasury shall in-
4 struct the executive director of each inter-
5 national financial institution to use the voice
6 and vote of the United States to oppose any as-
7 sistance by such institutions (including any
8 loan, credit, grant, or guarantee) to any coun-
9 try for the extraction and export of a natural
10 resource if the government of such country has
11 in place laws, regulations, or procedures to pre-
12 vent or limit the public disclosure of company
13 payments as required by United States law, and
14 unless such government has adopted laws, regu-
15 lations, or procedures in the sector in which as-
16 sistance is being considered that: (1) accurately
17 account for and publicly disclose payments to
18 the government by companies involved in the
19 extraction and export of natural resources; (2)
20 include independent auditing of accounts receiv-
21 ing such payments and the public disclosure of
22 such audits; and (3) require public disclosure of
23 agreement and bidding documents, as appro-
24 priate.

1414

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
4 meet the requirements of such subparagraph.

5 DEMOCRACY PROGRAMS

6 SEC. 7032. (a) FUNDING.—

7 (1) IN GENERAL.—Of the funds appropriated
8 by this Act under the headings “Development As-
9 sistance”, “Economic Support Fund”, “Democracy
10 Fund”, “Assistance for Europe, Eurasia and Cen-
11 tral Asia”, and “International Narcotics Control and
12 Law Enforcement”, \$2,900,000,000 should be made
13 available for democracy programs.

14 (2) PROGRAMS.—Of the funds made available
15 for democracy programs under the headings “Eco-
16 nomic Support Fund” and “Assistance for Europe,
17 Eurasia and Central Asia” pursuant to paragraph
18 (1), not less than \$117,040,000 shall be made avail-
19 able to the Bureau of Democracy, Human Rights,
20 and Labor, 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 not-

1 withstanding any other provision of law, and with
2 regard to the National Endowment for Democracy
3 (NED), any regulation.

4 (2) BENEFICIARIES.—Funds made available by
5 this Act for the NED are made available pursuant
6 to the authority of the National Endowment for De-
7 mocracy Act (title V of Public Law 98–164), includ-
8 ing all decisions regarding the selection of bene-
9 ficiaries.

10 (c) DEFINITION OF DEMOCRACY PROGRAMS.—For
11 purposes of funds appropriated by this Act, the term “de-
12 mocracy programs” means programs that support good
13 governance, credible and competitive elections, freedom of
14 expression, association, assembly, and religion, human
15 rights, labor rights, independent media, and the rule of
16 law, and that otherwise strengthen the capacity of demo-
17 cratic political parties, governments, nongovernmental or-
18 ganizations and institutions, and citizens to support the
19 development of democratic states and institutions that are
20 responsive and accountable to citizens.

21 (d) PROGRAM PRIORITIZATION.—Funds made avail-
22 able pursuant to this section that are made available for
23 programs to strengthen government institutions shall be
24 prioritized for those institutions that demonstrate a com-
25 mitment to democracy and the rule of law.

1 (e) RESTRICTIONS ON FOREIGN GOVERNMENT IN-
2 TERFERENCE.—

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
10 INFORMATION.—If the Secretary of State, in con-
11 sultation with the Administrator of the United
12 States Agency for International Development, deter-
13 mines that the government of the country is un-
14 democratic or has engaged in or condoned harass-
15 ment, threats, or attacks against organizations im-
16 plementing democracy programs, any new bilateral
17 agreement governing the terms and conditions under
18 which assistance is provided to such country shall
19 not require the disclosure of the names of imple-
20 menting partners of democracy programs, and the
21 Secretary of State and the USAID Administrator
22 shall expeditiously seek to negotiate amendments to
23 existing bilateral agreements, as necessary, to con-
24 form to this requirement.

1 (f) CONTINUATION OF CURRENT PRACTICES.—
2 USAID shall continue to implement civil society and polit-
3 ical competition and consensus building programs abroad
4 with funds appropriated by this Act in a manner that rec-
5 ognizes the unique benefits of grants and cooperative
6 agreements in implementing such programs.

7 (g) DIGITAL SECURITY AND COUNTERING
8 DISINFORMATION.—Funds appropriated by this Act shall
9 be made available to advance digital security and counter
10 disinformation as described under this section in the ex-
11 planatory statement described in section 4 (in the matter
12 preceding division A of this consolidated Act).

13 (h) INFORMING THE NATIONAL ENDOWMENT FOR
14 DEMOCRACY.—The Assistant Secretary for Democracy,
15 Human Rights, and Labor, Department of State, and the
16 Assistant Administrator for Development, Democracy,
17 and Innovation, USAID, shall regularly inform the NED
18 of democracy programs that are planned and supported
19 with funds made available by this Act and prior Acts mak-
20 ing appropriations for the Department of State, foreign
21 operations, and related programs.

22 (i) PROTECTION OF CIVIL SOCIETY ACTIVISTS AND
23 JOURNALISTS.—Of the funds appropriated by this Act
24 under the headings “Economic Support Fund” and “De-
25 mocracy Fund”, not less than \$30,000,000 shall be made

1 available to support and protect civil society activists and
2 journalists who have been threatened, harassed, or at-
3 tacked, including journalists affiliated with the United
4 States Agency for Global Media.

5 (j) INTERNATIONAL FREEDOM OF EXPRESSION AND
6 INDEPENDENT MEDIA.—Of the funds appropriated by
7 this Act under the heading “Economic Support Fund”,
8 not less than \$20,000,000 shall be made available for pro-
9 grams to protect international freedom of expression and
10 independent media, as described under this section in
11 House Report 117–401.

12 (k) DAVID E. PRICE LEGISLATIVE STRENGTHENING
13 PROGRAM.—Funds appropriated by this Act under the
14 heading “Democracy Fund” shall be made available for
15 legislative strengthening programs: *Provided*, That such
16 funds shall be subject to prior consultation with, and the
17 regular notification procedures of, the Committees on Ap-
18 propriations: *Provided further*, That such programs shall
19 hereafter be collectively named the “David E. Price Legis-
20 lative Strengthening Program”.

21 INTERNATIONAL RELIGIOUS FREEDOM

22 SEC. 7033. (a) INTERNATIONAL RELIGIOUS FREE-
23 DOM OFFICE.—Funds appropriated by this Act under the
24 heading “Diplomatic Programs” shall be made available

1 for the Office of International Religious Freedom, Depart-
2 ment of State.

3 (b) ASSISTANCE.—Funds appropriated by this Act
4 under the headings “Economic Support Fund”, “Democ-
5 racy Fund”, and “International Broadcasting Operations”
6 shall be made available for international religious freedom
7 programs and funds appropriated by this Act under the
8 headings “International Disaster Assistance” and “Migra-
9 tion and Refugee Assistance” shall be made available for
10 humanitarian assistance for vulnerable and persecuted
11 ethnic and religious minorities: *Provided*, That funds made
12 available by this Act under the headings “Economic Sup-
13 port Fund” and “Democracy Fund” pursuant to this sec-
14 tion shall be the responsibility of the Ambassador-at-Large
15 for International Religious Freedom, in consultation with
16 other relevant United States Government officials, and
17 shall be subject to prior consultation with the Committees
18 on Appropriations.

19 (c) AUTHORITY.—Funds appropriated by this Act
20 and prior Acts making appropriations for the Department
21 of State, foreign operations, and related programs under
22 the heading “Economic Support Fund” may be made
23 available notwithstanding any other provision of law for
24 assistance for ethnic and religious minorities in Iraq and
25 Syria.

1 (d) DESIGNATION OF NON-STATE ACTORS.—Section
2 7033(e) of the Department of State, Foreign Operations,
3 and Related Programs Appropriations Act, 2017 (division
4 J of Public Law 115–31) shall continue in effect during
5 fiscal year 2023.

6 SPECIAL PROVISIONS

7 SEC. 7034. (a) VICTIMS OF WAR, DISPLACED CHIL-
8 DREN, AND DISPLACED BURMESE.—Funds appropriated
9 in title III of this Act that are made available for victims
10 of war, displaced children, displaced Burmese, and to com-
11 bat trafficking in persons and assist victims of such traf-
12 ficking may be made available notwithstanding any other
13 provision of law.

14 (b) FORENSIC ASSISTANCE.—

15 (1) Of the funds appropriated by this Act under
16 the heading “Economic Support Fund”, not less
17 than \$20,000,000 shall be made available for foren-
18 sic anthropology assistance related to the exhuma-
19 tion and identification of victims of war crimes,
20 crimes against humanity, and genocide, which shall
21 be administered by the Assistant Secretary for De-
22 mocracy, Human Rights, and Labor, Department of
23 State: *Provided*, That such funds shall be in addition
24 to funds made available by this Act and prior Acts
25 making appropriations for the Department of State,

1 foreign operations, and related programs for assist-
2 ance for countries.

3 (2) Of the funds appropriated by this Act under
4 the heading “International Narcotics Control and
5 Law Enforcement”, not less than \$10,000,000 shall
6 be made available for DNA forensic technology pro-
7 grams to combat human trafficking in Central
8 America and Mexico.

9 (c) WORLD FOOD PROGRAMME.—Funds managed by
10 the Bureau for Humanitarian Assistance, United States
11 Agency for International Development, from this or any
12 other Act, may be made available as a general contribution
13 to the World Food Programme, notwithstanding any other
14 provision of law.

15 (d) DIRECTIVES AND AUTHORITIES.—

16 (1) RESEARCH AND TRAINING.—Funds appro-
17 priated by this Act under the heading “Assistance
18 for Europe, Eurasia and Central Asia” shall be
19 made available to carry out the Program for Re-
20 search and Training on Eastern Europe and the
21 Independent States of the Former Soviet Union as
22 authorized by the Soviet-Eastern European Research
23 and Training Act of 1983 (22 U.S.C. 4501 et seq.).

24 (2) GENOCIDE VICTIMS MEMORIAL SITES.—
25 Funds appropriated by this Act and prior Acts mak-

1 ing appropriations for the Department of State, for-
2 foreign operations, and related programs under the
3 headings “Economic Support Fund” and “Assist-
4 ance for Europe, Eurasia and Central Asia” may be
5 made available as contributions to establish and
6 maintain memorial sites of genocide, subject to the
7 regular notification procedures of the Committees on
8 Appropriations.

9 (3) PRIVATE SECTOR PARTNERSHIPS.—Of the
10 funds appropriated by this Act under the headings
11 “Development Assistance” and “Economic Support
12 Fund” that are made available for private sector
13 partnerships, including partnerships with philan-
14 thropic foundations, up to \$50,000,000 may remain
15 available until September 30, 2025: *Provided*, That
16 funds made available pursuant to this paragraph
17 may only be made available following prior consulta-
18 tion with, and the regular notification procedures of,
19 the Committees on Appropriations.

20 (4) ADDITIONAL AUTHORITY.—Of the amounts
21 made available by this Act under the heading “Dip-
22 lomatic Programs”, up to \$500,000 may be made
23 available for grants pursuant to section 504 of the
24 Foreign Relations Authorization Act, Fiscal Year

1 1979 (22 U.S.C. 2656d), including to facilitate col-
2 laboration with Indigenous communities.

3 (5) INNOVATION.—The USAID Administrator
4 may use funds appropriated by this Act under title
5 III to make innovation incentive awards in accord-
6 ance with the terms and conditions of section
7 7034(e)(4) of the Department of State, Foreign Op-
8 erations, and Related Programs Appropriations Act,
9 2019 (division F of Public Law 116–6): *Provided*,
10 That each individual award may not exceed
11 \$100,000.

12 (6) DEVELOPMENT INNOVATION VENTURES.—
13 Funds appropriated by this Act under the heading
14 “Development Assistance” and made available for
15 the Development Innovation Ventures program may
16 be made available for the purposes of chapter I of
17 part I of the Foreign Assistance Act of 1961.

18 (7) EXCHANGE VISITOR PROGRAM.—None of
19 the funds made available by this Act may be used
20 to modify the Exchange Visitor Program adminis-
21 tered by the Department of State to implement the
22 Mutual Educational and Cultural Exchange Act of
23 1961 (Public Law 87–256; 22 U.S.C. 2451 et seq.),
24 except through the formal rulemaking process pursu-
25 ant to the Administrative Procedure Act (5 U.S.C.

1 551 et seq.) and notwithstanding the exceptions to
2 such rulemaking process in such Act: *Provided*, That
3 funds made available for such purpose shall only be
4 made available after consultation with, and subject
5 to the regular notification procedures of, the Com-
6 mittees on Appropriations, regarding how any pro-
7 posed modification would affect the public diplomacy
8 goals of, and the estimated economic impact on, the
9 United States: *Provided further*, That such consulta-
10 tion shall take place not later than 30 days prior to
11 the publication in the Federal Register of any regu-
12 latory action modifying the Exchange Visitor Pro-
13 gram.

14 (8) PAYMENTS.—Funds appropriated by this
15 Act and prior Acts making appropriations for the
16 Department of State, foreign operations, and related
17 programs under the headings “Diplomatic Pro-
18 grams” and “Operating Expenses”, except for funds
19 designated by Congress as an emergency require-
20 ment pursuant to a concurrent resolution on the
21 budget or the Balanced Budget and Emergency Def-
22 icit Control Act of 1985, are available to provide
23 payments pursuant to section 901(i)(2) of title IX of
24 division J of the Further Consolidated Appropria-
25 tions Act, 2020 (22 U.S.C. 2680b(i)(2)): *Provided*,

1425

1 That funds made available pursuant to this para-
2 graph shall be subject to prior consultation with the
3 Committees on Appropriations.

4 (9) AFGHAN ALLIES.—Section 602(b)(3)(F) of
5 the Afghan Allies Protection Act of 2009 (8 U.S.C.
6 1101 note) is amended—

7 (A) in the heading, by striking “2022” and
8 inserting “2023”;

9 (B) in the matter preceding clause (i), in
10 the first sentence, by striking “34,500” and in-
11 sserting “38,500”; and

12 (C) in clauses (i) and (ii), by striking “De-
13 cember 31, 2023” and inserting “December 31,
14 2024”.

15 (10) TRANSATLANTIC ENGAGEMENT.—Funds
16 appropriated by this Act under the heading “Diplo-
17 matic Programs” are available for support of an in-
18 stitute for transatlantic engagement if legislation es-
19 tablishing such an institute is enacted into law by
20 September 30, 2023: *Provided*, That in the event
21 that such legislation is not enacted into law by such
22 date, the amounts described in this paragraph shall
23 be available under the heading “Diplomatic Pro-
24 grams” for the purposes therein.

1 (e) PARTNER VETTING.—Prior to initiating a partner
2 vetting program, providing a direct vetting option, or mak-
3 ing a significant change to the scope of an existing partner
4 vetting program, the Secretary of State and USAID Ad-
5 ministrator, as appropriate, shall consult with the Com-
6 mittees on Appropriations: *Provided*, That the Secretary
7 and the Administrator shall provide a direct vetting option
8 for prime awardees in any partner vetting program initi-
9 ated or significantly modified after the date of enactment
10 of this Act, unless the Secretary of State or USAID Ad-
11 ministrator, as applicable, informs the Committees on Ap-
12 propriations on a case-by-case basis that a direct vetting
13 option is not feasible for such program.

14 (f) CONTINGENCIES.—During fiscal year 2023, the
15 President may use up to \$145,000,000 under the author-
16 ity of section 451 of the Foreign Assistance Act of 1961,
17 notwithstanding any other provision of law.

18 (g) INTERNATIONAL CHILD ABDUCTIONS.—The Sec-
19 retary of State should withhold funds appropriated under
20 title III of this Act for assistance for the central govern-
21 ment of any country that is not taking appropriate steps
22 to comply with the Convention on the Civil Aspects of
23 International Child Abductions, done at the Hague on Oc-
24 tober 25, 1980: *Provided*, That the Secretary shall report

1 to the Committees on Appropriations within 15 days of
2 withholding funds under this subsection.

3 (h) TRANSFER OF FUNDS FOR EXTRAORDINARY
4 PROTECTION.—The Secretary of State may transfer to,
5 and merge with, funds under the heading “Protection of
6 Foreign Missions and Officials” unobligated balances of
7 expired funds appropriated under the heading “Diplomatic
8 Programs” for fiscal year 2023, at no later than the end
9 of the fifth fiscal year after the last fiscal year for which
10 such funds are available for the purposes for which appro-
11 priated: *Provided*, That not more than \$50,000,000 may
12 be transferred.

13 (i) PROTECTIONS AND REMEDIES FOR EMPLOYEES
14 OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANI-
15 ZATIONS.—The terms and conditions of section 7034(k)
16 of the Department of State, Foreign Operations, and Re-
17 lated Programs Appropriations Act, 2020 (division G of
18 Public Law 116–94) shall continue in effect during fiscal
19 year 2023.

20 (j) PERSONNEL.—Funds appropriated under the
21 heading “Migration and Refugee Assistance” may be used
22 to carry out section 5(a)(6) of the Migration and Refugee
23 Assistance Act of 1962 (22 U.S.C. 2605(a)(6)) for em-
24 ploying up to 50 individuals domestically without regard

1 to the geographic limitation in such section, following con-
2 sultation with the Committees on Appropriations.

3 (k) IMPACT ON JOBS.—Section 7056 of the Depart-
4 ment of State, Foreign Operations, and Related Programs
5 Appropriations Act, 2021 (division K of Public Law 116–
6 260) shall continue in effect during fiscal year 2023.

7 (l) EXTENSION OF AUTHORITIES.—

8 (1) INCENTIVES FOR CRITICAL POSTS.—The
9 authority contained in section 1115(d) of the Sup-
10 plemental Appropriations Act, 2009 (Public Law
11 111–32) shall remain in effect through September
12 30, 2023.

13 (2) CATEGORICAL ELIGIBILITY.—The Foreign
14 Operations, Export Financing, and Related Pro-
15 grams Appropriations Act, 1990 (Public Law 101–
16 167) is amended—

17 (A) in section 599D (8 U.S.C. 1157
18 note)—

19 (i) in subsection (b)(3), by striking
20 “and 2022” and inserting “2022, and
21 2023”; and

22 (ii) in subsection (e), by striking
23 “2022” each place it appears and inserting
24 “2023”; and

1 (B) in section 599E(b)(2) (8 U.S.C. 1255
2 note), by striking “2022” and inserting
3 “2023”.

4 (3) SPECIAL INSPECTOR GENERAL FOR AF-
5 GHANISTAN RECONSTRUCTION COMPETITIVE STA-
6 TUS.—Notwithstanding any other provision of law,
7 any employee of the Special Inspector General for
8 Afghanistan Reconstruction (SIGAR) who completes
9 at least 12 months of continuous service after enact-
10 ment of this Act or who is employed on the date on
11 which SIGAR terminates, whichever occurs first,
12 shall acquire competitive status for appointment to
13 any position in the competitive service for which the
14 employee possesses the required qualifications.

15 (4) TRANSFER OF BALANCES.—Section 7081(h)
16 of the Department of State, Foreign Operations, and
17 Related Programs Appropriations Act, 2017 (divi-
18 sion J of Public Law 115–31) shall continue in ef-
19 fect during fiscal year 2023.

20 (5) PROTECTIVE SERVICES.—Section 7071 of
21 the Department of State, Foreign Operations, and
22 Related Programs Appropriations Act, 2022 (divi-
23 sion K of Public Law 117–103) shall continue in ef-
24 fect during fiscal year 2023.

1 (6) EXTENSION OF LOAN GUARANTEES TO
2 ISRAEL.—Chapter 5 of title I of the Emergency
3 Wartime Supplemental Appropriations Act, 2003
4 (Public Law 108–11; 117 Stat. 576) is amended
5 under the heading “Loan Guarantees to Israel”—

6 (A) in the matter preceding the first pro-
7 viso, by striking “September 30, 2023” and in-
8 serting “September 30, 2028”; and

9 (B) in the second proviso, by striking
10 “September 30, 2023” and inserting “Sep-
11 tember 30, 2028”.

12 (m) MONITORING AND EVALUATION.—

13 (1) BENEFICIARY FEEDBACK.—Funds appro-
14 priated by this Act that are made available for moni-
15 toring and evaluation of assistance under the head-
16 ings “Development Assistance”, “International Dis-
17 aster Assistance”, and “Migration and Refugee As-
18 sistance” shall be made available for the regular and
19 systematic collection of feedback obtained directly
20 from beneficiaries to enhance the quality and rel-
21 evance of such assistance: *Provided*, That not later
22 than 90 days after the date of enactment of this
23 Act, the Secretary of State and USAID Adminis-
24 trator shall submit to the Committees on Appropria-
25 tions, and post on their respective websites, updated

1 procedures for implementing partners that receive
2 funds under such headings for regularly and system-
3 atically collecting and responding to such feedback,
4 including guidelines for the reporting on actions
5 taken in response to the feedback received: *Provided*
6 *further*, That the Secretary of State and USAID Ad-
7 ministrators shall regularly—

8 (A) conduct oversight to ensure that such
9 feedback is regularly collected and used by im-
10 plementing partners to maximize the cost-effec-
11 tiveness and utility of such assistance; and

12 (B) consult with the Committees on Appro-
13 priations on the results of such oversight.

14 (2) EX-POST EVALUATIONS.—Of the funds ap-
15 propriated by this Act under titles III and IV, not
16 less than \$10,000,000 shall be made available for
17 ex-post evaluations of the effectiveness and sustain-
18 ability of United States Government-funded assist-
19 ance programs.

20 (n) HIV/AIDS WORKING CAPITAL FUND.—Funds
21 available in the HIV/AIDS Working Capital Fund estab-
22 lished pursuant to section 525(b)(1) of the Foreign Oper-
23 ations, Export Financing, and Related Programs Appro-
24 priations Act, 2005 (Public Law 108–447) may be made
25 available for pharmaceuticals and other products for child

1 survival, malaria, tuberculosis, and emerging infectious
2 diseases to the same extent as HIV/AIDS pharmaceuticals
3 and other products, subject to the terms and conditions
4 in such section: *Provided*, That the authority in section
5 525(b)(5) of the Foreign Operations, Export Financing,
6 and Related Programs Appropriation Act, 2005 (Public
7 Law 108–447) shall be exercised by the Assistant Admin-
8 istrator for Global Health, USAID, with respect to funds
9 deposited for such non-HIV/AIDS pharmaceuticals and
10 other products, and shall be subject to the regular notifica-
11 tion procedures of the Committees on Appropriations: *Pro-*
12 *vided further*, That the Secretary of State shall include
13 in the congressional budget justification an accounting of
14 budgetary resources, disbursements, balances, and reim-
15 bursements related to such fund.

16 (o) LOANS, CONSULTATION, AND NOTIFICATION.—

17 (1) LOAN GUARANTEES.—Funds appropriated
18 under the headings “Economic Support Fund” and
19 “Assistance for Europe, Eurasia and Central Asia”
20 by this Act and prior Acts making appropriations
21 for the Department of State, foreign operations, and
22 related programs may be made available for the
23 costs, as defined in section 502 of the Congressional
24 Budget Act of 1974, of loan guarantees for Egypt,
25 Jordan, Small Island Developing States, Tunisia,

1 and Ukraine, which are authorized to be provided:
2 *Provided*, That amounts made available under this
3 paragraph for the costs of such guarantees shall not
4 be considered assistance for the purposes of provi-
5 sions of law limiting assistance to a country.

6 (2) CONSULTATION AND NOTIFICATION.—
7 Funds made available pursuant to the authorities of
8 this subsection shall be subject to prior consultation
9 with the appropriate congressional committees and
10 the regular notification procedures of the Commit-
11 tees on Appropriations.

12 (3) ADMINISTRATION.—Not less than 30 days
13 prior to exercising the authority of this subsection,
14 but not later than 90 days after the date of enact-
15 ment of this Act, the President shall designate, and
16 concurrently report such designation to the appro-
17 priate congressional committees, the Federal agency
18 or agencies responsible for managing the legacy loan
19 guarantee portfolio, maintaining the current and fu-
20 ture financial exposure of loan guarantees, and exe-
21 cuting future loan guarantees.

22 (p) LOCAL WORKS.—

23 (1) FUNDING.—Of the funds appropriated by
24 this Act under the headings “Development Assist-
25 ance” and “Economic Support Fund”, not less than

1434

1 \$100,000,000 shall be made available for Local
2 Works pursuant to section 7080 of the Department
3 of State, Foreign Operations, and Related Programs
4 Appropriations Act, 2015 (division J of Public Law
5 113–235), which may remain available until Sep-
6 tember 30, 2027.

7 (2) ELIGIBLE ENTITIES.—For the purposes of
8 section 7080 of the Department of State, Foreign
9 Operations, and Related Programs Appropriations
10 Act, 2015 (division J of Public Law 113–235), “eli-
11 gible entities” shall be defined as small local, inter-
12 national, and United States-based nongovernmental
13 organizations, educational institutions, and other
14 small entities that have received less than a total of
15 \$5,000,000 from USAID over the previous 5 fiscal
16 years: *Provided*, That departments or centers of
17 such educational institutions may be considered indi-
18 vidually in determining such eligibility.

19 (q) EXTENSION OF PROCUREMENT AUTHORITY.—
20 Section 7077 of the Department of State, Foreign Oper-
21 ations, and Related Programs Appropriations Act, 2012
22 (division I of Public Law 112–74) shall continue in effect
23 during fiscal year 2023.

24 (r) SECTION 889.—For the purposes of obligations
25 and expenditures made with funds appropriated by this

1 Act and prior Acts making appropriations for the Depart-
2 ment of State, foreign operations, and related programs,
3 the waiver authority in section 889(d)(2) of the John S.
4 McCain National Defense Authorization Act for Fiscal
5 Year 2019 (Public Law 115–232) may also be available
6 to the Secretary of State, following consultation with the
7 Director of National Intelligence: *Provided*, That not later
8 than 60 days after the date of enactment of this Act, the
9 Secretary of State shall submit to the appropriate congres-
10 sional committees a report detailing the use of the author-
11 ity of this subsection since the date of enactment of this
12 Act, which shall include the scope and duration of any
13 waiver granted, the entity covered by such waiver, and a
14 detailed description of the national security interest
15 served: *Provided further*, That such report shall be up-
16 dated every 60 days until September 30, 2024.

17 (s) DEFINITIONS.—

18 (1) APPROPRIATE CONGRESSIONAL COMMIT-
19 TEES.—Unless otherwise defined in this Act, for
20 purposes of this Act the term “appropriate congres-
21 sional committees” means the Committees on Appro-
22 priations and Foreign Relations of the Senate and
23 the Committees on Appropriations and Foreign Af-
24 fairs of the House of Representatives.

1436

1 (2) FUNDS APPROPRIATED BY THIS ACT AND
2 PRIOR ACTS.—Unless otherwise defined in this Act,
3 for purposes of this Act the term “funds appro-
4 priated by this Act and prior Acts making appro-
5 priations for the Department of State, foreign oper-
6 ations, and related programs” means funds that re-
7 main available for obligation, and have not expired.

8 (3) INTERNATIONAL FINANCIAL INSTITU-
9 TIONS.—In this Act “international financial institu-
10 tions” means the International Bank for Recon-
11 struction and Development, the International Devel-
12 opment Association, the International Finance Cor-
13 poration, the Inter-American Development Bank, the
14 International Monetary Fund, the International
15 Fund for Agricultural Development, the Asian De-
16 velopment Bank, the Asian Development Fund, the
17 Inter-American Investment Corporation, the North
18 American Development Bank, the European Bank
19 for Reconstruction and Development, the African
20 Development Bank, the African Development Fund,
21 and the Multilateral Investment Guarantee Agency.

22 (4) SPEND PLAN.—In this Act, the term
23 “spend plan” means a plan for the uses of funds ap-
24 propriated for a particular entity, country, program,

1 purpose, or account and which shall include, at a
2 minimum, a description of—

3 (A) realistic and sustainable goals, criteria
4 for measuring progress, and a timeline for
5 achieving such goals;

6 (B) amounts and sources of funds by ac-
7 count;

8 (C) how such funds will complement other
9 ongoing or planned programs; and

10 (D) implementing partners, to the max-
11 imum extent practicable.

12 (5) SUCCESSOR OPERATING UNIT.—Any ref-
13 erence to a particular operating unit or office in this
14 Act or prior Acts making appropriations for the De-
15 partment of State, foreign operations, and related
16 programs shall be deemed to include any successor
17 operating unit performing the same or similar func-
18 tions.

19 (6) USAID.—In this Act, the term “USAID”
20 means the United States Agency for International
21 Development.

22 LAW ENFORCEMENT AND SECURITY

23 SEC. 7035. (a) ASSISTANCE.—

24 (1) COMMUNITY-BASED POLICE ASSISTANCE.—

25 Funds made available under titles III and IV of this

1 Act to carry out the provisions of chapter 1 of part
2 I and chapters 4 and 6 of part II of the Foreign As-
3 sistance Act of 1961, may be used, notwithstanding
4 section 660 of that Act, to enhance the effectiveness
5 and accountability of civilian police authority
6 through training and technical assistance in human
7 rights, the rule of law, anti-corruption, strategic
8 planning, and through assistance to foster civilian
9 police roles that support democratic governance, in-
10 cluding assistance for programs to prevent conflict,
11 respond to disasters, address gender-based violence,
12 and foster improved police relations with the com-
13 munities they serve.

14 (2) COMBAT CASUALTY CARE.—

15 (A) Consistent with the objectives of the
16 Foreign Assistance Act of 1961 and the Arms
17 Export Control Act, funds appropriated by this
18 Act under the headings “Peacekeeping Oper-
19 ations” and “Foreign Military Financing Pro-
20 gram” shall be made available for combat cas-
21 ualty training and equipment in an amount
22 above the prior fiscal year.

23 (B) The Secretary of State shall offer com-
24 bat casualty care training and equipment as a
25 component of any package of lethal assistance

1439

1 funded by this Act with funds appropriated
2 under the headings “Peacekeeping Operations”
3 and “Foreign Military Financing Program”:
4 *Provided*, That the requirement of this subpara-
5 graph shall apply to a country in conflict, un-
6 less the Secretary determines that such country
7 has in place, to the maximum extent prac-
8 ticable, functioning combat casualty care treat-
9 ment and equipment that meets or exceeds the
10 standards recommended by the Committee on
11 Tactical Combat Casualty Care: *Provided fur-*
12 *ther*, That any such training and equipment for
13 combat casualty care shall be made available
14 through an open and competitive process.

15 (3) TRAINING RELATED TO INTERNATIONAL
16 HUMANITARIAN LAW.—The Secretary of State shall
17 offer training related to the requirements of inter-
18 national humanitarian law as a component of any
19 package of lethal assistance funded by this Act with
20 funds appropriated under the headings “Peace-
21 keeping Operations” and “Foreign Military Financ-
22 ing Program”: *Provided*, That the requirement of
23 this paragraph shall not apply to a country that is
24 a member of the North Atlantic Treaty Organization
25 (NATO), is a major non-NATO ally designated by

1 section 517(b) of the Foreign Assistance Act of
2 1961, or is complying with international humani-
3 tarian law: *Provided further*, That any such training
4 shall be made available through an open and com-
5 petitive process.

6 (4) INTERNATIONAL PRISON CONDITIONS.—
7 Funds appropriated by this Act under the headings
8 “Development Assistance”, “Economic Support
9 Fund”, and “International Narcotics Control and
10 Law Enforcement” shall be made available for as-
11 sistance to eliminate inhumane conditions in foreign
12 prisons and other detention facilities, notwith-
13 standing section 660 of the Foreign Assistance Act
14 of 1961: *Provided*, That the Secretary of State and
15 the USAID Administrator shall consult with the
16 Committees on Appropriations on the proposed uses
17 of such funds prior to obligation and not later than
18 60 days after the date of enactment of this Act: *Pro-*
19 *vided further*, That such funds shall be in addition
20 to funds otherwise made available by this Act for
21 such purpose.

22 (b) AUTHORITIES.—

23 (1) RECONSTITUTING CIVILIAN POLICE AU-
24 THORITY.—In providing assistance with funds ap-
25 propriated by this Act under section 660(b)(6) of

1 the Foreign Assistance Act of 1961, support for a
2 nation emerging from instability may be deemed to
3 mean support for regional, district, municipal, or
4 other sub-national entity emerging from instability,
5 as well as a nation emerging from instability.

6 (2) DISARMAMENT, DEMOBILIZATION, AND RE-
7 INTEGRATION.—Section 7034(d) of the Department
8 of State, Foreign Operations, and Related Programs
9 Appropriations Act, 2015 (division J of Public Law
10 113–235) shall continue in effect during fiscal year
11 2023.

12 (3) COMMERCIAL LEASING OF DEFENSE ARTI-
13 CLES.—Notwithstanding any other provision of law,
14 and subject to the regular notification procedures of
15 the Committees on Appropriations, the authority of
16 section 23(a) of the Arms Export Control Act (22
17 U.S.C. 2763) may be used to provide financing to
18 Israel, Egypt, the North Atlantic Treaty Organiza-
19 tion (NATO), and major non-NATO allies for the
20 procurement by leasing (including leasing with an
21 option to purchase) of defense articles from United
22 States commercial suppliers, not including Major
23 Defense Equipment (other than helicopters and
24 other types of aircraft having possible civilian appli-
25 cation), if the President determines that there are

1 compelling foreign policy or national security reasons
2 for those defense articles being provided by commer-
3 cial lease rather than by government-to-government
4 sale under such Act.

5 (4) SPECIAL DEFENSE ACQUISITION FUND.—
6 Not to exceed \$900,000,000 may be obligated pursu-
7 ant to section 51(c)(2) of the Arms Export Control
8 Act (22 U.S.C. 2795(c)(2)) for the purposes of the
9 Special Defense Acquisition Fund (the Fund), to re-
10 main available for obligation until September 30,
11 2025: *Provided*, That the provision of defense arti-
12 cles and defense services to foreign countries or
13 international organizations from the Fund shall be
14 subject to the concurrence of the Secretary of State.

15 (5) OVERSIGHT AND ACCOUNTABILITY.—(A)
16 Prior to the signing of a new Letter of Offer and
17 Acceptance (LOA) involving funds appropriated
18 under the heading “Foreign Military Financing Pro-
19 gram”, the Secretary of State shall consult with
20 each recipient government to ensure that the LOA
21 between the United States and such recipient gov-
22 ernment complies with the purposes of section 4 of
23 the Arms Export Control Act (22 U.S.C. 2754) and
24 that the defense articles, services, and training pro-
25 cured with funds appropriated under such heading

1 are consistent with United States national security
2 policy.

3 (B) The Secretary of State shall promptly in-
4 form the appropriate congressional committees of
5 any instance in which the Secretary of State has
6 credible information that such assistance was used
7 in a manner contrary to such agreement.

8 (c) LIMITATIONS.—

9 (1) CHILD SOLDIERS.—Funds appropriated by
10 this Act should not be used to support any military
11 training or operations that include child soldiers.

12 (2) LANDMINES AND CLUSTER MUNITIONS.—

13 (A) AUTHORITY.—Notwithstanding any
14 other provision of law, demining equipment
15 available to the United States Agency for Inter-
16 national Development and the Department of
17 State and used in support of the clearance of
18 landmines and unexploded ordnance for human-
19 itarian purposes may be disposed of on a grant
20 basis in foreign countries, subject to such terms
21 and conditions as the Secretary of State may
22 prescribe.

23 (B) REPORT.—Not later than 120 days
24 after the date of enactment of this Act, the Sec-
25 retary of State, in consultation with the Sec-

1444

1 retary of Defense, shall submit a report to the
2 appropriate congressional committees on imple-
3 mentation of the United States policy regarding
4 anti-personnel landmines (APLs) announced on
5 June 21, 2022, to include progress on the de-
6 struction of APLs, and the number and types
7 of APLs required by such policy for the defense
8 of the Republic of Korea and the methodology
9 used to determine such number: *Provided*, That
10 the report shall include the types (by Depart-
11 ment of Defense Ammunition Code) and quan-
12 tities of landmines demilitarized and removed
13 from the demilitarization account of the United
14 States Armed Forces, and demilitarization ac-
15 complished by contract or outside the conti-
16 nental United States.

17 (C) CLUSTER MUNITIONS.—No military
18 assistance shall be furnished for cluster muni-
19 tions, no defense export license for cluster mu-
20 nitions may be issued, and no cluster munitions
21 or cluster munitions technology shall be sold or
22 transferred, unless—

23 (i) the submunitions of the cluster
24 munitions, after arming, do not result in
25 more than 1 percent unexploded ordnance

1445

1 across the range of intended operational
2 environments, and the agreement applica-
3 ble to the assistance, transfer, or sale of
4 such cluster munitions or cluster munitions
5 technology specifies that the cluster muni-
6 tions will only be used against clearly de-
7 fined military targets and will not be used
8 where civilians are known to be present or
9 in areas normally inhabited by civilians; or
10 (ii) such assistance, license, sale, or
11 transfer is for the purpose of demilitarizing
12 or permanently disposing of such cluster
13 munitions.

14 (3) CROWD CONTROL.—If the Secretary of
15 State has information that a unit of a foreign secu-
16 rity force uses excessive force to repress peaceful ex-
17 pression or assembly concerning corruption, harm to
18 the environment or human health, or the fairness of
19 electoral processes, or in countries that are undemo-
20 cratic or undergoing democratic transition, the Sec-
21 retary shall promptly determine if such information
22 is credible: *Provided*, That if the information is de-
23 termined to be credible, funds appropriated by this
24 Act should not be used for tear gas, small arms,
25 light weapons, ammunition, or other items for crowd

1 control purposes for such unit, unless the Secretary
2 of State determines that the foreign government is
3 taking effective measures to bring the responsible
4 members of such unit to justice.

5 (d) REPORTS.—

6 (1) SECURITY ASSISTANCE REPORT.—Not later
7 than 120 days after the date of enactment of this
8 Act, the Secretary of State shall submit to the Com-
9 mittees on Appropriations a report on funds obli-
10 gated and expended during fiscal year 2022, by
11 country and purpose of assistance, under the head-
12 ings “Peacekeeping Operations”, “International
13 Military Education and Training”, and “Foreign
14 Military Financing Program”.

15 (2) ANNUAL FOREIGN MILITARY TRAINING RE-
16 PORT.—For the purposes of implementing section
17 656 of the Foreign Assistance Act of 1961, the term
18 “military training provided to foreign military per-
19 sonnel by the Department of Defense and the De-
20 partment of State” shall be deemed to include all
21 military training provided by foreign governments
22 with funds appropriated to the Department of De-
23 fense or the Department of State, except for train-
24 ing provided by the government of a country des-
25 igned by section 517(b) of such Act (22 U.S.C.

1447

1 2321k(b)) as a major non-North Atlantic Treaty Or-
2 ganization ally: *Provided*, That such third-country
3 training shall be clearly identified in the report sub-
4 mitted pursuant to section 656 of such Act.

5 ASSISTANCE FOR INNOCENT VICTIMS OF CONFLICT

6 SEC. 7036. Of the funds appropriated under title III
7 of this Act, not less than \$10,000,000 shall be made avail-
8 able for the Marla Ruzicka Fund for Innocent Victims of
9 Conflict: *Provided*, That the USAID Administrator shall
10 consult with the Committees on Appropriations not later
11 than 60 days after the date of enactment of this Act on
12 the proposed uses of such funds.

13 PALESTINIAN STATEHOOD

14 SEC. 7037. (a) LIMITATION ON ASSISTANCE.—None
15 of the funds appropriated under titles III through VI of
16 this Act may be provided to support a Palestinian state
17 unless the Secretary of State determines and certifies to
18 the appropriate congressional committees that—

19 (1) the governing entity of a new Palestinian
20 state—

21 (A) has demonstrated a firm commitment
22 to peaceful co-existence with the State of Israel;
23 and

24 (B) is taking appropriate measures to
25 counter terrorism and terrorist financing in the

1 West Bank and Gaza, including the dismantling
2 of terrorist infrastructures, and is cooperating
3 with appropriate Israeli and other appropriate
4 security organizations; and

5 (2) the Palestinian Authority (or the governing
6 entity of a new Palestinian state) is working with
7 other countries in the region to vigorously pursue ef-
8 forts to establish a just, lasting, and comprehensive
9 peace in the Middle East that will enable Israel and
10 an independent Palestinian state to exist within the
11 context of full and normal relationships, which
12 should include—

13 (A) termination of all claims or states of
14 belligerency;

15 (B) respect for and acknowledgment of the
16 sovereignty, territorial integrity, and political
17 independence of every state in the area through
18 measures including the establishment of demili-
19 tarized zones;

20 (C) their right to live in peace within se-
21 cure and recognized boundaries free from
22 threats or acts of force;

23 (D) freedom of navigation through inter-
24 national waterways in the area; and

1 (E) a framework for achieving a just set-
2 tlement of the refugee problem.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that the governing entity should enact a constitution
5 assuring the rule of law, an independent judiciary, and
6 respect for human rights for its citizens, and should enact
7 other laws and regulations assuring transparent and ac-
8 countable governance.

9 (c) WAIVER.—The President may waive subsection
10 (a) if the President determines that it is important to the
11 national security interest of the United States to do so.

12 (d) EXEMPTION.—The restriction in subsection (a)
13 shall not apply to assistance intended to help reform the
14 Palestinian Authority and affiliated institutions, or the
15 governing entity, in order to help meet the requirements
16 of subsection (a), consistent with the provisions of section
17 7040 of this Act (“Limitation on Assistance for the Pales-
18 tinian Authority”).

19 PROHIBITION ON ASSISTANCE TO THE PALESTINIAN
20 BROADCASTING CORPORATION

21 SEC. 7038. None of the funds appropriated or other-
22 wise made available by this Act may be used to provide
23 equipment, technical support, consulting services, or any
24 other form of assistance to the Palestinian Broadcasting
25 Corporation.

1 ASSISTANCE FOR THE WEST BANK AND GAZA

2 SEC. 7039. (a) OVERSIGHT.—For fiscal year 2023,
3 30 days prior to the initial obligation of funds for the bi-
4 lateral West Bank and Gaza Program, the Secretary of
5 State shall certify to the Committees on Appropriations
6 that procedures have been established to assure the Comp-
7 troller General of the United States will have access to
8 appropriate United States financial information in order
9 to review the uses of United States assistance for the Pro-
10 gram funded under the heading “Economic Support
11 Fund” for the West Bank and Gaza.

12 (b) VETTING.—Prior to the obligation of funds ap-
13 propriated by this Act under the heading “Economic Sup-
14 port Fund” for assistance for the West Bank and Gaza,
15 the Secretary of State shall take all appropriate steps to
16 ensure that such assistance is not provided to or through
17 any individual, private or government entity, or edu-
18 cational institution that the Secretary knows or has reason
19 to believe advocates, plans, sponsors, engages in, or has
20 engaged in, terrorist activity nor, with respect to private
21 entities or educational institutions, those that have as a
22 principal officer of the entity’s governing board or gov-
23 erning board of trustees any individual that has been de-
24 termined to be involved in, or advocating terrorist activity
25 or determined to be a member of a designated foreign ter-

1 rorist organization: *Provided*, That the Secretary of State
2 shall, as appropriate, establish procedures specifying the
3 steps to be taken in carrying out this subsection and shall
4 terminate assistance to any individual, entity, or edu-
5 cational institution which the Secretary has determined to
6 be involved in or advocating terrorist activity.

7 (c) PROHIBITION.—

8 (1) RECOGNITION OF ACTS OF TERRORISM.—

9 None of the funds appropriated under titles III
10 through VI of this Act for assistance under the West
11 Bank and Gaza Program may be made available
12 for—

13 (A) the purpose of recognizing or otherwise
14 honoring individuals who commit, or have com-
15 mitted acts of terrorism; and

16 (B) any educational institution located in
17 the West Bank or Gaza that is named after an
18 individual who the Secretary of State deter-
19 mines has committed an act of terrorism.

20 (2) SECURITY ASSISTANCE AND REPORTING RE-

21 QUIREMENT.—Notwithstanding any other provision
22 of law, none of the funds made available by this or
23 prior appropriations Acts, including funds made
24 available by transfer, may be made available for obli-
25 gation for security assistance for the West Bank and

1 Gaza until the Secretary of State reports to the
2 Committees on Appropriations on—

3 (A) the benchmarks that have been estab-
4 lished for security assistance for the West Bank
5 and Gaza and on the extent of Palestinian com-
6 pliance with such benchmarks; and

7 (B) the steps being taken by the Pales-
8 tinian Authority to end torture and other cruel,
9 inhuman, and degrading treatment of detainees,
10 including by bringing to justice members of
11 Palestinian security forces who commit such
12 crimes.

13 (d) OVERSIGHT BY THE UNITED STATES AGENCY
14 FOR INTERNATIONAL DEVELOPMENT.—

15 (1) The Administrator of the United States
16 Agency for International Development shall ensure
17 that Federal or non-Federal audits of all contractors
18 and grantees, and significant subcontractors and
19 sub-grantees, under the West Bank and Gaza Pro-
20 gram, are conducted at least on an annual basis to
21 ensure, among other things, compliance with this
22 section.

23 (2) Of the funds appropriated by this Act, up
24 to \$1,300,000 may be used by the Office of Inspec-
25 tor General of the United States Agency for Inter-

1 national Development for audits, investigations, and
2 other activities in furtherance of the requirements of
3 this subsection: *Provided*, That such funds are in ad-
4 dition to funds otherwise available for such pur-
5 poses.

6 (e) COMPTROLLER GENERAL OF THE UNITED
7 STATES AUDIT.—Subsequent to the certification specified
8 in subsection (a), the Comptroller General of the United
9 States shall conduct an audit and an investigation of the
10 treatment, handling, and uses of all funds for the bilateral
11 West Bank and Gaza Program, including all funds pro-
12 vided as cash transfer assistance, in fiscal year 2023
13 under the heading “Economic Support Fund”, and such
14 audit shall address—

15 (1) the extent to which such Program complies
16 with the requirements of subsections (b) and (c);
17 and

18 (2) an examination of all programs, projects,
19 and activities carried out under such Program, in-
20 cluding both obligations and expenditures.

21 (f) NOTIFICATION PROCEDURES.—Funds made
22 available in this Act for West Bank and Gaza shall be
23 subject to the regular notification procedures of the Com-
24 mittees on Appropriations.

1 tinian Authority has taken to arrest terrorists, confiscate
2 weapons and dismantle the terrorist infrastructure.

3 (e) CERTIFICATION.—If the President exercises the
4 waiver authority under subsection (b), the Secretary of
5 State must certify and report to the Committees on Ap-
6 propriations prior to the obligation of funds that the Pal-
7 estinian Authority has established a single treasury ac-
8 count for all Palestinian Authority financing and all fi-
9 nancing mechanisms flow through this account, no parallel
10 financing mechanisms exist outside of the Palestinian Au-
11 thority treasury account, and there is a single comprehen-
12 sive civil service roster and payroll, and the Palestinian
13 Authority is acting to counter incitement of violence
14 against Israelis and is supporting activities aimed at pro-
15 moting peace, coexistence, and security cooperation with
16 Israel.

17 (f) PROHIBITION TO HAMAS AND THE PALESTINE
18 LIBERATION ORGANIZATION.—

19 (1) None of the funds appropriated in titles III
20 through VI of this Act may be obligated for salaries
21 of personnel of the Palestinian Authority located in
22 Gaza or may be obligated or expended for assistance
23 to Hamas or any entity effectively controlled by
24 Hamas, any power-sharing government of which
25 Hamas is a member, or that results from an agree-

1 ment with Hamas and over which Hamas exercises
2 undue influence.

3 (2) Notwithstanding the limitation of paragraph
4 (1), assistance may be provided to a power-sharing
5 government only if the President certifies and re-
6 ports to the Committees on Appropriations that such
7 government, including all of its ministers or such
8 equivalent, has publicly accepted and is complying
9 with the principles contained in section 620K(b)(1)
10 (A) and (B) of the Foreign Assistance Act of 1961,
11 as amended.

12 (3) The President may exercise the authority in
13 section 620K(e) of the Foreign Assistance Act of
14 1961, as added by the Palestinian Anti-Terrorism
15 Act of 2006 (Public Law 109–446) with respect to
16 this subsection.

17 (4) Whenever the certification pursuant to
18 paragraph (2) is exercised, the Secretary of State
19 shall submit a report to the Committees on Appro-
20 priations within 120 days of the certification and
21 every quarter thereafter on whether such govern-
22 ment, including all of its ministers or such equiva-
23 lent are continuing to comply with the principles
24 contained in section 620K(b)(1) (A) and (B) of the
25 Foreign Assistance Act of 1961, as amended: *Pro-*

1 *vided*, That the report shall also detail the amount,
2 purposes and delivery mechanisms for any assistance
3 provided pursuant to the abovementioned certifi-
4 cation and a full accounting of any direct support of
5 such government.

6 (5) None of the funds appropriated under titles
7 III through VI of this Act may be obligated for as-
8 sistance for the Palestine Liberation Organization.

9 MIDDLE EAST AND NORTH AFRICA

10 SEC. 7041. (a) EGYPT.—

11 (1) CERTIFICATION AND REPORT.—Funds ap-
12 propriated by this Act that are available for assist-
13 ance for Egypt may be made available notwith-
14 standing any other provision of law restricting as-
15 sistance for Egypt, except for this subsection and
16 section 620M of the Foreign Assistance Act of 1961,
17 and may only be made available for assistance for
18 the Government of Egypt if the Secretary of State
19 certifies and reports to the Committees on Appro-
20 priations that such government is—

21 (A) sustaining the strategic relationship
22 with the United States; and

23 (B) meeting its obligations under the 1979
24 Egypt-Israel Peace Treaty.

1 (2) ECONOMIC SUPPORT FUND.—Of the funds
2 appropriated by this Act under the heading “Eco-
3 nomic Support Fund”, not less than \$125,000,000
4 shall be made available for assistance for Egypt, of
5 which not less than \$40,000,000 should be made
6 available for higher education programs, including
7 not less than \$15,000,000 for scholarships for Egyp-
8 tian students with high financial need to attend not-
9 for-profit institutions of higher education in Egypt
10 that are currently accredited by a regional accred-
11 iting agency recognized by the United States De-
12 partment of Education, or meets standards equiva-
13 lent to those required for United States institutional
14 accreditation by a regional accrediting agency recog-
15 nized by such Department: *Provided*, That such
16 funds shall be made available for democracy pro-
17 grams, and for development programs in the Sinai.

18 (3) FOREIGN MILITARY FINANCING PRO-
19 GRAM.—

20 (A) CERTIFICATION.—Of the funds appro-
21 priated by this Act under the heading “Foreign
22 Military Financing Program”, \$1,300,000,000,
23 to remain available until September 30, 2024,
24 should be made available for assistance for
25 Egypt: *Provided*, That such funds may be

1 transferred to an interest bearing account in
2 the Federal Reserve Bank of New York, fol-
3 lowing consultation with the Committees on Ap-
4 propriations, and the uses of any interest
5 earned on such funds shall be subject to the
6 regular notification procedures of the Commit-
7 tees on Appropriations: *Provided further*, That
8 \$225,000,000 of such funds shall be withheld
9 from obligation until the Secretary of State cer-
10 tifies and reports to the Committees on Appro-
11 priations that the Government of Egypt is tak-
12 ing sustained and effective steps to—

13 (i) strengthen the rule of law, demo-
14 cratic institutions, and human rights in
15 Egypt, including to protect religious mi-
16 norities and the rights of women, which
17 are in addition to steps taken during the
18 previous calendar year for such purposes;

19 (ii) implement reforms that protect
20 freedoms of expression, association, and
21 peaceful assembly, including the ability of
22 civil society organizations, human rights
23 defenders, and the media to function with-
24 out interference;

1460

1 (iii) hold Egyptian security forces ac-
2 countable, including officers credibly al-
3 leged to have violated human rights;

4 (iv) investigate and prosecute cases of
5 extrajudicial killings and forced disappear-
6 ances;

7 (v) provide regular access for United
8 States officials to monitor such assistance
9 in areas where the assistance is used; and

10 (vi) comply with the requirement
11 under this section in the explanatory state-
12 ment described in section 4 (in the matter
13 preceding division A of this consolidated
14 Act).

15 (B) WAIVER.—The Secretary of State may
16 waive the certification requirement in subpara-
17 graph (A) if the Secretary determines and re-
18 ports to the Committees on Appropriations that
19 such funds are necessary for counterterrorism,
20 border security, or nonproliferation programs or
21 that it is otherwise important to the national
22 security interest of the United States to do so,
23 and submits a report to such Committees con-
24 taining a detailed justification for the use of
25 such waiver and the reasons why any of the re-

1 requirements of subparagraph (A) cannot be met:
2 *Provided*, That the report required by this para-
3 graph shall be submitted in unclassified form,
4 but may be accompanied by a classified annex.

5 (C) In addition to the funds withheld pur-
6 suant to subparagraph (A), \$95,000,000 of the
7 funds made available pursuant to this para-
8 graph shall be withheld from obligation until
9 the Secretary of State determines and reports
10 to the Committees on Appropriations that the
11 Government of Egypt is making clear and con-
12 sistent progress in releasing political prisoners,
13 providing detainees with due process of law,
14 and preventing the intimidation and harassment
15 of American citizens.

16 (b) IRAN.—

17 (1) FUNDING.—Funds appropriated by this Act
18 under the headings “Diplomatic Programs”, “Eco-
19 nomic Support Fund”, and “Nonproliferation, Anti-
20 terrorism, Demining and Related Programs” shall
21 be made available for the programs and activities de-
22 scribed under this section in House Report 117–401.

23 (2) REPORTS.—

24 (A) SEMI-ANNUAL REPORT.—The Sec-
25 retary of State shall submit to the Committees

1462

1 on Appropriations the semi-annual report re-
2 quired by section 135(d)(4) of the Atomic En-
3 ergy Act of 1954 (42 U.S.C. 2160e(d)(4)), as
4 added by section 2 of the Iran Nuclear Agree-
5 ment Review Act of 2015 (Public Law 114–17).

6 (B) SANCTIONS REPORT.—Not later than
7 180 days after the date of enactment of this
8 Act, the Secretary of State, in consultation with
9 the Secretary of the Treasury, shall submit to
10 the appropriate congressional committees a re-
11 port on—

12 (i) the status of United States bilat-
13 eral sanctions on Iran;

14 (ii) the reimposition and renewed en-
15 forcement of secondary sanctions; and

16 (iii) the impact such sanctions have
17 had on Iran’s destabilizing activities
18 throughout the Middle East.

19 (c) IRAQ.—

20 (1) PURPOSES.—Funds appropriated under ti-
21 tles III and IV of this Act shall be made available
22 for assistance for Iraq for—

23 (A) bilateral economic assistance and inter-
24 national security assistance, including in the
25 Kurdistan Region of Iraq;

1463

1 (B) stabilization assistance, including in
2 Anbar Province;

3 (C) programs to support government
4 transparency and accountability, support judi-
5 cial independence, protect the right of due proe-
6 cess, end the use of torture, and combat corrup-
7 tion;

8 (D) humanitarian assistance, including in
9 the Kurdistan Region of Iraq;

10 (E) programs to protect and assist reli-
11 gious and ethnic minority populations; and

12 (F) programs to increase United States
13 private sector investment.

14 (2) BASING RIGHTS.—None of the funds appro-
15 priated or otherwise made available by this Act may
16 be used by the Government of the United States to
17 enter into a permanent basing rights agreement be-
18 tween the United States and Iraq.

19 (d) ISRAEL.—Of the funds appropriated by this Act
20 under the heading “Foreign Military Financing Pro-
21 gram”, not less than \$3,300,000,000 shall be available for
22 grants only for Israel which shall be disbursed within 30
23 days of enactment of this Act: *Provided*, That to the extent
24 that the Government of Israel requests that funds be used
25 for such purposes, grants made available for Israel under

1464

1 this heading shall, as agreed by the United States and
2 Israel, be available for advanced weapons systems, of
3 which not less than \$775,300,000 shall be available for
4 the procurement in Israel of defense articles and defense
5 services, including research and development.

6 (e) JORDAN.—Of the funds appropriated by this Act
7 under titles III and IV, not less than \$1,650,000,000 shall
8 be made available for assistance for Jordan, of which not
9 less than \$845,100,000 shall be made available for budget
10 support for the Government of Jordan and not less than
11 \$425,000,000 shall be made available under the heading
12 “Foreign Military Financing Program”.

13 (f) LEBANON.—

14 (1) ASSISTANCE.—Funds appropriated under
15 titles III and IV of this Act shall be made available
16 for assistance for Lebanon: *Provided*, That such
17 funds made available under the heading “Economic
18 Support Fund” may be made available notwith-
19 standing section 1224 of the Foreign Relations Au-
20 thorization Act, Fiscal Year 2003 (Public Law 107–
21 228; 22 U.S.C. 2346 note).

22 (2) SECURITY ASSISTANCE.—

23 (A) Funds appropriated by this Act under
24 the headings “International Narcotics Control
25 and Law Enforcement” and “Foreign Military

1465

1 Financing Program” that are made available
2 for assistance for Lebanon may be made avail-
3 able for programs and equipment for the Leba-
4 nese Internal Security Forces (ISF) and the
5 Lebanese Armed Forces (LAF) to address secu-
6 rity and stability requirements in areas affected
7 by conflict in Syria, following consultation with
8 the appropriate congressional committees.

9 (B) Funds appropriated by this Act under
10 the heading “Foreign Military Financing Pro-
11 gram” that are made available for assistance
12 for Lebanon may only be made available for
13 programs to—

14 (i) professionalize the LAF to miti-
15 gate internal and external threats from
16 non-state actors, including Hizballah;

17 (ii) strengthen border security and
18 combat terrorism, including training and
19 equipping the LAF to secure the borders
20 of Lebanon and address security and sta-
21 bility requirements in areas affected by
22 conflict in Syria, interdicting arms ship-
23 ments, and preventing the use of Lebanon
24 as a safe haven for terrorist groups; and

1466

1 (iii) implement United Nations Secu-
2 rity Council Resolution 1701:

3 *Provided*, That prior to obligating funds made
4 available by this subparagraph for assistance
5 for the LAF, the Secretary of State shall sub-
6 mit to the Committees on Appropriations a
7 spend plan, including actions to be taken to en-
8 sure equipment provided to the LAF is used
9 only for the intended purposes, except such plan
10 may not be considered as meeting the notifica-
11 tion requirements under section 7015 of this
12 Act or under section 634A of the Foreign As-
13 sistance Act of 1961: *Provided further*, That
14 any notification submitted pursuant to such
15 section shall include any funds specifically in-
16 tended for lethal military equipment.

17 (3) LIMITATION.—None of the funds appro-
18 priated by this Act may be made available for the
19 ISF or the LAF if the ISF or the LAF is controlled
20 by a foreign terrorist organization, as designated
21 pursuant to section 219 of the Immigration and Na-
22 tionality Act (8 U.S.C. 1189).

23 (g) LIBYA.—Funds appropriated under titles III and
24 IV of this Act shall be made available for stabilization as-
25 sistance for Libya, including support for a United Na-

1 tions-facilitated political process and border security: *Pro-*
2 *vided*, That the limitation on the uses of funds for certain
3 infrastructure projects in section 7041(f)(2) of the De-
4 partment of State, Foreign Operations, and Related Pro-
5 grams Appropriations Act, 2014 (division K of Public Law
6 113–76) shall apply to such funds.

7 (h) MOROCCO.—Funds appropriated under titles III
8 and IV of this Act shall be made available for assistance
9 for Morocco.

10 (i) SAUDI ARABIA.—

11 (1) PROHIBITION.—None of the funds appro-
12 priated by this Act under the heading “International
13 Military Education and Training” may be made
14 available for assistance for the Government of Saudi
15 Arabia.

16 (2) EXPORT-IMPORT BANK.—None of the funds
17 appropriated or otherwise made available by this Act
18 and prior Acts making appropriations for the De-
19 partment of State, foreign operations, and related
20 programs should be obligated or expended by the
21 Export-Import Bank of the United States to guar-
22 antee, insure, or extend (or participate in the exten-
23 sion of) credit in connection with the export of nu-
24 clear technology, equipment, fuel, materials, or other

1 nuclear technology-related goods or services to Saudi
2 Arabia unless the Government of Saudi Arabia—

3 (A) has in effect a nuclear cooperation
4 agreement pursuant to section 123 of the
5 Atomic Energy Act of 1954 (42 U.S.C. 2153);

6 (B) has committed to renounce uranium
7 enrichment and reprocessing on its territory
8 under that agreement; and

9 (C) has signed and implemented an Addi-
10 tional Protocol to its Comprehensive Safeguards
11 Agreement with the International Atomic En-
12 ergy Agency.

13 (j) SYRIA.—

14 (1) NON-LETHAL ASSISTANCE.—Funds appro-
15 priated by this Act under titles III and IV may be
16 made available, notwithstanding any other provision
17 of law, for non-lethal stabilization assistance for
18 Syria, including for emergency medical and rescue
19 response and chemical weapons investigations.

20 (2) LIMITATIONS.—Funds made available pur-
21 suant to paragraph (1) of this subsection—

22 (A) may not be made available for a
23 project or activity that supports or otherwise le-
24 gitimizes the Government of Iran, foreign ter-
25 rorist organizations (as designated pursuant to

1469

1 section 219 of the Immigration and Nationality
2 Act (8 U.S.C. 1189)), or a proxy of Iran in
3 Syria;

4 (B) may not be made available for activi-
5 ties that further the strategic objectives of the
6 Government of the Russian Federation that the
7 Secretary of State determines may threaten or
8 undermine United States national security in-
9 terests; and

10 (C) should not be used in areas of Syria
11 controlled by a government led by Bashar al-
12 Assad or associated forces.

13 (3) CONSULTATION AND NOTIFICATION.—
14 Funds made available pursuant to this subsection
15 may only be made available following consultation
16 with the appropriate congressional committees, and
17 shall be subject to the regular notification proce-
18 dures of the Committees on Appropriations.

19 (k) TUNISIA.—

20 (1) ASSISTANCE.—Funds appropriated under
21 titles III and IV of this Act shall be made available
22 for assistance for Tunisia for programs to improve
23 economic growth and opportunity, support demo-
24 cratic governance and civil society, protect due pro-
25 cess of law, and maintain regional stability and secu-

1 rity, following consultation with the Committees on
2 Appropriations.

3 (2) REPORT.—Not later than 90 days after the
4 date of enactment of this Act, the Secretary of State
5 shall submit a report to the Committees on Appro-
6 priations on the extent to which—

7 (A) the Government of Tunisia is imple-
8 menting economic reforms, countering corrup-
9 tion, and taking credible steps to restore con-
10 stitutional order and democratic governance, in-
11 cluding respecting freedoms of expression, asso-
12 ciation, and the press, and the rights of mem-
13 bers of political parties, that are in addition to
14 steps taken in the preceding fiscal year;

15 (B) the Government of Tunisia is main-
16 taining the independence of the judiciary and
17 holding security forces who commit human
18 rights abuses accountable; and

19 (C) the Tunisian military has remained an
20 apolitical and professional institution.

21 (I) WEST BANK AND GAZA.—

22 (1) ASSISTANCE.—Funds appropriated by this
23 Act under the heading “Economic Support Fund”
24 shall be made available for programs in the West

1471

1 Bank and Gaza, which may include water, sanita-
2 tion, and other infrastructure improvements.

3 (2) REPORT ON ASSISTANCE.—Prior to the ini-
4 tial obligation of funds made available by this Act
5 under the heading “Economic Support Fund” for
6 assistance for the West Bank and Gaza, the Sec-
7 retary of State shall report to the Committees on
8 Appropriations that the purpose of such assistance
9 is to—

10 (A) advance Middle East peace;

11 (B) improve security in the region;

12 (C) continue support for transparent and
13 accountable government institutions;

14 (D) promote a private sector economy; or

15 (E) address urgent humanitarian needs.

16 (3) LIMITATIONS.—

17 (A)(i) None of the funds appropriated
18 under the heading “Economic Support Fund”
19 in this Act may be made available for assistance
20 for the Palestinian Authority, if after the date
21 of enactment of this Act—

22 (I) the Palestinians obtain the same
23 standing as member states or full member-
24 ship as a state in the United Nations or
25 any specialized agency thereof outside an

1472

1 agreement negotiated between Israel and
2 the Palestinians; or

3 (II) the Palestinians initiate an Inter-
4 national Criminal Court (ICC) judicially
5 authorized investigation, or actively sup-
6 port such an investigation, that subjects
7 Israeli nationals to an investigation for al-
8 leged crimes against Palestinians.

9 (ii) The Secretary of State may waive the
10 restriction in clause (i) of this subparagraph re-
11 sulting from the application of subclause (I) of
12 such clause if the Secretary certifies to the
13 Committees on Appropriations that to do so is
14 in the national security interest of the United
15 States, and submits a report to such Commit-
16 tees detailing how the waiver and the continu-
17 ation of assistance would assist in furthering
18 Middle East peace.

19 (B)(i) The President may waive the provi-
20 sions of section 1003 of the Foreign Relations
21 Authorization Act, Fiscal Years 1988 and 1989
22 (Public Law 100–204) if the President deter-
23 mines and certifies in writing to the Speaker of
24 the House of Representatives, the President pro
25 tempore of the Senate, and the appropriate con-

1473

1 gressional committees that the Palestinians
2 have not, after the date of enactment of this
3 Act—

4 (I) obtained in the United Nations or
5 any specialized agency thereof the same
6 standing as member states or full member-
7 ship as a state outside an agreement nego-
8 tiated between Israel and the Palestinians;
9 and

10 (II) initiated or actively supported an
11 ICC investigation against Israeli nationals
12 for alleged crimes against Palestinians.

13 (ii) Not less than 90 days after the Presi-
14 dent is unable to make the certification pursu-
15 ant to clause (i) of this subparagraph, the
16 President may waive section 1003 of Public
17 Law 100–204 if the President determines and
18 certifies in writing to the Speaker of the House
19 of Representatives, the President pro tempore
20 of the Senate, and the Committees on Appro-
21 priations that the Palestinians have entered
22 into direct and meaningful negotiations with
23 Israel: *Provided*, That any waiver of the provi-
24 sions of section 1003 of Public Law 100–204
25 under clause (i) of this subparagraph or under

1 previous provisions of law must expire before
2 the waiver under this clause may be exercised.

3 (iii) Any waiver pursuant to this subpara-
4 graph shall be effective for no more than a pe-
5 riod of 6 months at a time and shall not apply
6 beyond 12 months after the enactment of this
7 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
13 the Taylor Force Act (title X of division S of Public
14 Law 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
23 Secretary of State shall submit a report to the ap-
24 propriate congressional committees detailing steps
25 taken by the Palestinian Authority to counter incite-

1 tral African Republic, including to improve physical ac-
2 cess, telecommunications infrastructure, and early-warn-
3 ing mechanisms and to support the disarmament, demobi-
4 lization, and reintegration of former LRA combatants, es-
5 pecially child 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 nomic assistance, including in areas affected by, and at
11 risk from, the Ebola virus disease: *Provided*, That such
12 funds shall also be made available to support security, sta-
13 bilization, development, and democracy in Eastern DRC:
14 *Provided further*, That funds appropriated by this Act
15 under the headings “Peacekeeping Operations” and
16 “International Military Education and Training” that are
17 made available for such purposes may be made available
18 notwithstanding any other provision of law, except section
19 620M 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 hos-
24 tilities agreement in Tigray;

1477

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 as-
19 sistance for the central Government of South Sudan, ex-
20 cept to support implementation of outstanding issues of
21 the Comprehensive Peace Agreement, mutual arrange-
22 ments related to post-referendum issues associated with
23 such Agreement, or any other viable peace agreement in
24 South Sudan: *Provided*, That funds appropriated by this
25 Act and prior Acts making appropriations for the Depart-

1 ment of State, foreign operations, and related programs
2 that are made available for any new program, project, or
3 activity in South Sudan shall be subject to prior consulta-
4 tion with the appropriate 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
12 available for assistance for the central Government
13 of 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 sub-
23 ject to prior consultation with the appropriate con-
24 gressional committees.

25 (i) ZIMBABWE.—

1 (1) INSTRUCTION.—The Secretary of the Treas-
2 ury shall instruct the United States executive direc-
3 tor 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
9 the rule of law has been restored, including respect
10 for ownership and title to property, and freedoms of
11 expression, association, and assembly.

12 (2) LIMITATION.—None of the funds appro-
13 priated by this Act shall be made available for as-
14 sistance for the central Government of Zimbabwe,
15 except for health and education, unless the Secretary
16 of State certifies and reports as required in para-
17 graph (1).

18 EAST ASIA AND THE PACIFIC

19 SEC. 7043. (a) BURMA.—

20 (1) USES OF FUNDS.—Of the funds appro-
21 priated by this Act, not less than \$136,127,000 shall
22 be made available for assistance for Burma, which—

23 (A) may be made available notwithstanding
24 any other provision of law and following con-

1 sultation with the appropriate congressional
2 committees;

3 (B) may be made available for support for
4 the administrative operations and programs of
5 entities that support peaceful efforts to estab-
6 lish an inclusive and representative democracy
7 in Burma and a federal union to foster equality
8 among Burma’s diverse ethnic groups, following
9 consultation with the Committees on Appropria-
10 tions;

11 (C) shall be made available for programs
12 to promote ethnic and religious tolerance, unity,
13 and accountability and to combat gender-based
14 violence, including in Kachin, Chin, Mon,
15 Karen, Karenni, Rakhine, and Shan states;

16 (D) shall be made available for community-
17 based organizations with experience operating
18 in Thailand to provide food, medical, and other
19 humanitarian assistance to internally displaced
20 persons in eastern Burma, in addition to assist-
21 ance for Burmese refugees from funds appro-
22 priated by this Act under the heading “Migra-
23 tion and Refugee Assistance”; and

24 (E) shall be made available for programs
25 and activities to investigate and document viola-

1 tions of human rights in Burma committed by
2 the military junta.

3 (2) INTERNATIONAL SECURITY ASSISTANCE.—

4 None of the funds appropriated by this Act under
5 the headings “International Military Education and
6 Training” and “Foreign Military Financing Pro-
7 gram” may be made available for assistance for
8 Burma.

9 (3) LIMITATIONS.—None of the funds appro-
10 priated by this Act that are made available for as-
11 sistance for Burma may be made available to the
12 State Administration Council or any organization or
13 entity controlled by, or an affiliate of, the armed
14 forces of Burma, or to any individual or organization
15 that has committed a gross violation of human
16 rights or advocates violence against ethnic or reli-
17 gious groups or individuals in Burma, as determined
18 by the Secretary of State for programs administered
19 by the Department of State and USAID or the
20 President of the National Endowment for Democ-
21 racy (NED) for programs administered by NED.

22 (4) CONSULTATION.—Any new program or ac-
23 tivity in Burma initiated in fiscal year 2023 shall be
24 subject to prior consultation with the appropriate
25 congressional committees.

1 (b) CAMBODIA.—

2 (1) ASSISTANCE.—Of the funds appropriated
3 under title III of this Act, not less than \$82,505,000
4 shall be made available for assistance for Cambodia.

5 (2) CERTIFICATION AND EXCEPTIONS.—

6 (A) CERTIFICATION.—None of the funds
7 appropriated by this Act that are made avail-
8 able for assistance for the Government of Cam-
9 bodia may be obligated or expended unless the
10 Secretary of State certifies and reports to the
11 Committees on Appropriations that such Gov-
12 ernment is taking effective steps to—

13 (i) strengthen regional security and
14 stability, particularly regarding territorial
15 disputes in the South China Sea and the
16 enforcement of international sanctions with
17 respect to North Korea;

18 (ii) assert its sovereignty against in-
19 terference by the People's Republic of
20 China, including by verifiably maintaining
21 the neutrality of Ream Naval Base, other
22 military installations in Cambodia, and
23 dual use facilities such as the runway at
24 the Dara Sakor development project;

1483

1 (iii) cease violence, threats, and har-
2 assment against civil society and the polit-
3 ical opposition in Cambodia, and dismiss
4 any politically motivated criminal charges
5 against critics of the government; and

6 (iv) respect the rights, freedoms, and
7 responsibilities enshrined in the Constitu-
8 tion of the Kingdom of Cambodia as en-
9 acted in 1993.

10 (B) EXCEPTIONS.—The certification re-
11 quired by subparagraph (A) shall not apply to
12 funds appropriated by this Act and made avail-
13 able for democracy, health, education, and envi-
14 ronment programs, programs to strengthen the
15 sovereignty of Cambodia, and programs to edu-
16 cate and inform the people of Cambodia of the
17 influence activities of the People’s Republic of
18 China in Cambodia.

19 (3) USES OF FUNDS.—Funds appropriated
20 under title III of this Act for assistance for Cam-
21 bodia shall be made available for—

22 (A) research, documentation, and edu-
23 cation programs associated with the Khmer
24 Rouge in Cambodia; and

1 (B) programs in the Khmer language to
2 monitor, map, and publicize the efforts by the
3 People’s Republic of China to expand its influ-
4 ence in Cambodia.

5 (c) INDO-PACIFIC STRATEGY AND THE ASIA REAS-
6 SURANCE INITIATIVE ACT OF 2018.—

7 (1) ASSISTANCE.—Of the funds appropriated
8 under titles III and IV of this Act, not less than
9 \$1,800,000,000 shall be made available to support
10 implementation of the Indo-Pacific Strategy and the
11 Asia Reassurance Initiative Act of 2018 (Public Law
12 115–409).

13 (2) COUNTERING PRC INFLUENCE FUND.—Of
14 the funds appropriated by this Act under the head-
15 ings “Development Assistance”, “Economic Support
16 Fund”, “International Narcotics Control and Law
17 Enforcement”, “Nonproliferation, Anti-terrorism,
18 Demining and Related Programs”, and “Foreign
19 Military Financing Program”, not less than
20 \$325,000,000 shall be made available for a Coun-
21 tering PRC Influence Fund to counter the influence
22 of the Government of the People’s Republic of China
23 and the Chinese Communist Party and entities act-
24 ing on their behalf globally, which shall be subject
25 to prior consultation with the Committees on Appro-

1 priations: *Provided*, That such funds are in addition
2 to amounts otherwise made available for such pur-
3 poses: *Provided further*, That up to 10 percent of
4 such funds shall be held in reserve to respond to un-
5 anticipated opportunities to counter PRC influence:
6 *Provided further*, That the uses of such funds shall
7 be the joint responsibility of the Secretary of State
8 and the USAID Administrator, and shall be allo-
9 cated as specified under this section in the explana-
10 tory statement described in section 4 (in the matter
11 preceding division A of this consolidated Act): *Pro-*
12 *vided further*, That funds made available pursuant to
13 this paragraph under the heading “Foreign Military
14 Financing Program” may remain available until
15 September 30, 2024: *Provided further*, That funds
16 appropriated by this Act for such Fund under the
17 headings “International Narcotics Control and Law
18 Enforcement”, “Nonproliferation, Anti-terrorism,
19 Demining and Related Programs”, and “Foreign
20 Military Financing Program” may be transferred to,
21 and merged with, funds appropriated under such
22 headings: *Provided further*, That such transfer au-
23 thority is in addition to any other transfer authority
24 provided by this Act or any other Act, and is subject

1 to the regular notification procedures of the Com-
2 mittees on Appropriations.

3 (3) RESTRICTION ON USES OF FUNDS.—None
4 of the funds appropriated by this Act and prior Acts
5 making appropriations for the Department of State,
6 foreign operations, and related programs may be
7 made available for any project or activity that di-
8 rectly supports or promotes—

9 (A) the Belt and Road Initiative or any
10 dual-use infrastructure projects of the People’s
11 Republic of China; and

12 (B) the use of technology, including bio-
13 technology, digital, telecommunications, and
14 cyber, developed by the People’s Republic of
15 China unless the Secretary of State, in con-
16 sultation with the USAID Administrator and
17 the heads of other Federal agencies, as appro-
18 priate, determines that such use does not ad-
19 versely impact the national security of the
20 United States.

21 (4) MAPS.—None of the funds made available
22 by this Act should be used to create, procure, or dis-
23 play any map that inaccurately depicts the territory
24 and social and economic system of Taiwan and the

1 islands or island groups administered by Taiwan au-
2 thorities.

3 (d) LAOS.—Of the funds appropriated by this Act
4 under titles III and IV, not less than \$93,000,000 shall
5 be made available for assistance for Laos, including for
6 assistance for persons with disabilities caused by
7 unexploded ordnance accidents, and of which not less than
8 \$1,500,000 should be made available for programs to as-
9 sist persons with severe physical mobility, cognitive, or de-
10 velopmental disabilities in areas sprayed with Agent Or-
11 ange: *Provided*, That funds made available pursuant to
12 this subsection may be used, in consultation with the Gov-
13 ernment of Laos, for assessments of the existence of dioxin
14 contamination resulting from the use of Agent Orange in
15 Laos and the feasibility and cost of remediation.

16 (e) NORTH KOREA.—

17 (1) CYBERSECURITY.—None of the funds ap-
18 propriated by this Act or prior Acts making appro-
19 priations for the Department of State, foreign oper-
20 ations, and related programs may be made available
21 for assistance for the central government of a coun-
22 try the Secretary of State determines and reports to
23 the appropriate congressional committees engages in
24 significant transactions contributing materially to
25 the malicious cyber-intrusion capabilities of the Gov-

1 ernment of North Korea: *Provided*, That the Sec-
2 retary of State shall submit the report required by
3 section 209 of the North Korea Sanctions and Policy
4 Enhancement Act of 2016 (Public Law 114–122; 22
5 U.S.C. 9229) to the Committees on Appropriations:
6 *Provided further*, That the Secretary of State may
7 waive the application of the restriction in this para-
8 graph with respect to assistance for the central gov-
9 ernment of a country if the Secretary determines
10 and reports to the appropriate congressional com-
11 mittees that to do so is important to the national se-
12 curity interest of the United States, including a de-
13 scription of such interest served.

14 (2) BROADCASTS.—Funds appropriated by this
15 Act under the heading “International Broadcasting
16 Operations” shall be made available to maintain
17 broadcasting hours into North Korea at levels not
18 less than the prior fiscal year.

19 (3) HUMAN RIGHTS.—Funds appropriated by
20 this Act under the headings “Economic Support
21 Fund” and “Democracy Fund” shall be made avail-
22 able for the promotion of human rights in North
23 Korea: *Provided*, That the authority of section
24 7032(b)(1) of this Act shall apply to such funds.

1 (4) LIMITATION ON USE OF FUNDS.—None of
2 the funds made available by this Act under the
3 heading “Economic Support Fund” may be made
4 available for assistance for the Government of North
5 Korea.

6 (f) PACIFIC ISLANDS COUNTRIES.—

7 (1) OPERATIONS.—Funds appropriated under
8 title I in this Act and prior Acts making appropria-
9 tions for the Department of State, foreign oper-
10 ations, and related programs may be made available
11 for establishing and operating diplomatic facilities in
12 Kiribati, Tonga, Solomon Islands, and Vanuatu,
13 subject to section 7015(a)(3) of this Act and fol-
14 lowing consultation with the Committees on Appro-
15 priations.

16 (2) ASSISTANCE.—Of the funds appropriated by
17 this Act under the headings “Development Assist-
18 ance”, “Economic Support Fund”, “International
19 Narcotics Control and Law Enforcement”,
20 “Nonproliferation, Anti-terrorism, Demining and Re-
21 lated Programs”, and “Foreign Military Financing
22 Program”, not less than \$150,000,000 shall be
23 made available for assistance for Pacific Islands
24 countries, as specified under this section in the ex-
25 planatory statement described in section 4 (in the

1 matter preceding division A of this consolidated
2 Act), following consultation with the Committees on
3 Appropriations: *Provided*, That funds made available
4 pursuant to this paragraph shall be made available
5 for joint development and security programs between
6 the United States and such countries in coordination
7 with regional allies and partners, including Taiwan.
8 (g) PEOPLE’S REPUBLIC OF CHINA.—

9 (1) LIMITATION ON USE OF FUNDS.—None of
10 the funds appropriated under the heading “Diplo-
11 matic Programs” in this Act may be obligated or ex-
12 pended for processing licenses for the export of sat-
13 ellites of United States origin (including commercial
14 satellites and satellite components) to the People’s
15 Republic of China (PRC) unless, at least 15 days in
16 advance, the Committees on Appropriations are noti-
17 fied of such proposed action.

18 (2) PEOPLE’S LIBERATION ARMY.—The terms
19 and requirements of section 620(h) of the Foreign
20 Assistance Act of 1961 shall apply to foreign assist-
21 ance projects or activities of the People’s Liberation
22 Army (PLA) of the PRC, to include such projects or
23 activities by any entity that is owned or controlled
24 by, or an affiliate of, the PLA: *Provided*, That none
25 of the funds appropriated or otherwise made avail-

1 able pursuant to this Act may be used to finance
2 any grant, contract, or cooperative agreement with
3 the PLA, or any entity that the Secretary of State
4 has reason to believe is owned or controlled by, or
5 an affiliate of, the PLA.

6 (3) HONG KONG.—

7 (A) DEMOCRACY PROGRAMS.—Of the
8 funds appropriated by this Act under the first
9 paragraph under the heading “Democracy
10 Fund”, not less than \$5,000,000 shall be made
11 available for democracy and Internet freedom
12 programs for Hong Kong, including legal and
13 other support for democracy activists.

14 (B) RESTRICTIONS ON ASSISTANCE.—None
15 of the funds appropriated by this Act or prior
16 Acts making appropriations for the Department
17 of State, foreign operations, and related pro-
18 grams that are made available for assistance for
19 Hong Kong should be obligated for assistance
20 for the Government of the People’s Republic of
21 China and the Chinese Communist Party or
22 any entity acting on their behalf in Hong Kong.

23 (C) REPORT.—The report required under
24 section 7043(f)(3)(C) of the Department of
25 State, Foreign Operations, and Related Pro-

1 grams Appropriations Act, 2021 (division K of
2 Public Law 116–260) shall be updated and sub-
3 mitted to the Congress in the manner described.

4 (h) PHILIPPINES.—None of the funds appropriated
5 by this Act may be made available for counternarcotics
6 assistance for the Philippines, except for drug demand re-
7 duction, maritime law enforcement, or transnational inter-
8 diction.

9 (i) TAIWAN.—

10 (1) GLOBAL COOPERATION AND TRAINING
11 FRAMEWORK.—Of the funds appropriated by this
12 Act under the heading “Economic Support Fund”,
13 not less than \$4,000,000 shall be made available for
14 the Global Cooperation and Training Framework,
15 which shall be administered by the American Insti-
16 tute in Taiwan.

17 (2) FOREIGN MILITARY FINANCING.—Funds
18 appropriated by this Act and prior Acts making ap-
19 propriations for the Department of State, foreign
20 operations, and related programs under the heading
21 “Foreign Military Financing Program”, except for
22 amounts designated as an emergency requirement
23 pursuant to a concurrent resolution on the budget or
24 the Balanced Budget and Emergency Deficit Control
25 Act of 1985, may be made available for the costs,

1 as defined in section 502 of the Congressional Budg-
2 et Act of 1974, of direct loans and loan guarantees
3 for Taiwan, if otherwise authorized: *Provided*, That
4 such costs may include the costs of selling, reducing,
5 or cancelling any amounts owed to the United States
6 or any agency of the United States: *Provided further*,
7 That the gross principal balance of such direct loans
8 shall not exceed \$2,000,000,000, and the gross prin-
9 cipal balance of guaranteed loans shall not exceed
10 \$2,000,000,000: *Provided further*, That the Sec-
11 retary of State may use amounts charged to the bor-
12 rower as origination fees to pay for the cost of such
13 loans.

14 (3) FELLOWSHIP PROGRAM.—Funds appro-
15 priated by this Act under the heading “Payment to
16 the American Institute in Taiwan” shall be made
17 available to establish a Taiwan Fellowship Program.

18 (4) CONSULTATION.—Not later than 60 days
19 after the date of enactment of this Act, the Sec-
20 retary of State shall consult with the Committees on
21 Appropriations on the uses of funds made available
22 pursuant to this subsection: *Provided*, That such
23 funds shall be subject to the regular notification pro-
24 cedures of the Committees on Appropriations.

25 (j) TIBET.—

1 (1) FINANCING OF PROJECTS IN TIBET.—The
2 Secretary of the Treasury should instruct the United
3 States executive director of each international finan-
4 cial institution to use the voice and vote of the
5 United States to support financing of projects in
6 Tibet if such projects do not provide incentives for
7 the migration and settlement of non-Tibetans into
8 Tibet or facilitate the transfer of ownership of Ti-
9 betan land and natural resources to non-Tibetans,
10 are based on a thorough needs-assessment, foster
11 self-sufficiency of the Tibetan people and respect Ti-
12 betan culture and traditions, and are subject to ef-
13 fective monitoring.

14 (2) PROGRAMS FOR TIBETAN COMMUNITIES.—

15 (A) Notwithstanding any other provision of
16 law, of the funds appropriated by this Act
17 under the heading “Economic Support Fund”,
18 not less than \$10,000,000 shall be made avail-
19 able to nongovernmental organizations with ex-
20 perience working with Tibetan communities to
21 support activities which preserve cultural tradi-
22 tions and promote sustainable development,
23 education, and environmental conservation in
24 Tibetan communities in the Tibet Autonomous

1 Region and in other Tibetan communities in
2 China.

3 (B) Of the funds appropriated by this Act
4 under the heading “Economic Support Fund”,
5 not less than \$8,000,000 shall be made avail-
6 able for programs to promote and preserve Ti-
7 betan culture and language in the refugee and
8 diaspora Tibetan communities, development,
9 and the resilience of Tibetan communities and
10 the Central Tibetan Administration in India
11 and Nepal, and to assist in the education and
12 development of the next generation of Tibetan
13 leaders from such communities: *Provided*, That
14 such funds are in addition to amounts made
15 available in subparagraph (A) for programs in-
16 side Tibet.

17 (C) Of the funds appropriated by this Act
18 under the heading “Economic Support Fund”,
19 not less than \$3,000,000 shall be made avail-
20 able for programs to strengthen the capacity of
21 the Central Tibetan Administration: *Provided*,
22 That such funds shall be administered by the
23 United States Agency for International Devel-
24 opment.

25 (k) VIETNAM.—

1496

1 (1) Of the funds appropriated under titles III
2 and IV of this Act, not less than \$197,000,000 shall
3 be made available for assistance for Vietnam, of
4 which not less than—

5 (A) \$30,000,000 shall be made available
6 for health and disability programs to assist per-
7 sons with severe physical mobility, cognitive, or
8 developmental disabilities: *Provided*, That such
9 funds shall be prioritized to assist persons
10 whose disabilities may be related to the use of
11 Agent Orange and exposure to dioxin, or are
12 the result of unexploded ordnance accidents;

13 (B) \$20,000,000 shall be made available,
14 notwithstanding any other provision of law, for
15 activities related to the remediation of dioxin
16 contaminated sites in Vietnam and may be
17 made available for assistance for the Govern-
18 ment of Vietnam, including the military, for
19 such purposes;

20 (C) \$3,000,000 shall be made available for
21 the Reconciliation/Vietnamese Wartime Ac-
22 counting Initiative; and

23 (D) \$15,000,000 shall be made available
24 for higher education programs.

1497

1 (2) Section 7043(i)(1) of the Department of
2 State, Foreign Operations, and Related Programs
3 Appropriations Act, 2022 (division K of Public Law
4 117–103) is amended by striking “that” and insert-
5 ing “: *Provided*, That such funds shall be prioritized
6 to assist persons whose disabilities”.

7 SOUTH AND CENTRAL ASIA

8 SEC. 7044. (a) AFGHANISTAN.—

9 (1) RESTRICTION.—None of the funds appro-
10 priated by this Act and prior Acts making appro-
11 priations for the Department of State, foreign oper-
12 ations, and related programs and made available for
13 assistance for Afghanistan may be made available
14 for direct assistance to the Taliban.

15 (2) AFGHAN SPECIAL IMMIGRANT VISAS.—

16 Funds appropriated or otherwise made available by
17 this Act under the heading “Administration for For-
18 eign Affairs” and fees available for obligation during
19 fiscal year 2023 in the Consular and Border Secu-
20 rity Programs account shall be made available for
21 additional Department of State personnel necessary
22 to eliminate processing backlogs and expedite adju-
23 dication of Afghan Special Immigrant Visa cases, in-
24 cluding for the National Visa Center and the Afghan
25 Special Immigrant Visa Unit.

1 (3) AFGHAN STUDENTS.—Funds appropriated
2 by this Act and prior Acts making appropriations
3 for the Department of State, foreign operations, and
4 related programs shall be made available to support
5 the higher education of students from Afghanistan
6 studying outside of the country, including the costs
7 of reimbursement to institutions hosting such stu-
8 dents, as appropriate: *Provided*, That the Secretary
9 of State and the Administrator of the United States
10 Agency for International Development, as appro-
11 priate, shall consult with the Committees on Appro-
12 priations prior to the initial obligation of funds for
13 such purposes.

14 (4) REPORT.—Not later than 45 days after the
15 date of enactment of this Act, the Secretary of State
16 and the USAID Administrator shall submit a report
17 to the appropriate congressional committees detail-
18 ing plans, consistent with the restriction contained
19 in paragraph (1), to—

20 (A) protect and strengthen the rights of
21 Afghan women and girls;

22 (B) support higher education programs, in-
23 cluding continued support for the American
24 University of Afghanistan’s (AUAF) online pro-
25 grams and support for other higher education

1499

1 institutions in South Asia and the Middle East
2 that are hosting AUAF and other Afghan stu-
3 dents;

4 (C) support Afghan civil society activists,
5 journalists, and independent media, including in
6 third countries; and

7 (D) support health, education, including
8 community-based education, and other pro-
9 grams to address the basic needs of the people
10 of Afghanistan.

11 (b) BANGLADESH.—Of the funds appropriated under
12 titles III and IV of this Act that are made available for
13 assistance for Bangladesh—

14 (1) not less than \$23,500,000 shall be made
15 available to address the needs of communities im-
16 pacted by refugees from Burma;

17 (2) not less than \$10,000,000 shall be made
18 available for programs to protect freedom of expres-
19 sion and association, and the right of due process;
20 and

21 (3) not less than \$23,300,000 shall be made
22 available for democracy programs.

23 (c) NEPAL.—Funds appropriated by this Act under
24 the heading “Foreign Military Financing Program” that
25 are made available for assistance for Nepal shall only be

1 made available for humanitarian and disaster relief and
2 reconstruction activities, and in support of international
3 peacekeeping operations, military professionalization and
4 training, and border security activities: *Provided*, That
5 such funds may only be made available for additional uses
6 if the Secretary of State certifies and reports to the Com-
7 mittees on Appropriations that the Government of Nepal
8 is investigating and prosecuting violations of human rights
9 and the laws of war by the Nepal Army, and the Nepal
10 Army is cooperating fully with civilian judicial authorities
11 in such cases.

12 (d) PAKISTAN.—

13 (1) ASSISTANCE.—

14 (A) SECURITY ASSISTANCE.—Funds ap-
15 propriated by this Act under the heading “For-
16 eign Military Financing Program” for assist-
17 ance for Pakistan may be made available only
18 to support counterterrorism and counterinsur-
19 gency capabilities in Pakistan.

20 (B) BILATERAL ECONOMIC ASSISTANCE.—

21 Prior to the obligation of funds made available
22 by this Act under the heading “Economic Sup-
23 port Fund” for assistance for the central Gov-
24 ernment of Pakistan, the Secretary of State

1501

1 shall submit a report to the appropriate con-
2 gressional committees detailing—

3 (i) the amount of financing and other
4 support, if any, provided by the Govern-
5 ment of Pakistan to schools supported by,
6 affiliated with, or run by the Taliban or
7 any domestic or foreign terrorist organiza-
8 tion in Pakistan;

9 (ii) the extent of cooperation by such
10 government in issuing visas in a timely
11 manner for United States visitors, includ-
12 ing officials and representatives of non-
13 governmental organizations, engaged in as-
14 sistance and security programs in Paki-
15 stan;

16 (iii) the extent to which such govern-
17 ment is providing humanitarian organiza-
18 tions access to detainees, internally dis-
19 placed persons, and other Pakistani civil-
20 ians affected by conflict in Pakistan and
21 the region; and

22 (iv) the extent to which such govern-
23 ment is strengthening democracy in Paki-
24 stan, including protecting freedom of ex-
25 pression, assembly, and religion.

1 (2) AUTHORITY AND USES OF FUNDS.—(A)
2 Funds appropriated by this Act for assistance for
3 Pakistan may be made available notwithstanding
4 any other provision of law, except for section 620M
5 of the Foreign Assistance Act of 1961.

6 (B) Funds appropriated by this Act under the
7 heading “International Narcotics Control and Law
8 Enforcement” shall be made available for border se-
9 curity programs in Pakistan, following consultation
10 with the Committees on Appropriations.

11 (C) Funds appropriated by title III of this Act
12 shall be made available for programs to promote de-
13 mocracy and for gender programs in Pakistan.

14 (3) WITHHOLDING.—Of the funds appropriated
15 under titles III and IV of this Act that are made
16 available for assistance for Pakistan, \$33,000,000
17 shall be withheld from obligation until the Secretary
18 of State reports to the Committees on Appropria-
19 tions that Dr. Shakil Afridi has been released from
20 prison and cleared of all charges relating to the as-
21 sistance provided to the United States in locating
22 Osama bin Laden.

23 (e) SRI LANKA.—

24 (1) ASSISTANCE.—Funds appropriated under
25 title III of this Act shall be made available for as-

1 sistance for Sri Lanka for democracy and economic
2 development programs, particularly in areas recover-
3 ing from ethnic and religious conflict.

4 (2) CERTIFICATION.—Funds appropriated by
5 this Act for assistance for the central Government of
6 Sri Lanka may be made available only if the Sec-
7 retary of State certifies and reports to the Commit-
8 tees on Appropriations that such Government is tak-
9 ing effective and consistent steps to—

10 (A) protect the rights and freedoms of the
11 people of Sri Lanka regardless of ethnicity and
12 religious belief, including by investigating viola-
13 tions of human rights and the laws of war and
14 holding perpetrators of such violations account-
15 able;

16 (B) address the basic needs of the people
17 of Sri Lanka and responsibly mitigate the im-
18 pact of the country’s economic collapse, includ-
19 ing by increasing transparency and account-
20 ability in governance;

21 (C) combat corruption, including bringing
22 to justice public officials who have engaged in
23 significant acts of corruption;

24 (D) assert its sovereignty against influence
25 by the People’s Republic of China; and

1 (E) promote reconciliation between ethnic
2 and religious groups, particularly arising from
3 past conflict in Sri Lanka, including by—

4 (i) addressing land confiscation and
5 ownership issues;

6 (ii) resolving cases of missing persons,
7 including by maintaining a functioning and
8 credible office of missing persons;

9 (iii) reducing the presence of the
10 armed forces in former conflict zones and
11 restructuring the armed forces for a peace-
12 time role that contributes to post-conflict
13 reconciliation and regional security;

14 (iv) repealing or amending laws on ar-
15 rest and detention by security forces to
16 comply with international standards; and

17 (v) investigating allegations of arbi-
18 trary arrest and torture, and supporting a
19 credible justice mechanism for resolving
20 cases of war crimes:

21 *Provided*, That the limitations of this paragraph
22 shall not apply to funds made available for hu-
23 manitarian assistance and disaster relief; to
24 protect human rights, locate and identify miss-
25 ing persons, and assist victims of torture and

1 trauma; to promote justice, accountability, and
2 reconciliation; to enhance maritime security and
3 domain awareness; to promote fiscal trans-
4 parency and sovereignty; and for International
5 Military Education and Training.

6 (3) LIMITATION.—None of the funds appro-
7 priated by this Act may be made available for assist-
8 ance for the Sri Lankan armed forces, except for hu-
9 manitarian assistance, disaster relief, instruction in
10 human rights and related curricula development,
11 maritime security and domain awareness, including
12 professionalization and training for the navy and
13 coast guard, and funds appropriated by this Act
14 under the heading “International Military Education
15 and Training”.

16 (4) CONSULTATION.—Funds made available for
17 assistance for Sri Lanka other than for the purposes
18 specified in paragraph (1) shall be subject to prior
19 consultation with the Committees on Appropriations.

20 (f) REGIONAL PROGRAMS.—Funds appropriated by
21 this Act shall be made available for assistance for coun-
22 tries in South and Central Asia to significantly increase
23 the recruitment, training, and retention of women in the
24 judiciary, police, and other security forces, and to train
25 judicial and security personnel in such countries to pre-

1 vent and address gender-based violence, human traf-
2 ficking, and other practices that disproportionately harm
3 women and girls.

4 LATIN AMERICA AND THE CARIBBEAN

5 SEC. 7045. (a) CENTRAL AMERICA.—

6 (1) ASSISTANCE.—Funds appropriated by this
7 Act under titles III and IV shall be made available
8 for assistance for Belize, Costa Rica, El Salvador,
9 Guatemala, Honduras, Nicaragua, and Panama, in-
10 cluding through the Central America Regional Secu-
11 rity Initiative: *Provided*, That such assistance shall
12 be prioritized for programs that address the violence,
13 poverty, corruption, and other factors that con-
14 tribute to irregular migration, particularly of unac-
15 companied minors, to the United States, including
16 for programs to reduce violence against women and
17 girls, protect the rights of Indigenous people, sup-
18 port civil society and other independent institutions,
19 enhance economic opportunity, combat corruption
20 and impunity, and dismantle illegal armed groups
21 and drug trafficking organizations.

22 (A) Of the funds made available pursuant
23 to paragraph (1)—

24 (i) \$61,500,000 should be made avail-
25 able to support entities and activities to

1507

1 combat corruption and impunity in such
2 countries, including, as appropriate, offices
3 of Attorneys General; and

4 (ii) \$70,000,000 should be made
5 available for programs to reduce violence
6 against women and girls, including for In-
7 digenous women and girls.

8 (B) Within the funds made available pur-
9 suant to paragraph (1) and made available for
10 assistance for El Salvador, Guatemala, and
11 Honduras, up to \$100,000,000 should be made
12 available for programs that support locally-led
13 development in such countries: *Provided*, That
14 up to 15 percent of the funds made available to
15 carry out this subparagraph may be used by the
16 Administrator of the United States Agency for
17 International Development for administrative
18 and oversight expenses related to the purposes
19 of this subparagraph: *Provided further*, That
20 the USAID Administrator shall consult with
21 the Committees on Appropriations on the
22 planned uses of funds to carry out this sub-
23 paragraph prior to the initial obligation of
24 funds: *Provided further*, That such funds shall

1 be subject to the regular notification procedures
2 of the Committees on Appropriations.

3 (C) Funds made available pursuant to
4 paragraph (1) shall be made available for the
5 youth empowerment program established pursu-
6 ant to section 7045(a)(1)(C) of the Department
7 of State, Foreign Operations, and Related Pro-
8 grams Appropriations Act, 2022 (division K of
9 Public Law 117–103).

10 (2) LIMITATION ON ASSISTANCE TO CERTAIN
11 CENTRAL GOVERNMENTS.—

12 (A) Of the funds made available pursuant
13 to paragraph (1) under the heading “Economic
14 Support Fund” and under title IV of this Act,
15 60 percent of such funds that are made avail-
16 able for assistance for each of the central gov-
17 ernments of El Salvador and Guatemala, and
18 45 percent of such funds that are made avail-
19 able for assistance for the central government
20 of Honduras, may only be obligated after the
21 Secretary of State certifies and reports to the
22 Committees on Appropriations that such gov-
23 ernment is—

24 (i) combating corruption and impu-
25 nity, including investigating and pros-

1509

1 ecuting government officials, military per-
2 sonnel, and police officers credibly alleged
3 to be corrupt;

4 (ii) implementing reforms, policies,
5 and programs to strengthen the rule of
6 law, including increasing the transparency
7 of public institutions, strengthening the
8 independence of judicial and electoral insti-
9 tutions, and improving the transparency of
10 political campaign and political party fi-
11 nancing;

12 (iii) protecting the rights of human
13 rights defenders, trade unionists, journal-
14 ists, civil society groups, opposition polit-
15 ical parties, and the independence of the
16 media;

17 (iv) providing effective and account-
18 able law enforcement and security for its
19 citizens, curtailing the role of the military
20 in public security, and upholding due proc-
21 ess of law;

22 (v) implementing programs to reduce
23 violence against women and girls;

24 (vi) implementing policies to reduce
25 poverty and promote economic growth and

1 opportunity, including the implementation
2 of reforms to strengthen educational sys-
3 tems, vocational training programs, and
4 programs for at-risk youth;

5 (vii) improving border security and
6 combating human smuggling and traf-
7 ficking and countering the activities of
8 criminal gangs, drug traffickers, and
9 transnational criminal organizations;

10 (viii) informing its citizens of the dan-
11 gers of the journey to the southwest border
12 of the United States; and

13 (ix) implementing policies that im-
14 prove the environment for foreign invest-
15 ment, including executing tax reform in a
16 transparent manner, ensuring effective
17 legal mechanisms for reimbursements of
18 tax refunds owed to United States busi-
19 nesses, and resolving disputes involving the
20 confiscation of real property of United
21 States entities.

22 (B) REPROGRAMMING.—If the Secretary is
23 unable to make the certification required by
24 subparagraph (A) for one or more of the cen-
25 tral governments, such assistance shall be re-

1511

1 programmed for assistance for civil society or-
2 ganizations in such country, or for other coun-
3 tries in Latin America and the Caribbean, not-
4 withstanding the funding provisions in this sub-
5 section and the limitations in section 7019 of
6 this Act: *Provided*, That any such reprogram-
7 ming shall be subject to the regular notification
8 procedures of the Committees on Appropria-
9 tions.

10 (C) EXCEPTIONS.—The limitation of sub-
11 paragraph (A) shall not apply to funds appro-
12 priated by this Act that are made available
13 for—

14 (i) judicial entities and activities re-
15 lated to combating corruption and impu-
16 nity;

17 (ii) programs to combat gender-based
18 violence;

19 (iii) programs to promote and protect
20 human rights, including those of Indige-
21 nous communities and Afro-descendants;

22 (iv) humanitarian assistance; and

23 (v) food security programs.

24 (D) FOREIGN MILITARY FINANCING PRO-
25 GRAM.—None of the funds appropriated by this

1512

1 Act under the heading “Foreign Military Fi-
2 nancing Program” may be made available for
3 assistance for El Salvador, Guatemala, or Hon-
4 duras.

5 (b) COLOMBIA.—

6 (1) ASSISTANCE.—Of the funds appropriated by
7 this Act under titles III and IV, \$487,375,000
8 should be made available for assistance for Colom-
9 bia: *Provided*, That such funds shall be made avail-
10 able for the programs and activities described under
11 this section in House Report 117–401: *Provided fur-*
12 *ther*, That of the funds appropriated by this Act
13 under the heading “International Narcotics Control
14 and Law Enforcement” and made available for as-
15 sistance pursuant to this paragraph, not less than
16 \$40,000,000 shall be made available to enhance
17 rural security in coca producing municipalities and
18 other municipalities with high levels of illicit activi-
19 ties: *Provided further*, That funds made available
20 pursuant to the preceding proviso shall be prioritized
21 in such municipalities that are also targeted for as-
22 sistance programs that provide viable economic alter-
23 natives and improve access to public services.

24 (2) WITHHOLDING OF FUNDS.—

1513

1 (A) COUNTERNARCOTICS.—Of the funds
2 appropriated by this Act under the heading
3 “International Narcotics Control and Law En-
4 forcement” that are made available for assist-
5 ance for Colombia, 20 percent may be obligated
6 only if the Secretary of State certifies and re-
7 ports to the Committees on Appropriations
8 that—

9 (i) the Government of Colombia is im-
10 plementing an effective whole-of-govern-
11 ment strategy to substantially and
12 sustainably reduce coca cultivation and co-
13 caine production levels in Colombia, includ-
14 ing programs and activities that support il-
15 licit crop eradication, alternative develop-
16 ment, drug interdiction, dismantling of
17 drug trafficking and money laundering net-
18 works, rural security, environmental pro-
19 tection, judicial sector strengthening, and
20 public health services; and

21 (ii) such strategy is in accordance
22 with the 2016 peace accord between the
23 Government of Colombia and the Revolu-
24 tionary Armed Forces of Colombia.

25 (B) HUMAN RIGHTS.—

1514

1 (i) Of the funds appropriated by this
2 Act under the heading “Foreign Military
3 Financing Program” and made available
4 for assistance for Colombia, 20 percent
5 may be obligated only if the Secretary of
6 State certifies and reports to the Commit-
7 tees on Appropriations that—

8 (I) the Special Jurisdiction for
9 Peace and other judicial authorities,
10 as appropriate, are sentencing per-
11 petrators of gross violations of human
12 rights, including those with command
13 responsibility, to deprivation of lib-
14 erty;

15 (II) the Government of Colombia
16 is making consistent progress in re-
17 ducing threats and attacks against
18 human rights defenders and other
19 civil society activists, and judicial au-
20 thorities are prosecuting and pun-
21 ishing those responsible for ordering
22 and carrying out such attacks;

23 (III) the Government of Colom-
24 bia is making consistent progress in
25 protecting Afro-Colombian and Indig-

1515

1 enous communities and is respecting
2 their rights and territories;

3 (IV) senior military officers
4 credibly alleged, or whose units are
5 credibly alleged, to be responsible for
6 ordering, committing, and covering up
7 cases of false positives and other
8 extrajudicial killings, or of committing
9 other gross violations of human
10 rights, or of conducting illegal com-
11 munications intercepts or other illicit
12 surveillance, are being held account-
13 able, including removal from active
14 duty if found guilty through criminal,
15 administrative, or disciplinary pro-
16 ceedings; and

17 (V) the Colombian Armed Forces
18 are cooperating fully with the require-
19 ments described in subclauses (I)
20 through (IV).

21 (ii) Of the funds appropriated by this
22 Act under the heading “International Nar-
23 cotics Control and Law Enforcement” and
24 made available for assistance for the Co-
25 lombian National Police (CNP), five per-

1516

1 cent may be obligated only if the Secretary
2 of State certifies and reports to the Com-
3 mittees on Appropriations that the Govern-
4 ment of Colombia is bringing to justice the
5 police personnel who ordered, directed, and
6 used excessive force and engaged in other
7 illegal acts against protesters in 2020 and
8 2021, and that the CNP is cooperating
9 fully with such efforts.

10 (3) EXCEPTIONS.—The limitations of para-
11 graph (2) shall not apply to funds made available for
12 aviation instruction and maintenance, and maritime
13 and riverine security programs.

14 (4) AUTHORITY.—Aircraft supported by funds
15 appropriated by this Act and prior Acts making ap-
16 propriations for the Department of State, foreign
17 operations, and related programs and made available
18 for assistance for Colombia may be used to trans-
19 port personnel and supplies involved in drug eradi-
20 cation and interdiction, including security for such
21 activities, and to provide transport in support of al-
22 ternative development programs and investigations
23 by civilian judicial authorities.

24 (5) LIMITATION.—None of the funds appro-
25 priated by this Act or prior Acts making appropria-

1 tions for the Department of State, foreign oper-
2 ations, and related programs that are made available
3 for assistance for Colombia may be made available
4 for payment of reparations to conflict victims or
5 compensation to demobilized combatants associated
6 with a peace agreement between the Government of
7 Colombia and illegal armed groups.

8 (c) HAITI.—

9 (1) ASSISTANCE.—Funds appropriated by this
10 Act under titles III and IV shall be made available
11 for assistance for Haiti to support the basic needs
12 of the Haitian people.

13 (2) CERTIFICATION.—Funds appropriated by
14 this Act that are made available for assistance for
15 Haiti may only be made available for the central
16 Government of Haiti if the Secretary of State cer-
17 tifies and reports to the appropriate congressional
18 committees that a democratically elected government
19 has taken office, or the country is being led by a
20 transitional governing authority that is broadly rep-
21 resentative of Haitian society, and it is in the na-
22 tional interest of the United States to provide such
23 assistance.

24 (3) EXCEPTIONS.—Notwithstanding paragraph
25 (1), funds may be made available to support—

1518

1 (A) free and fair elections;

2 (B) anti-gang police and administration of
3 justice programs, including to reduce pre-trial
4 detention and eliminate inhumane prison condi-
5 tions;

6 (C) public health, food security, subsist-
7 ence farmers, water and sanitation, education,
8 and other programs to meet basic human needs;
9 and

10 (D) disaster relief and recovery.

11 (4) CONSULTATION.—Funds appropriated by
12 this Act and prior Acts making appropriations for
13 the Department of State, foreign operations, and re-
14 lated programs that are made available for assist-
15 ance for Haiti shall be subject to prior consultation
16 with the Committees on Appropriations: *Provided*,
17 That the requirement of this paragraph shall also
18 apply to any funds from such Acts that are made
19 available for support for an international security
20 force in Haiti.

21 (5) PROHIBITION.—None of the funds appro-
22 priated or otherwise made available by this Act may
23 be used for assistance for the armed forces of Haiti.

24 (6) HAITIAN COAST GUARD.—The Government
25 of Haiti shall be eligible to purchase defense articles

1 and services under the Arms Export Control Act (22
2 U.S.C. 2751 et seq.) for the Coast Guard.

3 (d) NICARAGUA.—Of the funds appropriated by this
4 Act under the heading “Development Assistance”, not less
5 than \$15,000,000 shall be made available for democracy
6 programs for Nicaragua, including to support civil society.

7 (e) THE CARIBBEAN.—Of the funds appropriated by
8 this Act under titles III and IV, not less than \$82,000,000
9 shall be made available for the Caribbean Basin Security
10 Initiative.

11 (f) VENEZUELA.—

12 (1) Of the funds appropriated by this Act under
13 the heading “Economic Support Fund”,
14 \$50,000,000 should be made available for democracy
15 programs for Venezuela.

16 (2) Funds appropriated by this Act and prior
17 Acts making appropriations for the Department of
18 State, foreign operations, and related programs
19 under title III shall be made available for assistance
20 for communities in countries supporting or otherwise
21 impacted by refugees from Venezuela, including Co-
22 lombia, Peru, Ecuador, Curacao, and Trinidad and
23 Tobago: *Provided*, That such amounts are in addi-
24 tion to funds otherwise made available for assistance
25 for such countries, subject to prior consultation

1 with, and the regular notification procedures of, the
2 Committees on Appropriations.

3 EUROPE AND EURASIA

4 SEC. 7046. (a) ASSISTANCE.—

5 (1) GEORGIA.—Of the funds appropriated by
6 this Act under titles III and IV, not less than
7 \$132,025,000 shall be made available for assistance
8 for Georgia.

9 (2) UKRAINE.—Funds appropriated by this Act
10 under titles III and IV shall be made available for
11 assistance for Ukraine.

12 (b) TERRITORIAL INTEGRITY.—None of the funds
13 appropriated by this Act may be made available for assist-
14 ance for a government of an Independent State of the
15 former Soviet Union if such government directs any action
16 in violation of the territorial integrity or national sov-
17 ereignty of any other Independent State of the former So-
18 viet Union, such as those violations included in the Hel-
19 sinki Final Act: *Provided*, That except as otherwise pro-
20 vided in section 7047(a) of this Act, funds may be made
21 available without regard to the restriction in this sub-
22 section if the President determines that to do so is in the
23 national security interest of the United States: *Provided*
24 *further*, That prior to executing the authority contained
25 in the previous proviso, the Secretary of State shall con-

1 sult with the Committees on Appropriations on how such
2 assistance supports the national security interest of the
3 United States.

4 (c) SECTION 907 OF THE FREEDOM SUPPORT
5 ACT.—Section 907 of the FREEDOM Support Act (22
6 U.S.C. 5812 note) shall not apply to—

7 (1) activities to support democracy or assist-
8 ance under title V of the FREEDOM Support Act
9 (22 U.S.C. 5851 et seq.) and section 1424 of the
10 Defense Against Weapons of Mass Destruction Act
11 of 1996 (50 U.S.C. 2333) or non-proliferation as-
12 sistance;

13 (2) any assistance provided by the Trade and
14 Development Agency under section 661 of the For-
15 eign 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
21 International Development Finance Corporation as
22 authorized by the BUILD Act of 2018 (division F
23 of Public Law 115–254);

24 (5) any financing provided under the Export-
25 Import Bank Act of 1945 (Public Law 79–173); or

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
6 of the Arms Export Control Act (22 U.S.C. 2761 et seq.)
7 unless the Secretary of State determines and reports to
8 the appropriate congressional committees that members of
9 the TPPD who are named in the July 17, 2017, indict-
10 ment by the Superior Court of the District of Columbia,
11 and against whom there are pending charges, have re-
12 turned to the United States to stand trial in connection
13 with the offenses contained in such indictment or have
14 otherwise been brought to justice: *Provided*, That the limi-
15 tation in this paragraph shall not apply to the use of funds
16 made available by this Act for border security purposes,
17 for North Atlantic Treaty Organization or coalition oper-
18 ations, or to enhance the protection of United States offi-
19 cials and facilities 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 assist-
23 ance for the central Government of the Russian Federa-
24 tion.

25 (b) ANNEXATION OF TERRITORY.—

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
4 the Secretary of State determines and reports to the
5 Committees on Appropriations has taken affirmative
6 steps intended to support or be supportive of the
7 Russian Federation annexation of Crimea or other
8 territory in Ukraine: *Provided*, That except as other-
9 wise provided in subsection (a), the Secretary may
10 waive the restriction on assistance required by this
11 paragraph if the Secretary determines and reports to
12 such Committees that to do so is in the national in-
13 terest of the United States, and includes a justifica-
14 tion for such 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
19 Russian Federation over Crimea or other terri-
20 tory in Ukraine;

21 (B) the facilitation, financing, or guarantee
22 of United States Government investments in
23 Crimea or other territory in Ukraine under the
24 control of the Russian Federation or Russian-
25 backed forces, if such activity includes the par-

1 ticipation of Russian Government officials, or
2 other Russian owned or controlled financial en-
3 tities; or

4 (C) assistance for Crimea or other terri-
5 tory in Ukraine under the control of the Rus-
6 sian Federation or Russian-backed forces, if
7 such assistance includes the participation of
8 Russian Government officials, or other Russian
9 owned or controlled financial entities.

10 (3) INTERNATIONAL FINANCIAL INSTITU-
11 TIONS.—The Secretary of the Treasury shall in-
12 struct the United States executive director of each
13 international financial institution to use the voice
14 and vote of the United States to oppose any assist-
15 ance by such institution (including any loan, credit,
16 grant, or guarantee) for any program that violates
17 the sovereignty or territorial integrity of Ukraine.

18 (4) DURATION.—The requirements and limita-
19 tions of this subsection shall cease to be in effect if
20 the Secretary of State determines and reports to the
21 Committees on Appropriations that the Government
22 of Ukraine has reestablished sovereignty over Cri-
23 mea and other territory in Ukraine under the con-
24 trol of the Russian Federation or Russian-backed
25 forces.

1 (c) OCCUPATION OF THE GEORGIAN TERRITORIES OF
2 ABKHAZIA AND TSKHINVALI REGION/SOUTH OSSETIA.—

3 (1) PROHIBITION.—None of the funds appro-
4 priated by this Act may be made available for assist-
5 ance for the central government of a country that
6 the Secretary of State determines and reports to the
7 Committees on Appropriations has recognized the
8 independence of, or has established diplomatic rela-
9 tions with, the Russian Federation occupied Geor-
10 gian territories of Abkhazia and Tskhinvali Region/
11 South Ossetia: *Provided*, That the Secretary shall
12 publish on the Department of State website a list of
13 any such central governments in a timely manner:
14 *Provided further*, That the Secretary may waive the
15 restriction on assistance required by this paragraph
16 if the Secretary determines and reports to the Com-
17 mittees on Appropriations that to do so is in the na-
18 tional interest of the United States, and includes a
19 justification for such interest.

20 (2) LIMITATION.—None of the funds appro-
21 priated by this Act may be made available to sup-
22 port the Russian Federation occupation of the Geor-
23 gian territories of Abkhazia and Tskhinvali Region/
24 South Ossetia.

1 (3) INTERNATIONAL FINANCIAL INSTITU-
2 TIONS.—The Secretary of the Treasury shall in-
3 struct the United States executive director of each
4 international financial institution to use the voice
5 and vote of the United States to oppose any assist-
6 ance by such institution (including any loan, credit,
7 grant, or guarantee) for any program that violates
8 the sovereignty and territorial integrity of Georgia.

9 (d) COUNTERING RUSSIAN INFLUENCE FUND.—

10 (1) ASSISTANCE.—Of the funds appropriated by
11 this Act under the headings “Assistance for Europe,
12 Eurasia and Central Asia”, “International Narcotics
13 Control and Law Enforcement”, “International Mili-
14 tary Education and Training”, and “Foreign Mili-
15 tary Financing Program”, not less than
16 \$300,000,000 shall be made available to carry out
17 the purposes of the Countering Russian Influence
18 Fund, as authorized by section 254 of the Coun-
19 tering Russian Influence in Europe and Eurasia Act
20 of 2017 (Public Law 115–44; 22 U.S.C. 9543) and
21 notwithstanding the country limitation in subsection
22 (b) of such section, and programs to enhance the ca-
23 pacity of law enforcement and security forces in
24 countries in Europe, Eurasia, and Central Asia and
25 strengthen security cooperation between such coun-

1 tries and the United States and the North Atlantic
2 Treaty Organization, as appropriate: *Provided*, That
3 funds made available pursuant to this paragraph
4 under the heading “Foreign Military Financing Pro-
5 gram” may remain available until September 30,
6 2024.

7 (2) ECONOMICS AND TRADE.—Funds appro-
8 priated by this Act and made available for assistance
9 for the Eastern Partnership countries shall be made
10 available to advance the implementation of Associa-
11 tion Agreements and trade agreements with the Eu-
12 ropean Union, and to reduce their vulnerability to
13 external economic and political pressure from the
14 Russian Federation.

15 (e) DEMOCRACY PROGRAMS.—Funds appropriated by
16 this Act shall be made available to support democracy pro-
17 grams in the Russian Federation and other countries in
18 Europe, Eurasia, and Central Asia, including to promote
19 Internet freedom: *Provided*, That of the funds appro-
20 priated under the heading “Assistance for Europe, Eur-
21 asia and Central Asia”, not less than \$20,000,000 shall
22 be made available to strengthen democracy and civil soci-
23 ety in Central Europe, including for transparency, inde-
24 pendent media, rule of law, minority rights, and programs
25 to combat anti-Semitism.

1528

1 UNITED NATIONS

2 SEC. 7048. (a) TRANSPARENCY AND ACCOUNT-
3 ABILITY.—Not later than 120 days after the date of enact-
4 ment of this Act, the Secretary of State shall report to
5 the Committees on Appropriations whether each organiza-
6 tion, department, or agency receiving a contribution from
7 funds appropriated by this Act under the headings “Con-
8 tributions to International Organizations” and “Inter-
9 national Organizations and Programs”—

10 (1) is posting on a publicly available website,
11 consistent with privacy regulations and due process,
12 regular financial and programmatic audits of such
13 organization, department, or agency, and providing
14 the United States Government with necessary access
15 to such financial and performance audits;

16 (2) has submitted a report to the Department
17 of State, which shall be posted on the Department’s
18 website in a timely manner, demonstrating that such
19 organization is effectively implementing and enforce-
20 ing policies and procedures which meet or exceed
21 best practices in the United States for the protection
22 of whistleblowers from retaliation, including—

23 (A) protection against retaliation for inter-
24 nal and lawful public disclosures;

25 (B) legal burdens of proof;

1 (C) statutes of limitation for reporting re-
2 tialiation;

3 (D) access to binding independent adju-
4 dicative bodies, including shared cost and selec-
5 tion of external arbitration; and

6 (E) results that eliminate the effects of
7 proven retaliation, including provision for the
8 restoration of prior employment; and

9 (3) effectively implementing and enforcing poli-
10 cies and procedures on the appropriate use of travel
11 funds, including restrictions on first-class and busi-
12 ness-class travel.

13 (b) RESTRICTIONS ON UNITED NATIONS DELEGA-
14 TIONS AND ORGANIZATIONS.—

15 (1) RESTRICTIONS ON UNITED STATES DELEGA-
16 TIONS.—None of the funds made available by this
17 Act may be used to pay expenses for any United
18 States delegation to any specialized agency, body, or
19 commission of the United Nations if such agency,
20 body, or commission is chaired or presided over by
21 a country, the government of which the Secretary of
22 State has determined, for purposes of section
23 1754(e) of the Export Reform Control Act of 2018
24 (50 U.S.C. 4813(e)), supports international ter-
25 rorism.

1530

1 (2) RESTRICTIONS ON CONTRIBUTIONS.—None
2 of the funds made available by this Act may be used
3 by the Secretary of State as a contribution to any
4 organization, agency, commission, or program within
5 the United Nations system if such organization,
6 agency, commission, or program is chaired or pre-
7 sided over by a country the government of which the
8 Secretary of State has determined, for purposes of
9 section 620A of the Foreign Assistance Act of 1961,
10 section 40 of the Arms Export Control Act, section
11 1754(c) of the Export Reform Control Act of 2018
12 (50 U.S.C. 4813(c)), or any other provision of law,
13 is a government that has repeatedly provided sup-
14 port for acts of international terrorism.

15 (3) WAIVER.—The Secretary of State may
16 waive the restriction in this subsection if the Sec-
17 retary determines and reports to the Committees on
18 Appropriations that to do so is important to the na-
19 tional interest of the United States, including a de-
20 scription of the national interest served.

21 (c) UNITED NATIONS HUMAN RIGHTS COUNCIL.—
22 None of the funds appropriated by this Act may be made
23 available in support of the United Nations Human Rights
24 Council unless the Secretary of State determines and re-
25 ports to the Committees on Appropriations that participa-

1 tion in the Council is important to the national interest
2 of the United States and that such Council is taking sig-
3 nificant steps to remove Israel as a permanent agenda
4 item and ensure integrity in the election of members to
5 such Council: *Provided*, That such report shall include a
6 description of the national interest served and the steps
7 taken to remove Israel as a permanent agenda item and
8 ensure integrity in the election of members to such Coun-
9 cil: *Provided further*, That the Secretary of State shall re-
10 port to the Committees on Appropriations not later than
11 September 30, 2023, on the resolutions considered in the
12 United Nations Human Rights Council during the pre-
13 vious 12 months, and on steps taken to remove Israel as
14 a permanent agenda item and ensure integrity in the elec-
15 tion of members to such council.

16 (d) UNITED NATIONS RELIEF AND WORKS AGEN-
17 CY.—Prior to the initial obligation of funds for the United
18 Nations Relief and Works Agency (UNRWA), the Sec-
19 retary of State shall report to the Committees on Appro-
20 priations, in writing, on whether UNRWA is—

21 (1) utilizing Operations Support Officers in the
22 West Bank, Gaza, and other fields of operation to
23 inspect UNRWA installations and reporting any in-
24 appropriate use;

1 (2) acting promptly to address any staff or ben-
2 eficiary violation of its own policies (including the
3 policies on neutrality and impartiality of employees)
4 and the legal requirements under section 301(c) of
5 the Foreign Assistance Act of 1961;

6 (3) implementing procedures to maintain the
7 neutrality of its facilities, including implementing a
8 no-weapons policy, and conducting regular inspec-
9 tions of its installations, to ensure they are only
10 used for humanitarian or other appropriate pur-
11 poses;

12 (4) taking necessary and appropriate measures
13 to ensure it is operating in compliance with the con-
14 ditions of section 301(c) of the Foreign Assistance
15 Act of 1961 and continuing regular reporting to the
16 Department of State on actions it has taken to en-
17 sure conformance with such conditions;

18 (5) taking steps to ensure the content of all
19 educational materials currently taught in UNRWA-
20 administered schools and summer camps is con-
21 sistent with the values of human rights, dignity, and
22 tolerance and does not induce incitement;

23 (6) not engaging in operations with financial in-
24 stitutions or related entities in violation of relevant

1 United States law, and is taking steps to improve
2 the financial transparency of the organization; and
3 (7) in compliance with the United Nations
4 Board of Auditors' biennial audit requirements and
5 is implementing in a timely fashion the Board's rec-
6 ommendations.

7 (e) PROHIBITION OF PAYMENTS TO UNITED NA-
8 TIONS MEMBERS.—None of the funds appropriated or
9 made available pursuant to titles III through VI of this
10 Act for carrying out the Foreign Assistance Act of 1961,
11 may be used to pay in whole or in part any assessments,
12 arrearages, or dues of any member of the United Nations
13 or, from funds appropriated by this Act to carry out chap-
14 ter 1 of part I of the Foreign Assistance Act of 1961,
15 the costs for participation of another country's delegation
16 at international conferences held under the auspices of
17 multilateral or international organizations.

18 (f) REPORT.—Not later than 45 days after the date
19 of enactment of this Act, the Secretary of State shall sub-
20 mit a report to the Committees on Appropriations detail-
21 ing the amount of funds available for obligation or expend-
22 iture in fiscal year 2023 for contributions to any organiza-
23 tion, department, agency, or program within the United
24 Nations system or any international program that are
25 withheld from obligation or expenditure due to any provi-

1 sion of law: *Provided*, That the Secretary shall update
2 such report each time additional funds are withheld by op-
3 eration of any provision of law: *Provided further*, That the
4 reprogramming of any withheld funds identified in such
5 report, including updates thereof, shall be subject to prior
6 consultation with, and the regular notification procedures
7 of, the Committees on Appropriations.

8 (g) SEXUAL EXPLOITATION AND ABUSE IN PEACE-
9 KEEPING OPERATIONS.—The Secretary of State shall, to
10 the maximum extent practicable, withhold assistance to
11 any unit of the security forces of a foreign country if the
12 Secretary has credible information that such unit has en-
13 gaged in sexual exploitation or abuse, including while serv-
14 ing in a United Nations peacekeeping operation, until the
15 Secretary determines that the government of such country
16 is taking effective steps to hold the responsible members
17 of such unit accountable and to prevent future incidents:
18 *Provided*, That the Secretary shall promptly notify the
19 government of each country subject to any withholding of
20 assistance pursuant to this paragraph, and shall notify the
21 appropriate congressional committees of such withholding
22 not later than 10 days after a determination to withhold
23 such assistance is made: *Provided further*, That the Sec-
24 retary shall, to the maximum extent practicable, assist
25 such government in bringing the responsible members of

1 such unit to justice: *Provided further*, That not later than
2 60 days after the date of enactment of this Act, the Sec-
3 retary shall submit a report to the Committees on Appro-
4 priations detailing the policies, mechanisms, and proce-
5 dures established to implement this subsection, following
6 consultation with the Committees on Appropriations.

7 (h) ADDITIONAL AVAILABILITY.—Subject to the reg-
8 ular notification procedures of the Committees on Appro-
9 priations, funds appropriated by this Act which are re-
10 turned or not made available due to the second proviso
11 under the heading “Contributions for International Peace-
12 keeping Activities” in title I of this Act or section 307(a)
13 of the Foreign Assistance Act of 1961 (22 U.S.C.
14 2227(a)), shall remain available for obligation until Sep-
15 tember 30, 2024: *Provided*, That the requirement to with-
16 hold funds for programs in Burma under section 307(a)
17 of the Foreign Assistance Act of 1961 shall not apply to
18 funds appropriated by this Act.

19 WAR CRIMES TRIBUNAL

20 SEC. 7049. If the President determines that doing so
21 will contribute to a just resolution of charges regarding
22 genocide or other violations of international humanitarian
23 law, the President may direct a drawdown pursuant to sec-
24 tion 552(c) of the Foreign Assistance Act of 1961 of up
25 to \$30,000,000 of commodities and services for the United

1 Nations War Crimes Tribunal established with regard to
2 the former Yugoslavia by the United Nations Security
3 Council or such other tribunals or commissions as the
4 Council may establish or authorize to deal with such viola-
5 tions, without regard to the ceiling limitation contained
6 in paragraph (2) thereof: *Provided*, That the determina-
7 tion required under this section shall be in lieu of any de-
8 terminations otherwise required under section 552(c): *Pro-*
9 *vided further*, That funds made available pursuant to this
10 section shall be made available subject to the regular noti-
11 fication procedures of the Committees on Appropriations.

12 GLOBAL INTERNET FREEDOM

13 SEC. 7050. (a) FUNDING.—Of the funds available for
14 obligation during fiscal year 2023 under the headings
15 “International Broadcasting Operations”, “Economic
16 Support Fund”, “Democracy Fund”, and “Assistance for
17 Europe, Eurasia and Central Asia”, not less than
18 \$90,500,000 shall be made available for programs to pro-
19 mote Internet freedom globally: *Provided*, That such pro-
20 grams shall be prioritized for countries whose governments
21 restrict freedom of expression on the Internet, and that
22 are important to the national interest of the United
23 States: *Provided further*, That funds made available pursu-
24 ant to this section shall be matched, to the maximum ex-

1 tent practicable, by sources other than the United States
2 Government, including from the private sector.

3 (b) REQUIREMENTS.—

4 (1) DEPARTMENT OF STATE AND UNITED
5 STATES AGENCY FOR INTERNATIONAL DEVELOP-
6 MENT.—Funds appropriated by this Act under the
7 headings “Economic Support Fund”, “Democracy
8 Fund”, and “Assistance for Europe, Eurasia and
9 Central Asia” that are made available pursuant to
10 subsection (a) shall be—

11 (A) coordinated with other democracy pro-
12 grams funded by this Act under such headings,
13 and shall be incorporated into country assist-
14 ance and democracy promotion strategies, as
15 appropriate;

16 (B) for programs to implement the May
17 2011, International Strategy for Cyberspace,
18 the Department of State International Cyber-
19 space Policy Strategy required by section 402
20 of the Cybersecurity Act of 2015 (division N of
21 Public Law 114–113), and the comprehensive
22 strategy to promote Internet freedom and ac-
23 cess to information in Iran, as required by sec-
24 tion 414 of the Iran Threat Reduction and

1 Syria Human Rights Act of 2012 (22 U.S.C.
2 8754);

3 (C) made available for programs that sup-
4 port the efforts of civil society to counter the
5 development of repressive Internet-related laws
6 and regulations, including countering threats to
7 Internet freedom at international organizations;
8 to combat violence against bloggers and other
9 users; and to enhance digital security training
10 and capacity building for democracy activists;

11 (D) made available for research of key
12 threats to Internet freedom; the continued de-
13 velopment of technologies that provide or en-
14 hance access to the Internet, including cir-
15 cumvention tools that bypass Internet blocking,
16 filtering, and other censorship techniques used
17 by authoritarian governments; and maintenance
18 of the technological advantage of the United
19 States Government over such censorship tech-
20 niques: *Provided*, That the Secretary of State,
21 in consultation with the United States Agency
22 for Global Media Chief Executive Officer
23 (USAGM CEO) and the President of the Open
24 Technology Fund (OTF), shall coordinate any
25 such research and development programs with

1 other relevant United States Government de-
2 partments and agencies in order to share infor-
3 mation, technologies, and best practices, and to
4 assess the effectiveness of such technologies;
5 and

6 (E) made available only with the concur-
7 rence of the Assistant Secretary for Democracy,
8 Human Rights, and Labor, Department of
9 State, that such funds are allocated consistent
10 with—

11 (i) the strategies referenced in sub-
12 paragraph (B) of this paragraph;

13 (ii) best practices regarding security
14 for, and oversight of, Internet freedom pro-
15 grams; and

16 (iii) sufficient resources and support
17 for the development and maintenance of
18 anti-censorship technology and tools.

19 (2) UNITED STATES AGENCY FOR GLOBAL
20 MEDIA.—Funds appropriated by this Act under the
21 heading “International Broadcasting Operations”
22 that are made available pursuant to subsection (a)
23 shall be—

24 (A) made available only for open-source
25 tools and techniques to securely develop and

1 distribute USAGM digital content, facilitate au-
2 dience access to such content on websites that
3 are censored, coordinate the distribution of
4 USAGM digital content to targeted regional au-
5 diences, and to promote and distribute such
6 tools and techniques, including digital security
7 techniques;

8 (B) coordinated by the USAGM CEO, in
9 consultation with the OTF President, with pro-
10 grams funded by this Act under the heading
11 “International Broadcasting Operations”, and
12 shall be incorporated into country broadcasting
13 strategies, as appropriate;

14 (C) coordinated by the USAGM CEO, in
15 consultation with the OTF President, to solicit
16 project proposals through an open, transparent,
17 and competitive process, seek input from tech-
18 nical and subject matter experts to select pro-
19 posals, and support Internet circumvention
20 tools and techniques for audiences in countries
21 that are strategic priorities for the OTF and in
22 a manner consistent with the United States
23 Government Internet freedom strategy; and

24 (D) made available for the research and
25 development of new tools or techniques author-

1 ized in subparagraph (A) only after the
2 USAGM CEO, in consultation with the Sec-
3 retary of State, the OTF President, and other
4 relevant United States Government depart-
5 ments and agencies, evaluates the risks and
6 benefits of such new tools or techniques, and
7 establishes safeguards to minimize the use of
8 such new tools or techniques for illicit purposes.

9 (c) COORDINATION AND SPEND PLANS.—After con-
10 sultation among the relevant agency heads to coordinate
11 and de-conflict planned activities, but not later than 90
12 days after the date of enactment of this Act, the Secretary
13 of State and the USAGM CEO, in consultation with the
14 OTF President, shall submit to the Committees on Appro-
15 priations spend plans for funds made available by this Act
16 for programs to promote Internet freedom globally, which
17 shall include a description of safeguards established by rel-
18 evant agencies to ensure that such programs are not used
19 for illicit purposes: *Provided*, That the Department of
20 State spend plan shall include funding for all such pro-
21 grams for all relevant Department of State and United
22 States Agency for International Development offices and
23 bureaus.

24 (d) SECURITY AUDITS.—Funds made available pur-
25 suant to this section to promote Internet freedom globally

1 may only be made available to support open-source tech-
2 nologies that undergo comprehensive security audits con-
3 sistent with the requirements of the Bureau of Democracy,
4 Human Rights, and Labor, Department of State to ensure
5 that such technology is secure and has not been com-
6 promised in a manner detrimental to the interest of the
7 United States or to individuals and organizations bene-
8 fitting from programs supported by such funds: *Provided,*
9 That the security auditing procedures used by such Bu-
10 reau shall be reviewed and updated periodically to reflect
11 current industry security standards.

12 TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING
13 TREATMENT OR PUNISHMENT

14 SEC. 7051. (a) PROHIBITION.—None of the funds
15 made available by this Act may be used to support or jus-
16 tify the use of torture and other cruel, inhuman, or de-
17 grading treatment or punishment by any official or con-
18 tract employee of the United States Government.

19 (b) ASSISTANCE.—Funds appropriated under titles
20 III and IV of this Act shall be made available, notwith-
21 standing section 660 of the Foreign Assistance Act of
22 1961 and following consultation with the Committees on
23 Appropriations, for assistance to eliminate torture and
24 other cruel, inhuman, or degrading treatment or punish-
25 ment by foreign police, military, or other security forces

1 in countries receiving assistance from funds appropriated
2 by this Act.

3 AIRCRAFT TRANSFER, COORDINATION, AND USE

4 SEC. 7052. (a) TRANSFER AUTHORITY.—Notwith-
5 standing any other provision of law or regulation, aircraft
6 procured with funds appropriated by this Act and prior
7 Acts making appropriations for the Department of State,
8 foreign operations, and related programs under the head-
9 ings “Diplomatic Programs”, “International Narcotics
10 Control and Law Enforcement”, “Andean Counterdrug
11 Initiative”, and “Andean Counterdrug Programs” may be
12 used for any other program and in any region.

13 (b) PROPERTY DISPOSAL.—The authority provided
14 in subsection (a) shall apply only after the Secretary of
15 State determines and reports to the Committees on Appro-
16 priations that the equipment is no longer required to meet
17 programmatic purposes in the designated country or re-
18 gion: *Provided*, That any such transfer shall be subject
19 to prior consultation with, and the regular notification
20 procedures of, the Committees on Appropriations.

21 (c) AIRCRAFT COORDINATION.—

22 (1) AUTHORITY.—The uses of aircraft pur-
23 chased or leased by the Department of State and the
24 United States Agency for International Development
25 with funds made available in this Act or prior Acts

1 making appropriations for the Department of State,
2 foreign operations, and related programs shall be co-
3 ordinated under the authority of the appropriate
4 Chief of Mission: *Provided*, That such aircraft may
5 be used to transport, on a reimbursable or non-reim-
6 bursable basis, Federal and non-Federal personnel
7 supporting Department of State and USAID pro-
8 grams and activities: *Provided further*, That official
9 travel for other agencies for other purposes may be
10 supported on a reimbursable basis, or without reim-
11 bursement when traveling on a space available basis:
12 *Provided further*, That funds received by the Depart-
13 ment of State in connection with the use of aircraft
14 owned, leased, or chartered by the Department of
15 State may be credited to the Working Capital Fund
16 of the Department and shall be available for ex-
17 penses related to the purchase, lease, maintenance,
18 chartering, or operation of such aircraft.

19 (2) SCOPE.—The requirement and authorities
20 of this subsection shall only apply to aircraft, the
21 primary purpose of which is the transportation of
22 personnel.

23 (d) AIRCRAFT OPERATIONS AND MAINTENANCE.—
24 To the maximum extent practicable, the costs of oper-

1545

1 ations and maintenance, including fuel, of aircraft funded
2 by this Act shall be borne by the recipient country.

3 PARKING FINES AND REAL PROPERTY TAXES OWED BY
4 FOREIGN GOVERNMENTS

5 SEC. 7053. The terms and conditions of section 7055
6 of the Department of State, Foreign Operations, and Re-
7 lated Programs Appropriations Act, 2010 (division F of
8 Public Law 111–117) shall apply to this Act: *Provided*,
9 That subsection (f)(2)(B) of such section shall be applied
10 by substituting “September 30, 2022” for “September 30,
11 2009”.

12 INTERNATIONAL MONETARY FUND

13 SEC. 7054. (a) EXTENSIONS.—The terms and condi-
14 tions of sections 7086(b)(1) and (2) and 7090(a) of the
15 Department of State, Foreign Operations, and Related
16 Programs Appropriations Act, 2010 (division F of Public
17 Law 111–117) shall apply to this Act.

18 (b) REPAYMENT.—The Secretary of the Treasury
19 shall instruct the United States Executive Director of the
20 International Monetary Fund (IMF) to seek to ensure
21 that any loan will be repaid to the IMF before other pri-
22 vate or multilateral creditors.

23 EXTRADITION

24 SEC. 7055. (a) LIMITATION.—None of the funds ap-
25 propriated in this Act may be used to provide assistance

1 (other than funds provided under the headings “Develop-
2 ment Assistance”, “International Disaster Assistance”,
3 “Complex Crises Fund”, “International Narcotics Control
4 and Law Enforcement”, “Migration and Refugee Assist-
5 ance”, “United States Emergency Refugee and Migration
6 Assistance Fund”, and “Nonproliferation, Anti-terrorism,
7 Demining and Related Assistance”) for the central gov-
8 ernment of a country which has notified the Department
9 of State of its refusal to extradite to the United States
10 any individual indicted for a criminal offense for which
11 the maximum penalty is life imprisonment without the
12 possibility of parole or for killing a law enforcement offi-
13 cer, as specified in a United States extradition request.

14 (b) CLARIFICATION.—Subsection (a) shall only apply
15 to the central government of a country with which the
16 United States maintains diplomatic relations and with
17 which the United States has an extradition treaty and the
18 government of that country is in violation of the terms
19 and conditions of the treaty.

20 (c) WAIVER.—The Secretary of State may waive the
21 restriction in subsection (a) on a case-by-case basis if the
22 Secretary certifies to the Committees on Appropriations
23 that such waiver is important to the national interest of
24 the United States.

1547

1 ENTERPRISE FUNDS

2 SEC. 7056. (a) NOTIFICATION.—None of the funds
3 made available under titles III through VI of this Act may
4 be made available for Enterprise Funds unless the appro-
5 priate congressional committees are notified at least 15
6 days in advance.

7 (b) DISTRIBUTION OF ASSETS PLAN.—Prior to the
8 distribution of any assets resulting from any liquidation,
9 dissolution, or winding up of an Enterprise Fund, in whole
10 or in part, the President shall submit to the appropriate
11 congressional committees a plan for the distribution of the
12 assets of the Enterprise Fund.

13 (c) TRANSITION OR OPERATING PLAN.—Prior to a
14 transition to and operation of any private equity fund or
15 other parallel investment fund under an existing Enter-
16 prise Fund, the President shall submit such transition or
17 operating plan to the appropriate congressional commit-
18 tees.

19 UNITED NATIONS POPULATION FUND

20 SEC. 7057. (a) CONTRIBUTION.—Of the funds made
21 available under the heading “International Organizations
22 and Programs” in this Act for fiscal year 2023,
23 \$32,500,000 shall be made available for the United Na-
24 tions Population Fund (UNFPA).

1 (b) AVAILABILITY OF FUNDS.—Funds appropriated
2 by this Act for UNFPA, that are not made available for
3 UNFPA because of the operation of any provision of law,
4 shall be transferred to the “Global Health Programs” ac-
5 count and shall be made available for family planning, ma-
6 ternal, and reproductive health activities, subject to the
7 regular notification procedures of the Committees on Ap-
8 propriations.

9 (c) PROHIBITION ON USE OF FUNDS IN CHINA.—
10 None of the funds made available by this Act may be used
11 by UNFPA for a country program in the People’s Repub-
12 lic of China.

13 (d) CONDITIONS ON AVAILABILITY OF FUNDS.—
14 Funds made available by this Act for UNFPA may not
15 be made available unless—

16 (1) UNFPA maintains funds made available by
17 this Act in an account separate from other accounts
18 of UNFPA and does not commingle such funds with
19 other sums; and

20 (2) UNFPA does not fund abortions.

21 (e) REPORT TO CONGRESS AND DOLLAR-FOR-DOL-
22 LAR WITHHOLDING OF FUNDS.—

23 (1) Not later than 4 months after the date of
24 enactment of this Act, the Secretary of State shall
25 submit a report to the Committees on Appropria-

1 tions indicating the amount of funds that UNFPA
2 is budgeting for the year in which the report is sub-
3 mitted for a country program in the People’s Repub-
4 lic of China.

5 (2) If a report under paragraph (1) indicates
6 that UNFPA plans to spend funds for a country
7 program in the People’s Republic of China in the
8 year covered by the report, then the amount of such
9 funds UNFPA plans to spend in the People’s Re-
10 public of China shall be deducted from the funds
11 made available to UNFPA after March 1 for obliga-
12 tion for the remainder of the fiscal year in which the
13 report is submitted.

14 GLOBAL HEALTH ACTIVITIES

15 SEC. 7058. (a) IN GENERAL.—Funds appropriated
16 by titles III and IV of this Act that are made available
17 for bilateral assistance for child survival activities or dis-
18 ease programs including activities relating to research on,
19 and the prevention, treatment and control of, HIV/AIDS
20 may be made available notwithstanding any other provi-
21 sion of law except for provisions under the heading “Glob-
22 al Health Programs” and the United States Leadership
23 Against HIV/AIDS, Tuberculosis, and Malaria Act of
24 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amend-
25 ed: *Provided*, That of the funds appropriated under title

1 III of this Act, not less than \$575,000,000 should be made
2 available for family planning/reproductive health, includ-
3 ing in areas where population growth threatens biodiver-
4 sity or endangered species.

5 (b) PANDEMICS AND OTHER INFECTIOUS DISEASE
6 OUTBREAKS.—

7 (1) GLOBAL HEALTH SECURITY.—Funds appro-
8 priated by this Act under the heading “Global
9 Health Programs” shall be made available for global
10 health security programs to accelerate the capacity
11 of countries to prevent, detect, and respond to infec-
12 tious disease outbreaks, including by strengthening
13 public health capacity where there is a high risk of
14 emerging zoonotic infectious diseases: *Provided,*
15 That not later than 60 days after the date of enact-
16 ment of this Act, the USAID Administrator and the
17 Secretary of State, as appropriate, shall consult with
18 the Committees on Appropriations on the planned
19 uses of such funds.

20 (2) FINANCIAL INTERMEDIARY FUND.—Funds
21 appropriated by this Act under the heading “Global
22 Health Programs” may be made available for con-
23 tributions to a financial intermediary fund for pan-
24 demic preparedness and global health security.

1 (3) EXTRAORDINARY MEASURES.—If the Sec-
2 retary of State determines and reports to the Com-
3 mittees on Appropriations that an international in-
4 fectious disease outbreak is sustained, severe, and is
5 spreading internationally, or that it is in the na-
6 tional interest to respond to a Public Health Emer-
7 gency of International Concern, not to exceed an ag-
8 gregate total of \$200,000,000 of the funds appro-
9 priated by this Act under the headings “Global
10 Health Programs”, “Development Assistance”,
11 “International Disaster Assistance”, “Complex Cri-
12 ses Fund”, “Economic Support Fund”, “Democracy
13 Fund”, “Assistance for Europe, Eurasia and Cen-
14 tral Asia”, “Migration and Refugee Assistance”, and
15 “Millennium Challenge Corporation” may be made
16 available to combat such infectious disease or public
17 health emergency, and may be transferred to, and
18 merged with, funds appropriated under such head-
19 ings for the purposes of this paragraph.

20 (4) EMERGENCY RESERVE FUND.—Up to
21 \$90,000,000 of the funds made available under the
22 heading “Global Health Programs” may be made
23 available for the Emergency Reserve Fund estab-
24 lished pursuant to section 7058(c)(1) of the Depart-
25 ment of State, Foreign Operations, and Related Pro-

1 grams Appropriations Act, 2017 (division J of Pub-
2 lic Law 115–31): *Provided*, That such funds shall be
3 made available under the same terms and conditions
4 of such section.

5 (5) CONSULTATION AND NOTIFICATION.—
6 Funds made available by this subsection shall be
7 subject to prior consultation with, and the regular
8 notification procedures of, the Committees on Ap-
9 propriations.

10 (c) LIMITATION.—Notwithstanding any other provi-
11 sion of law, none of the funds made available by this Act
12 may be made available to the Wuhan Institute of Virology
13 located in the City of Wuhan in the People’s Republic of
14 China.

15 GENDER EQUALITY AND WOMEN’S EMPOWERMENT

16 SEC. 7059. (a) IN GENERAL.—

17 (1) GENDER EQUALITY.—Funds appropriated
18 by this Act shall be made available to promote gen-
19 der equality in United States Government diplomatic
20 and development efforts by raising the status, in-
21 creasing the economic participation and opportuni-
22 ties for political leadership, and protecting the rights
23 of women and girls worldwide.

24 (2) WOMEN’S ECONOMIC EMPOWERMENT.—

25 Funds appropriated by this Act are available to im-

1 plement the Women’s Entrepreneurship and Eco-
2 nomic Empowerment Act of 2018 (Public Law 115–
3 428): *Provided*, That the Secretary of State and the
4 Administrator of the United States Agency for
5 International Development, as appropriate, shall
6 consult with the Committees on Appropriations on
7 the implementation of such Act.

8 (3) GENDER EQUITY AND EQUALITY ACTION
9 FUND.—Of the funds appropriated under title III of
10 this Act, up to \$200,000,000 may be made available
11 for the Gender Equity and Equality Action Fund.

12 (b) MADELEINE K. ALBRIGHT WOMEN’S LEADER-
13 SHIP PROGRAM.—Of the funds appropriated under title
14 III of this Act, not less than \$50,000,000 shall be made
15 available for programs specifically designed to increase
16 leadership opportunities for women in countries where
17 women and girls suffer discrimination due to law, policy,
18 or practice, by strengthening protections for women’s po-
19 litical status, expanding women’s participation in political
20 parties and elections, and increasing women’s opportuni-
21 ties for leadership positions in the public and private sec-
22 tors at the local, provincial, and national levels: *Provided*,
23 That such programs shall hereafter be collectively named
24 the “Madeleine K. Albright Women’s Leadership Pro-
25 gram”.

1 (c) GENDER-BASED VIOLENCE.—

2 (1) Of the funds appropriated under titles III
3 and IV of this Act, not less than \$250,000,000 shall
4 be made available to implement a multi-year strat-
5 egy to prevent and respond to gender-based violence
6 in countries where it is common in conflict and non-
7 conflict settings.

8 (2) Funds appropriated under titles III and IV
9 of this Act that are available to train foreign police,
10 judicial, and military personnel, including for inter-
11 national peacekeeping operations, shall address,
12 where appropriate, prevention and response to gen-
13 der-based violence and trafficking in persons, and
14 shall promote the integration of women into the po-
15 lice and other security forces.

16 (d) WOMEN, PEACE, AND SECURITY.—Of the funds
17 appropriated by this Act under the headings “Develop-
18 ment Assistance”, “Economic Support Fund”, “Assist-
19 ance for Europe, Eurasia and Central Asia”, and “Inter-
20 national Narcotics Control and Law Enforcement”,
21 \$150,000,000 should be made available to support a
22 multi-year strategy to expand, and improve coordination
23 of, United States Government efforts to empower women
24 as equal partners in conflict prevention, peace building,
25 transitional processes, and reconstruction efforts in coun-

1556

1 made available for contributions to multilateral
2 partnerships that support education.

3 (2) HIGHER EDUCATION.—Of the funds appro-
4 priated by title III of this Act, not less than
5 \$285,000,000 shall be made available for assistance
6 for higher education: *Provided*, That such funds may
7 be made available notwithstanding any other provi-
8 sion of law that restricts assistance to foreign coun-
9 tries, and shall be subject to the regular notification
10 procedures of the Committees on Appropriations:
11 *Provided further*, That of such amount, not less than
12 \$35,000,000 shall be made available for new and on-
13 going partnerships between higher education institu-
14 tions in the United States and developing countries
15 focused on building the capacity of higher education
16 institutions and systems in developing countries:
17 *Provided further*, That of such amount and in addi-
18 tion to the previous proviso, not less than
19 \$35,000,000 shall be made available for higher edu-
20 cation programs pursuant to section 7060(a)(3) of
21 the Department of State, Foreign Operations, and
22 Related Programs Appropriations Act, 2021 (divi-
23 sion K of Public Law 116–260): *Provided further*,
24 That not later than 45 days after the date of enact-
25 ment of this Act, the USAID Administrator shall

1 consult with the Committees on Appropriations on
2 the proposed uses of funds for such partnerships.

3 (3) SCHOLAR RESCUE PROGRAMS.—Of the
4 funds appropriated by this Act under the headings
5 “Development Assistance”, “Economic Support
6 Fund”, and “Assistance for Europe, Eurasia and
7 Central Asia”, not less than \$7,000,000 shall be
8 made available for scholar rescue programs, includ-
9 ing for scholars from Afghanistan, Burma, Ethiopia,
10 the Russian Federation, Ukraine, and Yemen: *Pro-*
11 *vided*, That the Secretary of State and Adminis-
12 trator of the United States Agency for International
13 Development, as appropriate, shall consult with the
14 Committees on Appropriations on such programs not
15 later than 90 days after the date of enactment of
16 this Act.

17 (b) DEVELOPMENT PROGRAMS.—Of the funds appro-
18 priated by this Act under the heading “Development As-
19 sistance”, not less than \$18,500,000 shall be made avail-
20 able for USAID cooperative development programs and
21 not less than \$31,500,000 shall be made available for the
22 American Schools and Hospitals Abroad program.

23 (c) FOOD SECURITY AND AGRICULTURAL DEVELOP-
24 MENT.—

1 (1) Of the funds appropriated by title III of
2 this Act, not less than \$1,010,600,000 shall be made
3 available for food security and agricultural develop-
4 ment programs to carry out the purposes of the
5 Global Food Security Act of 2016 (Public Law 114–
6 195): *Provided*, That funds may be made available
7 for a contribution as authorized by section 3202 of
8 the Food, Conservation, and Energy Act of 2008
9 (Public Law 110–246), as amended by section 3310
10 of the Agriculture Improvement Act of 2018 (Public
11 Law 115–334).

12 (2) The Secretary of State, in coordination with
13 the Administrator of the United States Agency for
14 International Development and the heads of other
15 relevant Federal agencies, shall seek to enter into
16 negotiations with key foreign governments and mul-
17 tilateral, philanthropic, and private sector entities,
18 including the United Nations Rome-based agencies
19 and the World Bank, regarding the potential estab-
20 lishment of a multilateral fund focused on food secu-
21 rity, as described under this section in the explana-
22 tory statement described in section 4 (in the matter
23 preceding division A of this consolidated Act).

24 (d) MICRO, SMALL, AND MEDIUM-SIZED ENTER-
25 PRISES.—Of the funds appropriated by this Act, not less

1 than \$265,000,000 shall be made available to support the
2 development of, and access to financing for, micro, small,
3 and medium-sized enterprises that benefit the poor, espe-
4 cially women.

5 (e) PROGRAMS TO COMBAT TRAFFICKING IN PER-
6 SONS.—Of the funds appropriated by this Act under the
7 headings “Development Assistance”, “Economic Support
8 Fund”, “Assistance for Europe, Eurasia and Central
9 Asia”, and “International Narcotics Control and Law En-
10 forcement”, not less than \$116,400,000 shall be made
11 available for activities to combat trafficking in persons
12 internationally, including for the Program to End Modern
13 Slavery, of which not less than \$87,000,000 shall be from
14 funds made available under the heading “International
15 Narcotics Control and Law Enforcement”: *Provided*, That
16 funds made available by this Act under the headings “De-
17 velopment Assistance”, “Economic Support Fund”, and
18 “Assistance for Europe, Eurasia and Central Asia” that
19 are made available for activities to combat trafficking in
20 persons should be obligated and programmed consistent
21 with the country-specific recommendations included in the
22 annual Trafficking in Persons Report, and shall be coordi-
23 nated with the Office to Monitor and Combat Trafficking
24 in Persons, Department of State.

1560

1 (f) RECONCILIATION PROGRAMS.—Of the funds ap-
2 propriated by this Act under the heading “Development
3 Assistance”, not less than \$25,000,000 shall be made
4 available to support people-to-people reconciliation pro-
5 grams which bring together individuals of different ethnic,
6 racial, religious, and political backgrounds from areas of
7 civil strife and war: *Provided*, That the USAID Adminis-
8 trator shall consult with the Committees on Appropria-
9 tions, prior to the initial obligation of funds, on the uses
10 of such funds, and such funds shall be subject to the reg-
11 ular notification procedures of the Committees on Appro-
12 priations: *Provided further*, That to the maximum extent
13 practicable, such funds shall be matched by sources other
14 than the United States Government: *Provided further*,
15 That such funds shall be administered by the Center for
16 Conflict and Violence Prevention, USAID.

17 (g) WATER AND SANITATION.—Of the funds appro-
18 priated by this Act, not less than \$475,000,000 shall be
19 made available for water supply and sanitation projects
20 pursuant to section 136 of the Foreign Assistance Act of
21 1961, of which not less than \$237,000,000 shall be for
22 programs in sub-Saharan Africa, and of which not less
23 than \$17,000,000 shall be made available to support ini-
24 tiatives by local communities in developing countries to
25 build and maintain safe latrines.

1 (h) DEVIATION.—Unless otherwise provided for by
2 this Act, the Secretary of State and the Administrator of
3 the United States Agency for International Development,
4 as applicable, may deviate below the minimum funding re-
5 quirements designated in sections 7059, 7060, and 7061
6 of this Act by up to 10 percent, notwithstanding such des-
7 ignation: *Provided*, That concurrent with the submission
8 of the report required by section 653(a) of the Foreign
9 Assistance Act of 1961, the Secretary of State shall sub-
10 mit to the Committees on Appropriations in writing any
11 proposed deviations utilizing such authority that are
12 planned at the time of submission of such report: *Provided*
13 *further*, That any deviations proposed subsequent to the
14 submission of such report shall be subject to prior con-
15 sultation with such Committees: *Provided further*, That
16 not later than November 1, 2024, the Secretary of State
17 shall submit a report to the Committees on Appropriations
18 on the use of the authority of this subsection.

19 ENVIRONMENT PROGRAMS

20 SEC. 7061. (a) Funds appropriated by this Act to
21 carry out the provisions of sections 103 through 106, and
22 chapter 4 of part II, of the Foreign Assistance Act of 1961
23 may be used, notwithstanding any other provision of law,
24 except for the provisions of this section and only subject

1 to the reporting procedures of the Committees on Appro-
2 priations, to support environment programs.

3 (b)(1) Of the funds appropriated under title III of
4 this Act, not less than \$385,000,000 shall be made avail-
5 able for biodiversity conservation programs.

6 (2) Not less than \$125,000,000 of the funds appro-
7 priated under titles III and IV of this Act shall be made
8 available to combat the transnational threat of wildlife
9 poaching and trafficking.

10 (3) None of the funds appropriated under title IV of
11 this Act may be made available for training or other as-
12 sistance for any military unit or personnel that the Sec-
13 retary of State determines has been credibly alleged to
14 have participated in wildlife poaching or trafficking, unless
15 the Secretary reports to the appropriate congressional
16 committees that to do so is in the national security inter-
17 est of the United States.

18 (4) Funds appropriated by this Act for biodiversity
19 programs shall not be used to support the expansion of
20 industrial scale logging, agriculture, livestock production,
21 mining, or any other industrial scale extractive activity
22 into areas that were primary/intact tropical forests as of
23 December 30, 2013, and the Secretary of the Treasury
24 shall instruct the United States executive directors of each
25 international financial institution (IFI) to use the voice

1 and vote of the United States to oppose any financing of
2 any such activity.

3 (5) Funds appropriated by this Act shall be made
4 available to support a new public-private partnership for
5 conservation to promote long-term management of pro-
6 tected areas in developing countries, if legislation estab-
7 lishing a foundation to facilitate such partnership is en-
8 acted into law.

9 (c) The Secretary of the Treasury shall instruct the
10 United States executive director of each IFI that it is the
11 policy of the United States to use the voice and vote of
12 the United States, in relation to any loan, grant, strategy,
13 or policy of such institution, regarding the construction
14 of any large dam consistent with the criteria set forth in
15 Senate Report 114–79, while also considering whether the
16 project involves important foreign policy objectives.

17 (d) Of the funds appropriated under title III of this
18 Act, not less than \$185,000,000 shall be made available
19 for sustainable landscapes programs.

20 (e) Of the funds appropriated under title III of this
21 Act, not less than \$270,000,000 shall be made available
22 for adaptation programs, including in support of the im-
23 plementation of the Indo-Pacific Strategy.

24 (f) Of the funds appropriated under title III of this
25 Act, not less than \$260,000,000 shall be made available

1 for clean energy programs, including in support of car-
2 rying out the purposes of the Electrify Africa Act (Public
3 Law 114–121) and implementing the Power Africa initia-
4 tive.

5 (g) Funds appropriated by this Act under title III
6 may be made available for United States contributions to
7 the Adaptation Fund and the Least Developed Countries
8 Fund.

9 (h) Of the funds appropriated under title III of this
10 Act, not less than \$50,000,000 shall be made available for
11 the purposes enumerated under section 7060(c)(7) of the
12 Department of State, Foreign Operations, and Related
13 Programs Appropriations Act, 2021 (division K of Public
14 Law 116–260): *Provided*, That such funds may only be
15 made available following consultation with the Committees
16 on Appropriations.

17 (i) Of the funds appropriated under title III of this
18 Act, not less than \$20,000,000 shall be made available to
19 support Indigenous and other civil society organizations
20 in developing countries that are working to protect the en-
21 vironment, including threatened and endangered species,
22 as described under this section in the explanatory state-
23 ment described in section 4 (in the matter preceding divi-
24 sion A of this consolidated Act).

1565

1 (j) The Secretary of State and USAID Administrator
2 shall implement the directive regarding law enforcement
3 in national parks and protected areas as described under
4 this section in the explanatory statement described in sec-
5 tion 4 (in the matter preceding division A of this consoli-
6 dated Act).

7 BUDGET DOCUMENTS

8 SEC. 7062. (a) OPERATING PLANS.—Not later than
9 45 days after the date of enactment of this Act, each de-
10 partment, agency, or organization funded in titles I, II,
11 and VI of this Act, and the Department of the Treasury
12 and Independent Agencies funded in title III of this Act,
13 including the Inter-American Foundation and the United
14 States African Development Foundation, shall submit to
15 the Committees on Appropriations an operating plan for
16 funds appropriated to such department, agency, or organi-
17 zation in such titles of this Act, or funds otherwise avail-
18 able for obligation in fiscal year 2023, that provides de-
19 tails of the uses of such funds at the program, project,
20 and activity level: *Provided*, That such plans shall include,
21 as applicable, a comparison between the congressional
22 budget justification funding levels, the most recent con-
23 gressional directives or approved funding levels, and the
24 funding levels proposed by the department or agency; and
25 a clear, concise, and informative description/justification:

1 *Provided further*, That operating plans that include
2 changes in levels of funding for programs, projects, and
3 activities specified in the congressional budget justifica-
4 tion, in this Act, or amounts specifically designated in the
5 respective tables included in the explanatory statement de-
6 scribed in section 4 (in the matter preceding division A
7 of this consolidated Act), as applicable, shall be subject
8 to the notification and reprogramming requirements of
9 section 7015 of this Act.

10 (b) SPEND PLANS.—

11 (1) Prior to the initial obligation of funds, the
12 Secretary of State or Administrator of the United
13 States Agency for International Development, as ap-
14 propriate, shall submit to the Committees on Appro-
15 priations spend plans as described under this section
16 in the explanatory statement described in section 4
17 (in the matter preceding division A of this consoli-
18 dated Act).

19 (2) Not later than 90 days after the date of en-
20 actment of this Act, the Secretary of the Treasury
21 shall submit to the Committees on Appropriations a
22 detailed spend plan for funds made available by this
23 Act under the heading “Department of the Treas-
24 ury, International Affairs Technical Assistance” in
25 title III.

1 (3) Notwithstanding paragraph (1), up to 10
2 percent of the funds contained in a spend plan re-
3 quired by this subsection may be obligated prior to
4 the submission of such spend plan if the Secretary
5 of State, the USAID Administrator, or the Secretary
6 of the Treasury, as applicable, determines that the
7 obligation of such funds is necessary to avoid signifi-
8 cant programmatic disruption: Provided, That not
9 less than seven days prior to such obligation, the
10 Secretary or Administrator, as appropriate, shall
11 consult with the Committees on Appropriations on
12 the justification for such obligation and the proposed
13 uses of such funds.

14 (c) CLARIFICATION.—The spend plans referenced in
15 subsection (b) shall not be considered as meeting the noti-
16 fication requirements in this Act or under section 634A
17 of the Foreign Assistance Act of 1961.

18 (d) CONGRESSIONAL BUDGET JUSTIFICATION.—The
19 congressional budget justification for Department of State
20 operations and foreign operations shall be provided to the
21 Committees on Appropriations concurrent with the date
22 of submission of the President’s budget for fiscal year
23 2024: *Provided*, That the appendices for such justification
24 shall be provided to the Committees on Appropriations not
25 later than 10 calendar days thereafter.

1 REORGANIZATION

2 SEC. 7063. (a) PRIOR CONSULTATION AND NOTIFI-
3 CATION.—Funds appropriated by this Act, prior Acts
4 making appropriations for the Department of State, for-
5 eign operations, and related programs, or any other Act
6 may not be used to implement a reorganization, redesign,
7 or other plan described in subsection (b) by the Depart-
8 ment of State, the United States Agency for International
9 Development, or any other Federal department, agency,
10 or organization funded by this Act without prior consulta-
11 tion by the head of such department, agency, or organiza-
12 tion with the appropriate congressional committees: *Pro-*
13 *vided*, That such funds shall be subject to the regular noti-
14 fication procedures of the Committees on Appropriations:
15 *Provided further*, That any such notification submitted to
16 such Committees shall include a detailed justification for
17 any proposed action: *Provided further*, That congressional
18 notifications submitted in prior fiscal years pursuant to
19 similar provisions of law in prior Acts making appropria-
20 tions for the Department of State, foreign operations, and
21 related programs may be deemed to meet the notification
22 requirements of this section.

23 (b) DESCRIPTION OF ACTIVITIES.—Pursuant to sub-
24 section (a), a reorganization, redesign, or other plan shall
25 include any action to—

1569

1 (1) expand, eliminate, consolidate, or downsize
2 covered departments, agencies, or organizations, in-
3 cluding bureaus and offices within or between such
4 departments, agencies, or organizations, including
5 the transfer to other agencies of the authorities and
6 responsibilities of such bureaus and offices;

7 (2) expand, eliminate, consolidate, or downsize
8 the United States official presence overseas, includ-
9 ing at bilateral, regional, and multilateral diplomatic
10 facilities and other platforms; or

11 (3) expand or reduce the size of the permanent
12 Civil Service, Foreign Service, eligible family mem-
13 ber, and locally employed staff workforce of the De-
14 partment of State and USAID from the staffing lev-
15 els previously justified to the Committees on Appro-
16 priations for fiscal year 2023.

17 DEPARTMENT OF STATE MANAGEMENT

18 SEC. 7064. (a) WORKING CAPITAL FUND.—Funds
19 appropriated by this Act or otherwise made available to
20 the Department of State for payments to the Working
21 Capital Fund that are made available for new service cen-
22 ters, shall be subject to the regular notification procedures
23 of the Committees on Appropriations.

24 (b) CERTIFICATION.—

1 (1) COMPLIANCE.—Not later than 45 days
2 after the initial obligation of funds appropriated
3 under titles III and IV of this Act that are made
4 available to a Department of State bureau or office
5 with responsibility for the management and over-
6 sight of such funds, the Secretary of State shall cer-
7 tify and report to the Committees on Appropria-
8 tions, on an individual bureau or office basis, that
9 such bureau or office is in compliance with Depart-
10 ment and Federal financial and grants management
11 policies, procedures, and regulations, as applicable.

12 (2) CONSIDERATIONS.—When making a certifi-
13 cation required by paragraph (1), the Secretary of
14 State shall consider the capacity of a bureau or of-
15 fice to—

16 (A) account for the obligated funds at the
17 country and program level, as appropriate;

18 (B) identify risks and develop mitigation
19 and monitoring plans;

20 (C) establish performance measures and
21 indicators;

22 (D) review activities and performance; and

23 (E) assess final results and reconcile fi-
24 nances.

1571

1 (3) PLAN.—If the Secretary of State is unable
2 to make a certification required by paragraph (1),
3 the Secretary shall submit a plan and timeline de-
4 tailing the steps to be taken to bring such bureau
5 or office into compliance.

6 (c) INFORMATION TECHNOLOGY PLATFORM.—None
7 of the funds appropriated in title I of this Act under the
8 heading “Administration of Foreign Affairs” may be made
9 available for a new major information technology invest-
10 ment without the concurrence of the Chief Information Of-
11 ficer, Department of State.

12 UNITED STATES AGENCY FOR INTERNATIONAL
13 DEVELOPMENT MANAGEMENT

14 SEC. 7065. (a) AUTHORITY.—Up to \$170,000,000 of
15 the funds made available in title III of this Act pursuant
16 to or to carry out the provisions of part I of the Foreign
17 Assistance Act of 1961, including funds appropriated
18 under the heading “Assistance for Europe, Eurasia and
19 Central Asia”, may be used by the United States Agency
20 for International Development to hire and employ individ-
21 uals in the United States and overseas on a limited ap-
22 pointment basis pursuant to the authority of sections 308
23 and 309 of the Foreign Service Act of 1980 (22 U.S.C.
24 3948 and 3949).

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
7 to which the responsibilities of such individual primarily
8 relate: *Provided*, That funds made available to carry out
9 this section may be transferred to, and merged with, funds
10 appropriated by this Act in title II under the heading “Op-
11 erating 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 re-
16 lated programs, pursuant to the authority of section 309
17 of the Foreign Service Act of 1980 (22 U.S.C. 3949), may
18 be extended for a period of up to 4 years notwithstanding
19 the limitation set forth in such section.

20 (e) DISASTER SURGE CAPACITY.—Funds appro-
21 priated under title III of this Act to carry out part I of
22 the Foreign Assistance Act of 1961, including funds ap-
23 propriated under the heading “Assistance for Europe,
24 Eurasia and Central Asia”, may be used, in addition to
25 funds otherwise available for such purposes, for the cost

1 (including the support costs) of individuals detailed to or
2 employed by USAID whose primary responsibility is to
3 carry out programs in response to natural disasters, or
4 man-made disasters subject to the regular notification
5 procedures of the Committees on 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 As-
9 sistance Act of 1961, and title II of the Food for Peace
10 Act (Public Law 83–480; 7 U.S.C. 1721 et seq.), may be
11 used by USAID to employ up to 40 personal services con-
12 tractors in the United States, notwithstanding any other
13 provision of law, for the purpose of providing direct, in-
14 terim support for new or expanded overseas programs and
15 activities managed by the agency until permanent direct
16 hire personnel are hired and trained: *Provided*, That not
17 more than 15 of such contractors shall be assigned to any
18 bureau or office: *Provided further*, That such funds appro-
19 priated to carry out title II of the Food for Peace Act
20 (Public Law 83–480; 7 U.S.C. 1721 et seq.), may be made
21 available only for personal services contractors assigned
22 to the Bureau for Humanitarian 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

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 eign Operations, and Related Programs Appropriations
8 Act, 2010 (division F of Public Law 111–117) may be
9 assigned to or support programs in Afghanistan or Paki-
10 stan with funds made available in this Act and prior Acts
11 making appropriations for the Department of State, for-
12 eign operations, and related programs.

13 (i) CRISIS OPERATIONS STAFFING.—Up to
14 \$86,000,000 of the funds made available in title III of
15 this Act pursuant to, or to carry out the provisions of,
16 part I of the Foreign Assistance Act of 1961 and section
17 509(b) of the Global Fragility Act of 2019 (title V of divi-
18 sion J of Public Law 116–94) may be made available for
19 the United States Agency for International Development
20 to appoint and employ personnel in the excepted service
21 to prevent or respond to foreign crises and contexts with
22 growing instability: *Provided*, That functions carried out
23 by personnel hired under the authority of this subsection
24 shall be related to the purpose for which the funds were
25 appropriated: *Provided further*, That such funds are in ad-

1575

1 dition to funds otherwise available for such purposes and
2 may remain attributed to any minimum funding require-
3 ment for which they were originally made available: *Pro-*
4 *vided further*, That the USAID Administrator shall coordi-
5 nate with the Director of the Office of Personnel Manage-
6 ment and consult with the appropriate congressional com-
7 mittees on implementation of this provision.

8 STABILIZATION AND DEVELOPMENT IN REGIONS

9 IMPACTED 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”,
15 “Peacekeeping Operations”, and “Foreign Military Fi-
16 nancing Program”, not less than \$135,000,000 shall be
17 made available for the Prevention and Stabilization Fund
18 for the purposes enumerated in section 509(a) of the Glob-
19 al Fragility Act of 2019 (title V of division J of Public
20 Law 116–94), of which \$25,000,000 may be made avail-
21 able for the Multi-Donor Global Fragility Fund authorized
22 by section 510(c) of such Act: *Provided*, That such funds
23 shall be allocated as specified under this section in the
24 explanatory statement described in section 4 (in the mat-
25 ter preceding division A of this consolidated Act): *Provided*

1 *further*, That funds appropriated under such headings may
2 be transferred to, and merged with, funds appropriated
3 under such headings for such purposes: *Provided further*,
4 That such transfer authority is in addition to any other
5 transfer authority provided by this Act or any other Act,
6 and is subject to prior consultation with, and the regular
7 notification procedures of, the Committees on Appropria-
8 tions: *Provided further*, That funds made available pursu-
9 ant to this subsection that are transferred to funds appro-
10 priated under the heading “Foreign Military Financing
11 Program” may remain available until September 30,
12 2024.

13 (b) TRANSITIONAL JUSTICE.—Of the funds appro-
14 priated by this Act under the headings “Economic Sup-
15 port Fund” and “International Narcotics Control and
16 Law Enforcement”, not less than \$10,000,000 shall be
17 made available for programs to promote accountability for
18 genocide, crimes against humanity, and war crimes, which
19 shall be in addition to any other funds made available by
20 this Act for such purposes: *Provided*, That such programs
21 shall include components to develop local investigative and
22 judicial skills, and to collect and preserve evidence and
23 maintain the chain of custody of evidence, including for
24 use in prosecutions, and may include the establishment of,
25 and assistance for, transitional justice mechanisms: *Pro-*

1577

1 *vided further*, That such funds shall be administered by
2 the Ambassador-at-Large for the Office of Global Criminal
3 Justice, Department of State, and shall be subject to prior
4 consultation with the Committees on Appropriations: *Pro-*
5 *vided further*, That funds made available by this para-
6 graph shall be made available on an open and competitive
7 basis.

8 (c) GLOBAL COMMUNITY ENGAGEMENT AND RESIL-
9 IENCE FUND.—Funds appropriated by this Act and prior
10 Acts making appropriations for the Department of State,
11 foreign operations, and related programs under the head-
12 ing “Economic Support Fund” may be made available to
13 the Global Community Engagement and Resilience Fund,
14 including as a contribution.

15 DEBT-FOR-DEVELOPMENT

16 SEC. 7067. In order to enhance the continued partici-
17 pation of nongovernmental organizations in debt-for-devel-
18 opment and debt-for-nature exchanges, a nongovern-
19 mental organization which is a grantee or contractor of
20 the United States Agency for International Development
21 may place in interest bearing accounts local currencies
22 which accrue to that organization as a result of economic
23 assistance provided under title III of this Act and, subject
24 to the regular notification procedures of the Committees
25 on Appropriations, any interest earned on such investment

1578

1 shall be used for the purpose for which the assistance was
2 provided to that organization.

3 EXTENSION OF CONSULAR FEES AND RELATED
4 AUTHORITIES

5 SEC. 7068. (a) Section 1(b)(1) of the Passport Act
6 of June 4, 1920 (22 U.S.C. 214(b)(1)) shall be applied
7 through fiscal year 2023 by substituting “the costs of pro-
8 viding consular services” for “such costs”.

9 (b) Section 21009 of the Emergency Appropriations
10 for Coronavirus Health Response and Agency Operations
11 (division B of Public Law 116–136; 134 Stat. 592) shall
12 be applied during fiscal year 2023 by substituting “2020
13 through 2023” for “2020 and 2021”.

14 (c) Discretionary amounts made available to the De-
15 partment of State under the heading “Administration of
16 Foreign Affairs” of this Act, and discretionary unobli-
17 gated balances under such heading from prior Acts mak-
18 ing appropriations for the Department of State, foreign
19 operations, and related programs, may be transferred to
20 the Consular and Border Security Programs account if the
21 Secretary of State determines and reports to the Commit-
22 tees on Appropriations that to do so is necessary to sus-
23 tain consular operations, following consultation with such
24 Committees: *Provided*, That such transfer authority is in
25 addition to any transfer authority otherwise available in

1 this Act and under any other provision of law: *Provided*
2 *further*, That no amounts may be transferred from
3 amounts designated as an emergency requirement pursu-
4 ant to a concurrent resolution on the budget or the Bal-
5 anced Budget and Emergency Deficit Control Act of 1985.

6 (d) In addition to the uses permitted pursuant to sec-
7 tion 286(v)(2)(A) of the Immigration and Nationality Act
8 (8 U.S.C. 1356(v)(2)(A)), for fiscal year 2023, the Sec-
9 retary of State may also use fees deposited into the Fraud
10 Prevention and Detection Account for the costs of pro-
11 viding consular services.

12 (e) Amounts provided pursuant to subsection (b) are
13 designated by the Congress as being for an emergency re-
14 quirement pursuant to section 4001(a)(1) of S. Con. Res.
15 14 (117th Congress), the concurrent resolution on the
16 budget for fiscal year 2022, and section 1(e) of H. Res.
17 1151 (117th Congress), as engrossed in the House of Rep-
18 resentatives on June 8, 2022.

19 MANAGEMENT OF INTERNATIONAL TRANSBOUNDARY
20 WATER POLLUTION
21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 7069. In fiscal year 2023 and in each fiscal year
23 thereafter—

24 (a) The Administrator of the Environmental Protec-
25 tion Agency (the “Administrator”) may transfer amounts

1 made available under the heading “Environmental Protec-
2 tion Agency—State and Tribal Assistance Grants” in the
3 USMCA Supplemental Appropriations Act, 2019 (title IX
4 of Public Law 116–113) to the International Boundary
5 and Water Commission, United States and Mexico (the
6 “Commission”), by entering into an interagency agree-
7 ment or by awarding a grant, to support the construction
8 of treatment works (as that term is defined in section
9 212(2) of the Federal Water Pollution Control Act (33
10 U.S.C. 1292(2))), that will be owned or operated by the
11 Commission: *Provided*, That the Commission shall, in con-
12 sultation with the Administrator and subject to the re-
13 quirements of sections 513 and 608 of the Federal Water
14 Pollution Control Act (33 U.S.C. 1372 and 1388), use
15 amounts transferred pursuant to this section for general,
16 administrative, or other costs (including construction
17 management) related to the planning, study, design, and
18 construction, of treatment works that, as determined by
19 the Commissioner of the Commission, will—

20 (1) protect residents in the United States-Mex-
21 ico border region from water pollution resulting
22 from—

23 (A) transboundary flows of wastewater,
24 stormwater, or other international transbound-
25 ary water flows originating in Mexico; and

1 (B) any inadequacies or breakdowns of
2 treatment works in Mexico; and

3 (2) provide treatment of the flows and water
4 pollution described in subparagraph (A) in compli-
5 ance with local, State, and Federal law: *Provided*,
6 That the Commission may also use amounts trans-
7 ferred pursuant to this section to operate and main-
8 tain any new treatment work constructed, which
9 shall be in addition to any amounts otherwise avail-
10 able to the Commission for such purposes.

11 (b) The Commission is authorized to enter into an
12 agreement with the appropriate official or officials of the
13 United States and Mexican States for the operation and
14 maintenance by the Commission of any new treatment
15 works, pursuant to subsection (a): *Provided*, That such
16 agreement shall contain a provision relating to the division
17 between the two Governments of the costs of such oper-
18 ation and maintenance, or of the works involved there as
19 may be recommended by said Commission and approved
20 by the Government of Mexico.

21 (c) Nothing in this section modifies, amends, repeals,
22 or otherwise limits the authority of the Commission
23 under—

24 (1) the treaty relating to the utilization of the
25 waters of the Colorado and Tijuana Rivers, and of

1582

1 the Rio Grande (Rio Bravo) from Fort Quitman,
2 Texas, to the Gulf of Mexico, and supplementary
3 protocol, signed at Washington February 3, 1944
4 (59 Stat. 1219), between the United States and
5 Mexico; or

6 (2) any other applicable treaty.

7 (d) Funds transferred pursuant to subsection (a)
8 shall be subject to the regular notification procedures of
9 the Committees on Appropriations.

10 (e) Amounts repurposed pursuant to this section that
11 were previously designated by the Congress as an emer-
12 gency requirement pursuant to the Balanced Budget and
13 Emergency Deficit Control Act of 1985 or a concurrent
14 resolution on the budget are designated as an emergency
15 requirement pursuant to section 4001(a)(1) of S. Con.
16 Res. 14 (117th Congress), the concurrent resolution on
17 the budget for fiscal year 2022, and section 1(e) of H.
18 Res. 1151 (117th Congress), as engrossed in the House
19 of Representatives on June 8, 2022.

20 WAIVER AUTHORITY

21 SEC. 7070. The President may waive section 414 of
22 Public Law 101–246 and section 410 of Public Law 103–
23 236 with respect to the United Nations Educational, Sci-
24 entific and Cultural Organization if the President deter-
25 mines and reports in writing to the Speaker of the House

1 of Representatives, the President Pro Tempore of the Sen-
2 ate, and the appropriate congressional committees that to
3 do so would enable the United States to counter Chinese
4 influence or to promote other national interests of the
5 United States: *Provided*, That the authority of this section
6 shall cease to have effect if, after enactment of this Act,
7 the Palestinians obtain the same standing as member
8 states or full membership as a state in the United Nations
9 or any specialized agency thereof outside an agreement ne-
10 gotiated between Israel and the Palestinians: *Provided fur-*
11 *ther*, That the authority of this section shall sunset on
12 September 30, 2025, unless extended in a subsequent Act
13 of Congress.

14 ORGANIZATION OF AMERICAN STATES

15 SEC. 7071. (a) The Secretary of State shall instruct
16 the United States Permanent Representative to the Orga-
17 nization of American States (OAS) to use the voice and
18 vote of the United States to: (1) implement budgetary re-
19 forms and efficiencies within the Organization; (2) elimi-
20 nate arrears, increase other donor contributions, and im-
21 pose penalties for successive late payment of assessments;
22 (3) prevent programmatic and organizational
23 redundancies and consolidate duplicative activities and
24 functions; (4) prioritize areas in which the OAS has exper-
25 tise, such as strengthening democracy, monitoring elec-

1 toral processes, and protecting human rights; and (5) im-
2 plement reforms within the Office of the Inspector General
3 (OIG) to ensure the OIG has the necessary leadership, in-
4 tegrity, professionalism, independence, policies, and proce-
5 dures to properly carry out its responsibilities in a manner
6 that meets or exceeds best practices in the United States.

7 (b) Prior to the obligation of funds appropriated by
8 this Act and made available for an assessed contribution
9 to the Organization of American States, but not later than
10 90 days after the date of enactment of this Act, the Sec-
11 retary of State shall submit a report to the appropriate
12 congressional committees on actions taken or planned to
13 be taken pursuant to subsection (a) that are in addition
14 to actions taken during the preceding fiscal year, and the
15 results of such actions.

16 MULTILATERAL DEVELOPMENT BANKS

17 SEC. 7072. (a) INTERNATIONAL DEVELOPMENT AS-
18 SOCIATION TWENTIETH REPLENISHMENT.—The Inter-
19 national Development Association Act (22 U.S.C. 284 et
20 seq.) is amended by adding at the end the following new
21 section:

22 **“SEC. 32. TWENTIETH REPLENISHMENT.**

23 “(a) IN GENERAL.—The United States Governor of
24 the International Development Association is authorized
25 to contribute on behalf of the United States

1 \$3,500,000,000 to the twentieth replenishment of the re-
2 sources of the Association, subject to obtaining the nec-
3 essary appropriations.

4 “(b) AUTHORIZATION OF APPROPRIATIONS.—In
5 order to pay for the United States contribution provided
6 for in subsection (a), there are authorized to be appro-
7 priated, without fiscal year limitation, \$3,500,000,000 for
8 payment by the Secretary of the Treasury.”

9 (b) ASIAN DEVELOPMENT FUND TWELFTH REPLEN-
10 ISHMENT.—The Asian Development Bank Act (22 U.S.C.
11 285 et seq.) is amended by adding at the end the following
12 new section:

13 **“SEC. 37. TWELFTH REPLENISHMENT.**

14 “(a) The United States Governor of the Bank is au-
15 thorized to contribute, on behalf of the United States,
16 \$177,440,000 to the twelfth replenishment of the re-
17 sources of the Fund, subject to obtaining the necessary
18 appropriations.

19 “(b) In order to pay for the United States contribu-
20 tion provided for in subsection (a), there are authorized
21 to be appropriated, without fiscal year limitation,
22 \$177,440,000 for payment by the Secretary of the Treas-
23 ury.”

1 “(a) ASSISTANCE.—Nothing in this title shall pro-
2 hibit the United States from rendering assistance to inter-
3 national efforts to bring to justice Saddam Hussein,
4 Slobodan Milosovic, Osama bin Laden, other members of
5 Al Queda, leaders of Islamic Jihad, and other foreign na-
6 tionals accused of genocide, war crimes or crimes against
7 humanity, or from rendering assistance to the Inter-
8 national Criminal Court to assist with investigations and
9 prosecutions of foreign nationals related to the Situation
10 in Ukraine, including to support victims and witnesses.

11 “(b) AUTHORITY.—Assistance made available pursu-
12 ant to subsection (a) of this section may be made available
13 notwithstanding section 705 of the Foreign Relations Au-
14 thorization Act, Fiscal Year 2000 and 2001 (22 U.S.C.
15 7401), except that none of the funds made available pur-
16 suant to this subsection may be made available for the
17 purpose of supporting investigations or prosecutions of
18 U.S. servicemembers or other covered United States per-
19 sons or covered allied persons as such terms are defined
20 in section 2013 of this Act.

21 “(c) NOTIFICATION.—The Secretary of State shall
22 notify the Committees on Appropriations, the Committee
23 on Foreign Relations of the Senate, and the Committee
24 on Foreign Affairs of the House of Representatives, of any

1 amounts obligated pursuant to subsection (b) not later
2 than 15 days before such obligation is made.”.

3 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion may be construed to modify the existing roles or au-
5 thorities of any Federal agency or official.

6 RESCISSIONS
7 (INCLUDING RESCISSIONS OF FUNDS)

8 SEC. 7074. (a) MILLENNIUM CHALLENGE CORPORA-
9 TION.—Of the unobligated balances from amounts made
10 available under the heading “Millennium Challenge Cor-
11 poration” from prior Acts making appropriations for the
12 Department of State, foreign operations, and related pro-
13 grams, \$100,000,000 are rescinded.

14 (b) EMBASSY SECURITY, CONSTRUCTION, AND MAIN-
15 TENANCE.—Of the unobligated and unexpended balances
16 from amounts available under the heading “Embassy Se-
17 curity, Construction, and Maintenance” from prior Acts
18 making appropriations for the Department of State, for-
19 eign operations, and related programs, \$42,000,000 are
20 rescinded.

21 (c) CONTRIBUTIONS FOR INTERNATIONAL PEACE-
22 KEEPING ACTIVITIES.—Of the unobligated and unex-
23 pended balances from amounts available under the head-
24 ing “Contributions for International Peacekeeping Activi-
25 ties” from prior Acts making appropriations for the De-

1 partment of State, foreign operations, and related pro-
2 grams, \$100,000,000 are rescinded.

3 (d) RESTRICTION.—No amounts may be rescinded
4 from amounts that were previously designated by the Con-
5 gress as an emergency requirement pursuant to a concur-
6 rent resolution on the budget or the Balanced Budget and
7 Emergency Deficit Control Act of 1985.

8 This division may be cited as the “Department of
9 State, Foreign Operations, and Related Programs Appro-
10 priations Act, 2023”.

1590

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 Pro-
24 grams;

1591

1 (6) \$3,968,000 shall be available for the Office
2 of the Assistant Secretary for Governmental Affairs;

3 (7) \$41,399,000 shall be available for the Office
4 of the Assistant Secretary for Administration;

5 (8) \$5,727,000 shall be available for the Office
6 of Public Affairs and Public Engagement;

7 (9) \$2,312,000 shall be available for the Office
8 of the Executive Secretariat;

9 (10) \$15,533,000 shall be available for the Of-
10 fice of Intelligence, Security, and Emergency Re-
11 sponse;

12 (11) \$29,195,000 shall be available for the Of-
13 fice of the Chief Information Officer; and

14 (12) \$1,450,000 shall be available for the Office
15 of Tribal Government Affairs:

16 *Provided further*, That the Secretary of Transportation
17 (referred to in this title as the “Secretary”) is authorized
18 to transfer funds appropriated for any office of the Office
19 of the Secretary to any other office of the Office of the
20 Secretary: *Provided further*, That no appropriation for any
21 office shall be increased or decreased by more than 7 per-
22 cent by all such transfers: *Provided further*, That notice
23 of any change in funding greater than 7 percent shall be
24 submitted for approval to the House and Senate Commit-
25 tees on Appropriations: *Provided further*, That not to ex-

1 ceed \$70,000 shall be for allocation within the Department
2 for official reception and representation expenses as the
3 Secretary may determine: *Provided further*, That notwith-
4 standing any other provision of law, there may be credited
5 to this appropriation up to \$2,500,000 in funds received
6 in user fees.

7 RESEARCH AND TECHNOLOGY

8 For necessary expenses related to the Office of the
9 Assistant Secretary for Research and Technology,
10 \$48,996,000, of which \$37,542,000 shall remain available
11 until expended: *Provided*, That of such amounts that are
12 available until expended, \$3,224,000 shall be for necessary
13 expenses of the Advanced Research Projects Agency—In-
14 frastructure (ARPA–I) as authorized by section 119 of
15 title 49, United States Code: *Provided further*, That there
16 may be credited to this appropriation, to be available until
17 expended, funds received from States, counties, munic-
18 ipalities, other public authorities, and private sources for
19 expenses incurred for training: *Provided further*, That any
20 reference in law, regulation, judicial proceedings, or else-
21 where to the Research and Innovative Technology Admin-
22 istration shall continue to be deemed to be a reference to
23 the Office of the Assistant Secretary for Research and
24 Technology of the Department of Transportation.

1593

1 NATIONAL INFRASTRUCTURE INVESTMENTS
2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses to carry out a local and re-
4 gional project assistance grant program under section
5 6702 of title 49, United States Code, \$800,000,000, to
6 remain available until expended: *Provided*, That section
7 6702(f)(2) of title 49, United States Code, shall not apply
8 to amounts made available under this heading in this Act:
9 *Provided further*, That of amounts made available under
10 this heading in this Act, not less than \$20,000,000 shall
11 be awarded to projects in historically disadvantaged com-
12 munities or areas of persistent poverty as defined under
13 section 6702(a)(1) of title 49, United States Code: *Pro-*
14 *vided further*, That section 6702(g) of title 49, United
15 States Code, shall not apply to amounts made available
16 under this heading in this Act: *Provided further*, That of
17 the amounts made available under this heading in this Act
18 not less than 5 percent shall be made available for the
19 planning, preparation, or design of eligible projects: *Pro-*
20 *vided further*, That grants awarded under this heading in
21 this Act for eligible projects for planning, preparation, or
22 design shall not be subject to a minimum grant size: *Pro-*
23 *vided further*, That in distributing amounts made available
24 under this heading in this Act, the Secretary shall take
25 such measures so as to ensure an equitable geographic dis-

1 tribution of funds, an appropriate balance in addressing
2 the needs of urban and rural areas, including Tribal areas,
3 and the investment in a variety of transportation modes:
4 *Provided further*, That section 6702(c)(2)(C) of title 49,
5 United States Code, shall not apply to amounts made
6 available under this heading in this Act: *Provided further*,
7 That a grant award under this heading in this Act shall
8 be not greater than \$45,000,000: *Provided further*, That
9 section 6702(c)(3) of title 49, United States Code, shall
10 not apply to amounts made available under this heading
11 in this Act: *Provided further*, That not more than 15 per-
12 cent of the amounts made available under this heading
13 in this Act may be awarded to projects in a single State:
14 *Provided further*, That for amounts made available under
15 this heading in this Act, the Secretary shall give priority
16 to projects that require a contribution of Federal funds
17 in order to complete an overall financing package: *Pro-*
18 *vided further*, That section 6702(f)(1) of title 49, United
19 States Code, shall not apply to amounts made available
20 under this heading in this Act: *Provided further*, That of
21 the amounts awarded under this heading in this Act, not
22 more than 50 percent shall be allocated for eligible
23 projects located in rural areas and not more than 50 per-
24 cent shall be allocated for eligible projects located in ur-
25 banized areas: *Provided further*, That for the purpose of

1595

1 determining if an award for planning, preparation, or de-
2 sign under this heading in this Act is an urban award,
3 the project location is the location of the project being
4 planned, prepared, or designed: *Provided further*, That the
5 Secretary may retain up to 2 percent of the amounts made
6 available under this heading in this Act, and may transfer
7 portions of such amounts to the Administrators of the
8 Federal Aviation Administration, the Federal Highway
9 Administration, the Federal Transit Administration, the
10 Federal Railroad Administration and the Maritime Ad-
11 ministration to fund the award and oversight of grants
12 and credit assistance made under the program authorized
13 under section 6702 of title 49, United States Code: *Pro-*
14 *vided further*, That for amounts made available under this
15 heading in this Act, the Secretary shall consider and
16 award projects based solely on the selection criteria as
17 identified under section 6702(d)(3) and (d)(4) of title 49,
18 United States Code.

19 THRIVING COMMUNITIES INITIATIVE
20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses for a thriving communities
22 program, \$25,000,000, to remain available until Sep-
23 tember 30, 2025: *Provided*, That the Secretary of Trans-
24 portation shall make such amounts available for technical
25 assistance and cooperative agreements to develop and im-

1 plement technical assistance, planning, and capacity build-
2 ing to improve and foster thriving communities through
3 transportation improvements: *Provided further*, That the
4 Secretary may enter into cooperative agreements with
5 philanthropic entities, non-profit organizations, other Fed-
6 eral agencies, State or local governments and their agen-
7 cies, Indian Tribes, or other technical assistance providers,
8 to provide such technical assistance, planning, and capae-
9 city building to State, local, or Tribal governments, United
10 States territories, metropolitan planning organizations,
11 transit agencies, or other political subdivisions of State or
12 local governments: *Provided further*, That to be eligible for
13 a cooperative agreement under this heading, a recipient
14 shall provide assistance to entities described in the pre-
15 ceding proviso on engaging in public planning processes
16 with residents, local businesses, non-profit organizations,
17 and to the extent practicable, philanthropic organizations,
18 educational institutions, or other community stakeholders:
19 *Provided further*, That such cooperative agreements shall
20 facilitate the planning and development of transportation
21 and community revitalization activities supported by the
22 Department of Transportation under titles 23, 46, and 49,
23 United States Code, that increase mobility, reduce pollu-
24 tion from transportation sources, expand affordable trans-
25 portation options, facilitate efficient land use, preserve or

1 expand jobs, improve housing conditions, enhance connec-
2 tions to health care, education, and food security, or im-
3 prove health outcomes: *Provided further*, That the Sec-
4 retary may prioritize assistance provided with amounts
5 made available under this heading to communities that
6 have disproportionate rates of pollution and poor air qual-
7 ity, communities experiencing disproportionate effects (as
8 defined by Executive Order No. 12898), areas of per-
9 sistent poverty as defined in section 6702(a)(1) of title
10 49, United States Code, or historically disadvantaged com-
11 munities: *Provided further*, That the preceding proviso
12 shall not prevent the Secretary from providing assistance
13 with amounts made available under this heading to enti-
14 ties described in the second proviso under this heading
15 that request assistance through the thriving communities
16 program: *Provided further*, That planning and technical
17 assistance made available under this heading may include
18 pre-application assistance for capital projects eligible
19 under titles 23, 46, and 49, United States Code: *Provided*
20 *further*, That the Secretary may retain amounts made
21 available under this heading for the necessary administra-
22 tive expenses of (1) developing and disseminating best
23 practices, modeling, and cost-benefit analysis methodolo-
24 gies to assist entities described in the second proviso under
25 this heading with applications for financial assistance pro-

1598

1 grams under titles 23, 46, and 49, United States Code,
2 and (2) award, administration, and oversight of coopera-
3 tive agreements to carry out the provisions under this
4 heading: *Provided further*, That such amounts and pay-
5 ments as may be necessary to carry out the thriving com-
6 munities program may be transferred to appropriate ac-
7 counts of other operating administrations within the De-
8 partment of Transportation: *Provided further*, That the
9 Secretary shall notify the House and Senate Committees
10 on Appropriations not later than 3 business days prior to
11 a transfer carried out under the preceding proviso.

12 NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE
13 FINANCE BUREAU

14 For necessary expenses of the National Surface
15 Transportation and Innovative Finance Bureau as author-
16 ized by 49 U.S.C. 116, \$8,850,000, to remain available
17 until expended: *Provided*, That the Secretary may collect
18 and spend fees, as authorized by title 23, United States
19 Code, to cover the costs of services of expert firms, includ-
20 ing counsel, in the field of municipal and project finance
21 to assist in the underwriting and servicing of Federal cred-
22 it instruments and all or a portion of the costs to the Fed-
23 eral Government of servicing such credit instruments: *Pro-*
24 *vided further*, That such fees are available until expended
25 to pay for such costs: *Provided further*, That such amounts

1599

1 are in addition to other amounts made available for such
2 purposes and are not subject to any obligation limitation
3 or the limitation on administrative expenses under section
4 608 of title 23, United States Code.

5 RAILROAD REHABILITATION AND IMPROVEMENT
6 FINANCING PROGRAM

7 The Secretary is authorized to issue direct loans and
8 loan guarantees pursuant to chapter 224 of title 49,
9 United States Code, and such authority shall exist as long
10 as any such direct loan or loan guarantee is outstanding.

11 FINANCIAL MANAGEMENT CAPITAL

12 For necessary expenses for upgrading and enhancing
13 the Department of Transportation's financial systems and
14 re-engineering business processes, \$5,000,000, to remain
15 available through September 30, 2024.

16 CYBER SECURITY INITIATIVES

17 For necessary expenses for cyber security initiatives,
18 including necessary upgrades to network and information
19 technology infrastructure, improvement of identity man-
20 agement and authentication capabilities, securing and pro-
21 tecting data, implementation of Federal cyber security ini-
22 tiatives, and implementation of enhanced security controls
23 on agency computers and mobile devices, \$48,100,000, to
24 remain available until September 30, 2024.

1600

1 OFFICE OF CIVIL RIGHTS

2 For necessary expenses of the Office of Civil Rights,
3 \$14,800,000.

4 TRANSPORTATION PLANNING, RESEARCH, AND
5 DEVELOPMENT

6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses for conducting transportation
8 planning, research, systems development, development ac-
9 tivities, and making grants, \$36,543,000, to remain avail-
10 able until expended: *Provided*, That of such amount,
11 \$5,436,000 shall be for necessary expenses of the Inter-
12 agency Infrastructure Permitting Improvement Center
13 (IIPIC): *Provided further*, That there may be transferred
14 to this appropriation, to remain available until expended,
15 amounts transferred from other Federal agencies for ex-
16 penses incurred under this heading for IIPIC activities not
17 related to transportation infrastructure: *Provided further*,
18 That the tools and analysis developed by the IIPIC shall
19 be available to other Federal agencies for the permitting
20 and review of major infrastructure projects not related to
21 transportation only to the extent that other Federal agen-
22 cies provide funding to the Department in accordance with
23 the preceding proviso: *Provided further*, That of the
24 amounts made available under this heading, \$12,914,000
25 shall be made available for the purposes, and in amounts,

1601

1 specified for Community Project Funding/Congressionally
2 Directed Spending in the table entitled “Community
3 Project Funding/Congressionally Directed Spending” in-
4 cluded in the explanatory statement described in section
5 4 (in the matter preceding division A of this consolidated
6 Act).

7 WORKING CAPITAL FUND

8 (INCLUDING TRANSFER OF FUNDS)

9 For necessary expenses for operating costs and cap-
10 ital outlays of the Working Capital Fund, not to exceed
11 \$505,285,000, shall be paid from appropriations made
12 available to the Department of Transportation: *Provided*,
13 That such services shall be provided on a competitive basis
14 to entities within the Department of Transportation: *Pro-*
15 *vided further*, That the limitation in the preceding proviso
16 on operating expenses shall not apply to entities external
17 to the Department of Transportation or for funds pro-
18 vided in Public Law 117–58: *Provided further*, That no
19 funds made available by this Act to an agency of the De-
20 partment shall be transferred to the Working Capital
21 Fund without majority approval of the Working Capital
22 Fund Steering Committee and approval of the Secretary:
23 *Provided further*, That no assessments may be levied
24 against any program, budget activity, subactivity, or
25 project funded by this Act unless notice of such assess-

1602

1 ments and the basis therefor are presented to the House
2 and Senate Committees on Appropriations and are ap-
3 proved by such Committees.

4 SMALL AND DISADVANTAGED BUSINESS UTILIZATION AND
5 OUTREACH

6 For necessary expenses for small and disadvantaged
7 business utilization and outreach activities, \$5,132,000, to
8 remain available until September 30, 2024: *Provided*,
9 That notwithstanding section 332 of title 49, United
10 States Code, such amounts may be used for business op-
11 portunities related to any mode of transportation: *Pro-*
12 *vided further*, That appropriations made available under
13 this heading shall be available for any purpose consistent
14 with prior year appropriations that were made available
15 under the heading “Office of the Secretary—Minority
16 Business Resource Center Program”.

17 PAYMENTS TO AIR CARRIERS

18 (AIRPORT AND AIRWAY TRUST FUND)

19 In addition to funds made available from any other
20 source to carry out the essential air service program under
21 sections 41731 through 41742 of title 49, United States
22 Code, \$354,827,000, to be derived from the Airport and
23 Airway Trust Fund, to remain available until expended:
24 *Provided*, That in determining between or among carriers
25 competing to provide service to a community, the Sec-

1603

1 retary may consider the relative subsidy requirements of
2 the carriers: *Provided further*, That basic essential air
3 service minimum requirements shall not include the 15-
4 passenger capacity requirement under section 41732(b)(3)
5 of title 49, United States Code: *Provided further*, That
6 amounts authorized to be distributed for the essential air
7 service program under section 41742(b) of title 49, United
8 States Code, shall be made available immediately from
9 amounts otherwise provided to the Administrator of the
10 Federal Aviation Administration: *Provided further*, That
11 the Administrator may reimburse such amounts from fees
12 credited to the account established under section 45303
13 of title 49, United States Code: *Provided further*, That,
14 notwithstanding section 41733 of title 49, United States
15 Code, for fiscal year 2023, the requirements established
16 under subparagraphs (B) and (C) of section 41731(a)(1)
17 of title 49, United States Code, and the subsidy cap estab-
18 lished by section 332 of the Department of Transportation
19 and Related Agencies Appropriations Act, 2000, shall not
20 apply to maintain eligibility under section 41731 of title
21 49, United States Code.

1604

1 ADMINISTRATIVE PROVISIONS—OFFICE OF THE
2 SECRETARY OF TRANSPORTATION

3 (INCLUDING RESCISSION AND TRANSFER OF FUNDS)

4 SEC. 101. None of the funds made available by this
5 Act to the Department of Transportation may be obligated
6 for the Office of the Secretary of Transportation to ap-
7 prove assessments or reimbursable agreements pertaining
8 to funds appropriated to the operating administrations in
9 this Act, except for activities underway on the date of en-
10 actment of this Act, unless such assessments or agree-
11 ments have completed the normal reprogramming process
12 for congressional notification.

13 SEC. 102. The Secretary shall post on the web site
14 of the Department of Transportation a schedule of all
15 meetings of the Council on Credit and Finance, including
16 the agenda for each meeting, and require the Council on
17 Credit and Finance to record the decisions and actions
18 of each meeting.

19 SEC. 103. In addition to authority provided by section
20 327 of title 49, United States Code, the Department's
21 Working Capital Fund is authorized to provide partial or
22 full payments in advance and accept subsequent reim-
23 bursements from all Federal agencies from available funds
24 for transit benefit distribution services that are necessary
25 to carry out the Federal transit pass transportation fringe

1605

1 benefit program under Executive Order No. 13150 and
2 section 3049 of SAFETEA-LU (5 U.S.C. 7905 note):
3 *Provided*, That the Department shall maintain a reason-
4 able operating reserve in the Working Capital Fund, to
5 be expended in advance to provide uninterrupted transit
6 benefits to Government employees: *Provided further*, That
7 such reserve shall not exceed 1 month of benefits payable
8 and may be used only for the purpose of providing for
9 the continuation of transit benefits: *Provided further*, That
10 the Working Capital Fund shall be fully reimbursed by
11 each customer agency from available funds for the actual
12 cost of the transit benefit.

13 SEC. 104. Receipts collected in the Department's
14 Working Capital Fund, as authorized by section 327 of
15 title 49, United States Code, for unused transit and van
16 pool benefits, in an amount not to exceed 10 percent of
17 fiscal year 2023 collections, shall be available until ex-
18 pended in the Department's Working Capital Fund to pro-
19 vide contractual services in support of section 189 of this
20 Act: *Provided*, That obligations in fiscal year 2023 of such
21 collections shall not exceed \$1,000,000.

22 SEC. 105. None of the funds in this title may be obli-
23 gated or expended for retention or senior executive bo-
24 nuses for an employee of the Department of Transpor-

1606

1 tation without the prior written approval of the Assistant
2 Secretary for Administration.

3 SEC. 106. In addition to authority provided by section
4 327 of title 49, United States Code, the Department's Ad-
5 ministrative Working Capital Fund is hereby authorized
6 to transfer information technology equipment, software,
7 and systems from Departmental sources or other entities
8 and collect and maintain a reserve at rates which will re-
9 turn full cost of transferred assets.

10 SEC. 107. None of the funds provided in this Act to
11 the Department of Transportation may be used to provide
12 credit assistance unless not less than 3 days before any
13 application approval to provide credit assistance under
14 sections 603 and 604 of title 23, United States Code, the
15 Secretary provides notification in writing to the following
16 committees: the House and Senate Committees on Appro-
17 priations; the Committee on Environment and Public
18 Works and the Committee on Banking, Housing and
19 Urban Affairs of the Senate; and the Committee on Trans-
20 portation and Infrastructure of the House of Representa-
21 tives: *Provided*, That such notification shall include, but
22 not be limited to, the name of the project sponsor; a de-
23 scription of the project; whether credit assistance will be
24 provided as a direct loan, loan guarantee, or line of credit;
25 and the amount of credit assistance.

1 SEC. 108. For an additional amount for necessary ex-
2 penses of the Volpe National Transportation Systems Cen-
3 ter, as authorized in section 328 of title 49, United States
4 Code, \$4,500,000, to remain available until expended.

5 SEC. 109. (a) The remaining unobligated balances,
6 as of September 30, 2023, from amounts made available
7 in section 157(a) of the Continuing Appropriations Act,
8 2023 (division A of Public Law 117–180) are hereby per-
9 manently rescinded, and an amount of additional new
10 budget authority equivalent to the amount rescinded is
11 hereby appropriated on September 30, 2023, to remain
12 available until September 30, 2024, and shall be available,
13 without additional competition, for completing the funding
14 of awards made pursuant to the fiscal year 2020 national
15 infrastructure investments program, in addition to other
16 funds as may be available for such purposes.

17 (b) The remaining unobligated balances, as of Sep-
18 tember 30, 2023, from amounts made available in section
19 157(b) of the Continuing Appropriations Act, 2023 (divi-
20 sion A of Public Law 117–180) are hereby permanently
21 rescinded, and an amount of additional new budget au-
22 thority equivalent to the amount rescinded is hereby ap-
23 propriated on September 30, 2023, to remain available
24 until September 30, 2024, and shall be available, without
25 additional competition, for completing the funding of

1 awards made pursuant to the fiscal year 2019 national
2 infrastructure investments program, in addition to other
3 funds as may be available for such purposes.

4 SEC. 109A. (a) Amounts made available to the Sec-
5 retary of Transportation or the Department of Transpor-
6 tation's operating administrations in this Act or in Public
7 Law 117–103 for the costs of award, administration, or
8 oversight of financial assistance under the programs iden-
9 tified in subsection (c) may be transferred to the account
10 identified in section 801 of division J of Public Law 117–
11 58, to remain available until expended, for the necessary
12 expenses of award, administration, or oversight of any fi-
13 nancial assistance programs in the Department of Trans-
14 portation.

15 (b) Amounts transferred under the authority in this
16 section are available in addition to amounts otherwise
17 available for such purpose.

18 (c) The program from which funds made available
19 under this Act or in Public Law 117–103 may be trans-
20 ferred under subsection (a) is the local and regional
21 project assistance program under section 6702 of title 49,
22 United States Code.

23 SEC. 109B. Of the amounts made available under the
24 heading “National Infrastructure Investments”, not less
25 than \$1,000,000 and not greater than \$25,000,000 shall

1 be available to complete port infrastructure projects that
2 received awards from the national infrastructure invest-
3 ments program under title I of division G of the Consoli-
4 dated Appropriations Act, 2019 (Public Law 116–6) or
5 rail infrastructure projects that received awards from the
6 national infrastructure investments program under title I
7 of division L of the Consolidated Appropriations Act, 2018
8 (Public Law 115–141): *Provided*, That an award funded
9 under this section may allow the total award to a recipient
10 to be greater than \$25,000,000: *Provided further*, That
11 sponsors of projects eligible for funds made available
12 under this section shall provide sufficient written justifica-
13 tion describing, at a minimum, the current project cost
14 estimate, why the project cannot be completed with the
15 obligated grant amount, and any other relevant informa-
16 tion, as determined by the Secretary: *Provided further*,
17 That the allocation under the preceding proviso will be for
18 the amounts necessary to cover increases to eligible project
19 costs since the grant was obligated, based on the informa-
20 tion provided: *Provided further*, That section 200.204 of
21 title 2, Code of Federal Regulations, shall not apply to
22 amounts made available under this section: *Provided fur-*
23 *ther*, That the amounts made available under this section
24 shall not be part of the Federal share of total project costs
25 and shall be up to 100 percent: *Provided further*, That

1610

1 section 6702(c)(3) of title 49, United States Code, shall
2 not apply to amounts made available under this section:
3 *Provided further*, That section 6702(f) of title 49, United
4 States Code, shall not apply to amounts made available
5 under this section: *Provided further*, That of amounts
6 made available under this section, the Secretary may
7 award to rail infrastructure projects only amounts that the
8 Secretary determines are not needed to complete port in-
9 frastructure projects.

10 FEDERAL AVIATION ADMINISTRATION

11 OPERATIONS

12 (AIRPORT AND AIRWAY TRUST FUND)

13 For necessary expenses of the Federal Aviation Ad-
14 ministration, not otherwise provided for, including oper-
15 ations and research activities related to commercial space
16 transportation, administrative expenses for research and
17 development, establishment of air navigation facilities, the
18 operation (including leasing) and maintenance of aircraft,
19 subsidizing the cost of aeronautical charts and maps sold
20 to the public, the lease or purchase of passenger motor
21 vehicles for replacement only, \$11,915,000,000, to remain
22 available until September 30, 2024, of which
23 \$9,993,821,000 to be derived from the Airport and Airway
24 Trust Fund: *Provided*, That of the amounts made avail-
25 able under this heading—

1611

1 (1) not less than \$1,630,794,000 shall be avail-
2 able for aviation safety activities;

3 (2) \$8,812,537,000 shall be available for air
4 traffic organization activities;

5 (3) \$37,854,000 shall be available for commer-
6 cial space transportation activities;

7 (4) \$918,049,000 shall be available for finance
8 and management activities;

9 (5) \$65,581,000 shall be available for NextGen
10 and operations planning activities;

11 (6) \$152,509,000 shall be available for security
12 and hazardous materials safety activities; and

13 (7) \$297,676,000 shall be available for staff of-
14 fices:

15 *Provided further*, That not to exceed 5 percent of any
16 budget activity, except for aviation safety budget activity,
17 may be transferred to any budget activity under this head-
18 ing: *Provided further*, That no transfer may increase or
19 decrease any appropriation under this heading by more
20 than 5 percent: *Provided further*, That any transfer in ex-
21 cess of 5 percent shall be treated as a reprogramming of
22 funds under section 405 of this Act and shall not be avail-
23 able for obligation or expenditure except in compliance
24 with the procedures set forth in that section: *Provided fur-*
25 *ther*, That not later than 60 days after the submission of

1612

1 the budget request, the Administrator of the Federal Avia-
2 tion Administration shall transmit to Congress an annual
3 update to the report submitted to Congress in December
4 2004 pursuant to section 221 of the Vision 100-Century
5 of Aviation Reauthorization Act (49 U.S.C. 40101 note):
6 *Provided further*, That the amounts made available under
7 this heading shall be reduced by \$100,000 for each day
8 after 60 days after the submission of the budget request
9 that such report has not been transmitted to Congress:
10 *Provided further*, That not later than 60 days after the
11 submission of the budget request, the Administrator shall
12 transmit to Congress a companion report that describes
13 a comprehensive strategy for staffing, hiring, and training
14 flight standards and aircraft certification staff in a format
15 similar to the one utilized for the controller staffing plan,
16 including stated attrition estimates and numerical hiring
17 goals by fiscal year: *Provided further*, That the amounts
18 made available under this heading shall be reduced by
19 \$100,000 for each day after the date that is 60 days after
20 the submission of the budget request that such report has
21 not been submitted to Congress: *Provided further*, That
22 funds may be used to enter into a grant agreement with
23 a nonprofit standard-setting organization to assist in the
24 development of aviation safety standards: *Provided fur-*
25 *ther*, That none of the funds made available by this Act

1613

1 shall be available for new applicants for the second career
2 training program: *Provided further*, That none of the
3 funds made available by this Act shall be available for the
4 Federal Aviation Administration to finalize or implement
5 any regulation that would promulgate new aviation user
6 fees not specifically authorized by law after the date of
7 the enactment of this Act: *Provided further*, That there
8 may be credited to this appropriation, as offsetting collec-
9 tions, funds received from States, counties, municipalities,
10 foreign authorities, other public authorities, and private
11 sources for expenses incurred in the provision of agency
12 services, including receipts for the maintenance and oper-
13 ation of air navigation facilities, and for issuance, renewal
14 or modification of certificates, including airman, aircraft,
15 and repair station certificates, or for tests related thereto,
16 or for processing major repair or alteration forms: *Pro-*
17 *vided further*, That of the amounts made available under
18 this heading, not less than \$187,800,000 shall be used to
19 fund direct operations of the current air traffic control
20 towers in the contract tower program, including the con-
21 tract tower cost share program, and any airport that is
22 currently qualified or that will qualify for the program
23 during the fiscal year: *Provided further*, That none of the
24 funds made available by this Act for aeronautical charting
25 and cartography are available for activities conducted by,

1614

1 or coordinated through, the Working Capital Fund: *Pro-*
2 *vided further*, That none of the funds appropriated or oth-
3 erwise made available by this Act or any other Act may
4 be used to eliminate the Contract Weather Observers pro-
5 gram at any airport.

6 FACILITIES AND EQUIPMENT

7 (AIRPORT AND AIRWAY TRUST FUND)

8 For necessary expenses, not otherwise provided for,
9 for acquisition, establishment, technical support services,
10 improvement by contract or purchase, and hire of national
11 airspace systems and experimental facilities and equip-
12 ment, as authorized under part A of subtitle VII of title
13 49, United States Code, including initial acquisition of
14 necessary sites by lease or grant; engineering and service
15 testing, including construction of test facilities and acqui-
16 sition of necessary sites by lease or grant; construction
17 and furnishing of quarters and related accommodations
18 for officers and employees of the Federal Aviation Admin-
19 istration stationed at remote localities where such accom-
20 modations are not available; and the purchase, lease, or
21 transfer of aircraft from funds made available under this
22 heading, including aircraft for aviation regulation and cer-
23 tification; to be derived from the Airport and Airway Trust
24 Fund, \$2,945,000,000, of which \$570,000,000 is for per-
25 sonnel and related expenses and shall remain available

1615

1 until September 30, 2024, \$2,221,200,000 shall remain
2 available until September 30, 2025, and \$153,800,000 is
3 for terminal facilities and shall remain available until Sep-
4 tember 30, 2027: *Provided*, That there may be credited
5 to this appropriation funds received from States, counties,
6 municipalities, other public authorities, and private
7 sources, for expenses incurred in the establishment, im-
8 provement, and modernization of national airspace sys-
9 tems: *Provided further*, That not later than 60 days after
10 submission of the budget request, the Secretary of Trans-
11 portation shall transmit to the Congress an investment
12 plan for the Federal Aviation Administration which in-
13 cludes funding for each budget line item for fiscal years
14 2024 through 2028, with total funding for each year of
15 the plan constrained to the funding targets for those years
16 as estimated and approved by the Office of Management
17 and Budget: *Provided further*, That section 405 of this Act
18 shall apply to amounts made available under this heading
19 in title VIII of the Infrastructure Investments and Jobs
20 Appropriations Act (division J of Public Law 117–58):
21 *Provided further*, That the amounts in the table entitled
22 “Allocation of Funds for FAA Facilities and Equipment
23 from the Infrastructure Investment and Jobs Act—Fiscal
24 Year 2023” in the explanatory statement described in sec-
25 tion 4 (in the matter preceding division A of this consoli-

1616

1 dated Act) shall be the baseline for application of re-
2 programming and transfer authorities for the current fis-
3 cal year pursuant to paragraph (7) of such section 405
4 for amounts referred to in the preceding proviso: *Provided*
5 *further*, That, notwithstanding paragraphs (5) and (6) of
6 such section 405, unless prior approval is received from
7 the House and Senate Committees on Appropriations, not
8 to exceed 10 percent of any funding level specified for
9 projects and activities in the table referred to in the pre-
10 ceding proviso may be transferred to any other funding
11 level specified for projects and activities in such table and
12 no transfer of such funding levels may increase or decrease
13 any funding level in such table by more than 10 percent:
14 *Provided further*, That of the amounts made available
15 under this heading for terminal facilities, \$45,000,000
16 shall be made available for the purposes, and in amounts,
17 specified for Community Project Funding/Congressionally
18 Directed Spending in the table entitled “Community
19 Project Funding/Congressionally Directed Spending” in-
20 cluded in the explanatory statement described in section
21 4 (in the matter preceding division A of this consolidated
22 Act).

1617

1 RESEARCH, ENGINEERING, AND DEVELOPMENT

2 (AIRPORT AND AIRWAY TRUST FUND)

3 For necessary expenses, not otherwise provided for,
4 for research, engineering, and development, as authorized
5 under part A of subtitle VII of title 49, United States
6 Code, including construction of experimental facilities and
7 acquisition of necessary sites by lease or grant,
8 \$255,000,000, to be derived from the Airport and Airway
9 Trust Fund and to remain available until September 30,
10 2025: *Provided*, That there may be credited to this appro-
11 priation as offsetting collections, funds received from
12 States, counties, municipalities, other public authorities,
13 and private sources, which shall be available for expenses
14 incurred for research, engineering, and development: *Pro-*
15 *vided further*, That amounts made available under this
16 heading shall be used in accordance with the explanatory
17 statement described in section 4 (in the matter preceding
18 division A of this consolidated Act): *Provided further*, That
19 not to exceed 10 percent of any funding level specified
20 under this heading in the explanatory statement described
21 in section 4 (in the matter preceding division A of this
22 consolidated Act) may be transferred to any other funding
23 level specified under this heading in the explanatory state-
24 ment described in section 4 (in the matter preceding divi-
25 sion A of this consolidated Act): *Provided further*, That

1618

1 no transfer may increase or decrease any funding level by
2 more than 10 percent: *Provided further*, That any transfer
3 in excess of 10 percent shall be treated as a reprogram-
4 ming of funds under section 405 of this Act and shall not
5 be available for obligation or expenditure except in compli-
6 ance with the procedures set forth in that section.

7 GRANTS-IN-AID FOR AIRPORTS

8 (LIQUIDATION OF CONTRACT AUTHORIZATION)

9 (LIMITATION ON OBLIGATIONS)

10 (AIRPORT AND AIRWAY TRUST FUND)

11 (INCLUDING TRANSFER OF FUNDS)

12 For liquidation of obligations incurred for grants-in-
13 aid for airport planning and development, and noise com-
14 patibility planning and programs as authorized under sub-
15 chapter I of chapter 471 and subchapter I of chapter 475
16 of title 49, United States Code, and under other law au-
17 thorizing such obligations; for procurement, installation,
18 and commissioning of runway incursion prevention devices
19 and systems at airports of such title; for grants authorized
20 under section 41743 of title 49, United States Code; and
21 for inspection activities and administration of airport safe-
22 ty programs, including those related to airport operating
23 certificates under section 44706 of title 49, United States
24 Code, \$3,350,000,000, to be derived from the Airport and
25 Airway Trust Fund and to remain available until ex-

1 pended: *Provided*, That none of the amounts made avail-
2 able under this heading shall be available for the planning
3 or execution of programs the obligations for which are in
4 excess of \$3,350,000,000, in fiscal year 2023, notwith-
5 standing section 47117(g) of title 49, United States Code:
6 *Provided further*, That none of the amounts made available
7 under this heading shall be available for the replacement
8 of baggage conveyor systems, reconfiguration of terminal
9 baggage areas, or other airport improvements that are
10 necessary to install bulk explosive detection systems: *Pro-*
11 *vided further*, That notwithstanding section 47109(a) of
12 title 49, United States Code, the Government's share of
13 allowable project costs under paragraph (2) of such sec-
14 tion for subgrants or paragraph (3) of such section shall
15 be 95 percent for a project at other than a large or me-
16 dium hub airport that is a successive phase of a multi-
17 phased construction project for which the project sponsor
18 received a grant in fiscal year 2011 for the construction
19 project: *Provided further*, That notwithstanding any other
20 provision of law, of amounts limited under this heading,
21 not less than \$137,372,000 shall be available for adminis-
22 tration, \$15,000,000 shall be available for the Airport Co-
23 operative Research Program, \$40,828,000 shall be avail-
24 able for Airport Technology Research, and \$10,000,000,
25 to remain available until expended, shall be available and

1620

1 transferred to “Office of the Secretary, Salaries and Ex-
2 penses” to carry out the Small Community Air Service De-
3 velopment Program: *Provided further*, That in addition to
4 airports eligible under section 41743 of title 49, United
5 States Code, such program may include the participation
6 of an airport that serves a community or consortium that
7 is not larger than a small hub airport, according to FAA
8 hub classifications effective at the time the Office of the
9 Secretary issues a request for proposals.

10 GRANTS-IN-AID FOR AIRPORTS

11 For an additional amount for “Grants-In-Aid for Air-
12 ports”, to enable the Secretary of Transportation to make
13 grants for projects as authorized by subchapter 1 of chap-
14 ter 471 and subchapter 1 of chapter 475 of title 49,
15 United States Code, \$558,555,000, to remain available
16 through September 30, 2025: *Provided*, That amounts
17 made available under this heading shall be derived from
18 the general fund, and such funds shall not be subject to
19 apportionment formulas, special apportionment categories,
20 or minimum percentages under chapter 471 of title 49,
21 United States Code: *Provided further*, That of the sums
22 appropriated under this heading—

23 (1) \$283,555,000 shall be made available for
24 the purposes, and in amounts, specified for Commu-
25 nity Project Funding/Congressionally Directed

1621

1 Spending in the table entitled “Community Project
2 Funding/Congressionally Directed Spending” in-
3 cluded in the explanatory statement described in sec-
4 tion 4 (in the matter preceding division A of this
5 consolidated Act); and

6 (2) up to \$275,000,000 shall be made available
7 to the Secretary to distribute as discretionary grants
8 to airports, of which not less than \$25,000,000 shall
9 be made available to any commercial service airport,
10 notwithstanding the requirement for the airport to
11 be located in an air quality nonattainment or main-
12 tenance area in section 47102(3)(K) and
13 47102(3)(L) of title 49, United States Code, for
14 work necessary to construct or modify airport facili-
15 ties to provide low-emission fuel systems, gate elec-
16 trification, other related air quality improvements,
17 acquisition of airport-owned vehicles or ground sup-
18 port equipment with low-emission technology:

19 *Provided further,* That the Secretary may make discre-
20 tionary grants to primary airports for airport-owned infra-
21 structure required for the on-airport distribution, blend-
22 ing, or storage of sustainable aviation fuels that achieve
23 at least a 50 percent reduction in lifecycle greenhouse gas
24 emissions, using a methodology determined by the Sec-
25 retary, including, but not limited to, on-airport construc-

1 tion or expansion of pipelines, rail lines and spurs, loading
2 and off-loading facilities, blending facilities, and storage
3 tanks: *Provided further*, That the Secretary may make dis-
4 cretionary grants for airport development improvements of
5 primary runways, taxiways, and aprons necessary at a
6 nonhub, small hub, medium hub, or large hub airport to
7 increase operational resilience for the purpose of resuming
8 commercial service flight operations following an earth-
9 quake, flooding, high water, hurricane, storm surge, tidal
10 wave, tornado, tsunami, wind driven water, or winter
11 storms: *Provided further*, That the amounts made avail-
12 able under this heading shall not be subject to any limita-
13 tion on obligations for the Grants-in-Aid for Airports pro-
14 gram set forth in any Act: *Provided further*, That the Ad-
15 ministrator of the Federal Aviation Administration may
16 retain up to 0.5 percent of the amounts made available
17 under this heading to fund the award and oversight by
18 the Administrator of grants made under this heading.

19 ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION

20 ADMINISTRATION

21 SEC. 110. None of the funds made available by this
22 Act may be used to compensate in excess of 600 technical
23 staff-years under the federally funded research and devel-
24 opment center contract between the Federal Aviation Ad-

1 ministration and the Center for Advanced Aviation Sys-
2 tems Development during fiscal year 2023.

3 SEC. 111. None of the funds made available by this
4 Act shall be used to pursue or adopt guidelines or regula-
5 tions requiring airport sponsors to provide to the Federal
6 Aviation Administration without cost building construc-
7 tion, maintenance, utilities and expenses, or space in air-
8 port sponsor-owned buildings for services relating to air
9 traffic control, air navigation, or weather reporting: *Pro-*
10 *vided*, That the prohibition on the use of funds in this
11 section does not apply to negotiations between the agency
12 and airport sponsors to achieve agreement on “below-mar-
13 ket” rates for these items or to grant assurances that re-
14 quire airport sponsors to provide land without cost to the
15 Federal Aviation Administration for air traffic control fa-
16 cilities.

17 SEC. 112. The Administrator of the Federal Aviation
18 Administration may reimburse amounts made available to
19 satisfy section 41742(a)(1) of title 49, United States
20 Code, from fees credited under section 45303 of title 49,
21 United States Code, and any amount remaining in such
22 account at the close of any fiscal year may be made avail-
23 able to satisfy section 41742(a)(1) of title 49, United
24 States Code, for the subsequent fiscal year.

1 SEC. 113. Amounts collected under section 40113(e)
2 of title 49, United States Code, shall be credited to the
3 appropriation current at the time of collection, to be
4 merged with and available for the same purposes as such
5 appropriation.

6 SEC. 114. None of the funds made available by this
7 Act shall be available for paying premium pay under sec-
8 tion 5546(a) of title 5, United States Code, to any Federal
9 Aviation Administration employee unless such employee
10 actually performed work during the time corresponding to
11 such premium pay.

12 SEC. 115. None of the funds made available by this
13 Act may be obligated or expended for an employee of the
14 Federal Aviation Administration to purchase a store gift
15 card or gift certificate through use of a Government-issued
16 credit card.

17 SEC. 116. Notwithstanding any other provision of
18 law, none of the funds made available under this Act or
19 any prior Act may be used to implement or to continue
20 to implement any limitation on the ability of any owner
21 or operator of a private aircraft to obtain, upon a request
22 to the Administrator of the Federal Aviation Administra-
23 tion, a blocking of that owner's or operator's aircraft reg-
24 istration number, Mode S transponder code, flight identi-
25 fication, call sign, or similar identifying information from

1625

1 any ground based display to the public that would allow
2 the real-time or near real-time flight tracking of that air-
3 craft's movements, except data made available to a Gov-
4 ernment agency, for the noncommercial flights of that
5 owner or operator.

6 SEC. 117. None of the funds made available by this
7 Act shall be available for salaries and expenses of more
8 than nine political and Presidential appointees in the Fed-
9 eral Aviation Administration.

10 SEC. 118. None of the funds made available by this
11 Act may be used to increase fees pursuant to section
12 44721 of title 49, United States Code, until the Federal
13 Aviation Administration provides to the House and Senate
14 Committees on Appropriations a report that justifies all
15 fees related to aeronautical navigation products and ex-
16 plains how such fees are consistent with Executive Order
17 No. 13642.

18 SEC. 119. None of the funds made available by this
19 Act may be used to close a regional operations center of
20 the Federal Aviation Administration or reduce its services
21 unless the Administrator notifies the House and Senate
22 Committees on Appropriations not less than 90 full busi-
23 ness days in advance.

24 SEC. 119A. None of the funds made available by or
25 limited by this Act may be used to change weight restric-

1 tions or prior permission rules at Teterboro airport in
2 Teterboro, New Jersey.

3 SEC. 119B. None of the funds made available by this
4 Act may be used by the Administrator of the Federal Avia-
5 tion Administration to withhold from consideration and
6 approval any new application for participation in the Con-
7 tract Tower Program, or for reevaluation of Cost-share
8 Program participants so long as the Federal Aviation Ad-
9 ministration has received an application from the airport,
10 and so long as the Administrator determines such tower
11 is eligible using the factors set forth in Federal Aviation
12 Administration published establishment criteria.

13 SEC. 119C. None of the funds made available by this
14 Act may be used to open, close, redesignate as a lesser
15 office, or reorganize a regional office, the aeronautical cen-
16 ter, or the technical center unless the Administrator sub-
17 mits a request for the reprogramming of funds under sec-
18 tion 405 of this Act.

19 SEC. 119D. The Federal Aviation Administration Ad-
20 ministrative Services Franchise Fund may be reimbursed
21 after performance or paid in advance from funds available
22 to the Federal Aviation Administration and other Federal
23 agencies for which the Fund performs services.

24 SEC. 119E. None of the funds appropriated or other-
25 wise made available to the FAA may be used to carry out

1627

1 the FAA’s obligations under section 44502(e) of title 49,
2 United States Code, unless the eligible air traffic system
3 or equipment to be transferred to the FAA under section
4 44502(e) of title 49, United States Code, was purchased
5 by the transferor airport—

6 (1) during the period of time beginning on Oc-
7 tober 5, 2018 and ending on December 31, 2021; or

8 (2) on or after January 1, 2022 for transferor
9 airports located in a non-contiguous States.

10 SEC. 119F. Of the funds provided under the heading
11 “Grants-in-aid for Airports”, up to \$3,500,000 shall be
12 for necessary expenses, including an independent
13 verification regime, to provide reimbursement to airport
14 sponsors that do not provide gateway operations and pro-
15 viders of general aviation ground support services, or other
16 aviation tenants, located at those airports closed during
17 a temporary flight restriction (TFR) for any residence of
18 the President that is designated or identified to be secured
19 by the United States Secret Service, and for direct and
20 incremental financial losses incurred while such airports
21 are closed solely due to the actions of the Federal Govern-
22 ment: *Provided*, That no funds shall be obligated or dis-
23 tributed to airport sponsors that do not provide gateway
24 operations and providers of general aviation ground sup-
25 port services until an independent audit is completed: *Pro-*

1628

1 *vided further*, That losses incurred as a result of violations
2 of law, or through fault or negligence, of such operators
3 and service providers or of third parties (including air-
4 ports) are not eligible for reimbursements: *Provided fur-*
5 *ther*, That obligation and expenditure of funds are condi-
6 tional upon full release of the United States Government
7 for all claims for financial losses resulting from such ac-
8 tions.

9 FEDERAL HIGHWAY ADMINISTRATION

10 LIMITATION ON ADMINISTRATIVE EXPENSES

11 (HIGHWAY TRUST FUND)

12 (INCLUDING TRANSFER OF FUNDS)

13 Not to exceed \$473,535,991 together with advances
14 and reimbursements received by the Federal Highway Ad-
15 ministration, shall be obligated for necessary expenses for
16 administration and operation of the Federal Highway Ad-
17 ministration: *Provided*, That in addition, \$3,248,000 shall
18 be transferred to the Appalachian Regional Commission
19 in accordance with section 104(a) of title 23, United
20 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

1629

1 construction programs shall not exceed total obligations
2 of \$58,764,510,674 for fiscal year 2023: *Provided*, That
3 the 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), un-
6 less 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 Tran-
13 sit 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;
22 (2) the Appalachian Development Highway System as au-
23 thorized under section 1069(y) of Public Law 102–240;
24 (3) the nationally significant Federal lands and Tribal
25 projects program under section 1123 of the FAST Act,

1 as amended (23 U.S.C. 201 note); (4) the Northern Bor-
2 der Regional Commission (40 U.S.C. 15101 et seq.); or
3 (5) the Denali Commission, and shall not affect the dis-
4 tribution or amount of funds provided in any other Act:
5 *Provided further*, That, except for funds made available
6 under this heading for the Northern Border Regional
7 Commission and the Denali Commission, section 11101(e)
8 of Public Law 117–58 shall apply to funds made available
9 under this heading: *Provided further*, That unless other-
10 wise specified, amounts made available under this heading
11 shall be available until September 30, 2026, and shall not
12 be subject to any limitation on obligations for Federal-aid
13 highways or highway safety construction programs set
14 forth in any Act making annual appropriations: *Provided*
15 *further*, That of the sums appropriated under this head-
16 ing—

17 (1) \$1,862,811,613 shall be for the purposes,
18 and in the amounts, specified for Community
19 Project Funding/Congressionally Directed Spending
20 in the table entitled “Community Project Funding/
21 Congressionally Directed Spending” included in the
22 explanatory statement described in section 4 (in the
23 matter preceding division A of this consolidated
24 Act): *Provided*, That, except as otherwise provided
25 under this heading, the funds made available under

1631

1 this paragraph shall be administered as if appor-
2 tioned under chapter 1 of title 23, United States
3 Code: *Provided further*, That funds made available
4 under this paragraph that are used for Tribal
5 projects shall be administered as if allocated under
6 chapter 2 of title 23, United States Code, except
7 that the set-asides described in subparagraph (C) of
8 section 202(b)(3) of title 23, United States Code,
9 and subsections (a)(6), (c), and (e) of section 202 of
10 such title, and section 1123(h)(1) of MAP-21 (as
11 amended by Public Law 117-58), shall not apply to
12 such funds;

13 (2) \$100,000,000 shall be for necessary ex-
14 penses for construction of the Appalachian Develop-
15 ment Highway System, as authorized under section
16 1069(y) of Public Law 102-240: *Provided*, That for
17 the purposes of funds made available under this
18 paragraph, the term “Appalachian State” means a
19 State that contains 1 or more counties (including
20 any political subdivision located within the area) in
21 the Appalachian region as defined in section
22 14102(a) of title 40, United States Code: *Provided*
23 *further*, That funds made available under this head-
24 ing for construction of the Appalachian Development
25 Highway System shall remain available until ex-

1632

1 pended: *Provided further*, That, except as provided in
2 the following proviso, funds made available under
3 this heading for construction of the Appalachian De-
4 velopment Highway System shall be administered as
5 if apportioned under chapter 1 of title 23, United
6 States Code: *Provided further*, That a project carried
7 out with funds made available under this heading for
8 construction of the Appalachian Development High-
9 way System shall be carried out in the same manner
10 as a project under section 14501 of title 40, United
11 States Code: *Provided further*, That subject to the
12 following proviso, funds made available under this
13 heading for construction of the Appalachian Devel-
14 opment Highway System shall be apportioned to Ap-
15 palachian States according to the percentages de-
16 rived from the 2012 Appalachian Development
17 Highway System Cost-to-Complete Estimate, adopt-
18 ed in Appalachian Regional Commission Resolution
19 Number 736, and confirmed as each Appalachian
20 State's relative share of the estimated remaining
21 need to complete the Appalachian Development
22 Highway System, adjusted to exclude those corridors
23 that such States have no current plans to complete,
24 as reported in the 2013 Appalachian Development
25 Highway System Completion Report, unless those

1633

1 States have modified and assigned a higher priority
2 for completion of an Appalachian Development
3 Highway System corridor, as reported in the 2020
4 Appalachian Development Highway System Future
5 Outlook: *Provided further*, That the Secretary shall
6 adjust apportionments made under the preceding
7 proviso so that no Appalachian State shall be appor-
8 tioned an amount in excess of 30 percent of the
9 amount made available for construction of the Appa-
10 lachian Development Highway System under this
11 heading: *Provided further*, That the Secretary shall
12 consult with the Appalachian Regional Commission
13 in making adjustments under the preceding two pro-
14 visos: *Provided further*, That the Federal share of
15 the costs for which an expenditure is made for con-
16 struction of the Appalachian Development Highway
17 System under this heading shall be up to 100 per-
18 cent;

19 (3) \$40,000,000 shall be for the nationally sig-
20 nificant Federal lands and Tribal projects program
21 under section 1123 of the FAST Act (23 U.S.C. 201
22 note), of which not less than \$20,000,000 shall be
23 for competitive grants to tribal governments;

24 (4) \$12,000,000 shall be for the regional infra-
25 structure accelerator demonstration program author-

1634

1 ized under section 1441 of the FAST Act (23
2 U.S.C. 601 note): *Provided*, That for funds made
3 available under this paragraph, the Federal share of
4 the costs shall be, at the option of the recipient, up
5 to 100 percent;

6 (5) \$20,000,000 shall be for the national scenic
7 byways program under section 162 of title 23,
8 United States Code: *Provided*, That, except as other-
9 wise provided under this heading, the funds made
10 available under this paragraph shall be administered
11 as if apportioned under chapter 1 of title 23, United
12 States Code;

13 (6) \$45,000,000 shall be for the active trans-
14 portation infrastructure investment program under
15 section 11529 of the Infrastructure Investment and
16 Jobs Act (23 U.S.C. 217 note): *Provided*, That ex-
17 cept as otherwise provided under such section or this
18 heading, the funds made available under this para-
19 graph shall be administered as if apportioned under
20 chapter 1 of title 23, United States Code: *Provided*
21 *further*, That funds made available under this para-
22 graph shall remain available until expended;

23 (7) \$3,000,000 shall be to carry out the Polli-
24 nator-Friendly Practices on Roadsides and Highway

1635

1 Rights-of-Way Program under section 332 of title
2 23, United States Code;

3 (8) \$5,000,000 shall be for a cooperative series
4 of agreements with universities, Federal agencies,
5 the National Academy of Sciences, transportation
6 agencies, or nonprofit organizations, to examine the
7 impacts of culverts, roads, and bridges on threatened
8 or endangered salmon populations: *Provided*, That,
9 for funds made available under this paragraph, the
10 Federal share of the costs of an activity carried out
11 with such funds shall be 80 percent: *Provided fur-*
12 *ther*, That, except as otherwise provided under this
13 heading, the funds made available under this para-
14 graph shall be administered as if authorized under
15 chapter 5 of title 23, United States Code;

16 (9) \$1,145,000,000 shall be for a bridge re-
17 placement and rehabilitation program: *Provided*,
18 That, for the purposes of funds made available
19 under this paragraph, the term “State” means any
20 of the 50 States or the District of Columbia and the
21 term “qualifying State” means any State in which
22 the percentage of total deck area of bridges classi-
23 fied as in poor condition in such State is at least 5
24 percent or in which the percentage of total bridges
25 classified as in poor condition in such State is at

1 least 5 percent: *Provided further*, That, of the funds
2 made available under this paragraph, the Secretary
3 shall reserve \$6,000,000 for each State that does
4 not meet the definition of a qualifying State: *Pro-*
5 *vided further*, That, after making the reservations
6 under the preceding proviso, the Secretary shall dis-
7 tribute the remaining funds made available under
8 this paragraph to each qualifying State by the pro-
9 portion that the percentage of total deck area of
10 bridges classified as in poor condition in such quali-
11 fying State bears to the sum of the percentages of
12 total deck area of bridges classified as in poor condi-
13 tion in all qualifying States: *Provided further*, That,
14 of the funds made available under this paragraph—

15 (A) no qualifying State shall receive more
16 than \$60,000,000;

17 (B) each State shall receive an amount not
18 less than \$6,000,000; and

19 (C) after calculating the distribution of
20 funds pursuant to the preceding proviso, any
21 amount in excess of \$60,000,000 shall be redis-
22 tributed equally among each State that does not
23 meet the definition of a qualifying State:

24 *Provided further*, That the funds made available
25 under this paragraph shall be used for highway

1 bridge replacement or rehabilitation projects on pub-
2 lic roads: *Provided further*, That for purposes of this
3 paragraph, the Secretary shall calculate the percent-
4 ages of total deck area of bridges (including the per-
5 centages of total deck area classified as in poor con-
6 dition) and the percentages of total bridge counts
7 (including the percentages of total bridges classified
8 as in poor condition) based on the National Bridge
9 Inventory as of December 31, 2018: *Provided fur-*
10 *ther*, That, except as otherwise provided under this
11 heading, the funds made available under this para-
12 graph shall be administered as if apportioned under
13 chapter 1 of title 23, United States Code;

14 (10) \$15,000,000 shall be transferred to the
15 Northern Border Regional Commission (40 U.S.C.
16 15101 et seq.) to make grants, in addition to
17 amounts otherwise made available to the Northern
18 Border Regional Commission for such purpose, to
19 carry out pilot projects that demonstrate the capa-
20 bilities of wood-based infrastructure projects: *Pro-*
21 *vided*, That a grant made with funds made available
22 under this paragraph shall be administered in the
23 same manner as a grant made under subtitle V of
24 title 40, United States Code;

1638

1 (11) \$150,000,000 shall be for competitive
2 awards for activities eligible under section 176(d)(4)
3 of title 23, United States Code, of which
4 \$125,000,000 shall be for such activities eligible
5 under subparagraph (A) of such section, and of
6 which \$25,000,000 shall be for such activities eligi-
7 ble under subparagraph (C) of such section: *Pro-*
8 *vided*, That, except as otherwise provided under this
9 heading, the funds made available under this para-
10 graph shall be administered as if apportioned under
11 chapter 1 of title 23, United States Code: *Provided*
12 *further*, That, except as otherwise provided under
13 this heading, funds made available under this para-
14 graph shall be administered as if made available to
15 carry out section 176(d) of such title: *Provided fur-*
16 *ther*, That, for purposes of the calculation under sec-
17 tion 176(d)(5)(G)(ii) of such title, amounts made
18 available under this paragraph shall be included in
19 the calculation of the total amount provided for fis-
20 cal year 2023 under section 176(d) of such title:
21 *Provided further*, That for purposes of applying the
22 set-asides under section 176(d)(5)(H)(ii) and (iii) of
23 such title, amounts made available under this para-
24 graph for competitive awards for activities eligible
25 under sections 176(d)(4)(A) and 176(d)(4)(C) of

1 such title shall be included in the calculation of the
2 amounts made available to carry out section 176(d)
3 of such title for fiscal year 2023: *Provided further,*
4 That, the Secretary may retain not more than a
5 total of 5 percent of the amounts made available
6 under this paragraph to carry out this paragraph
7 and to review applications for grants under this
8 paragraph, and may transfer portions of the funds
9 retained under this proviso to the relevant Adminis-
10 trators to fund the award and oversight of grants
11 provided under this paragraph: *Provided further,*
12 That a project assisted with funds made available
13 under this paragraph shall be treated as a project on
14 a Federal-aid highway;

15 (12) \$5,000,000 shall be transferred to the
16 Denali Commission for activities eligible under sec-
17 tion 307(e) of the Denali Commission Act of 1998
18 (42 U.S.C. 3121 note; Public Law 105–277): *Pro-*
19 *vided,* That funds made available under this para-
20 graph shall not be subject to section 311 of such
21 Act: *Provided further,* That except as otherwise pro-
22 vided under section 307(e) of such Act or this head-
23 ing, funds made available under this paragraph shall
24 be administered as if directly appropriated to the
25 Denali Commission and subject to applicable provi-

1 sions of such Act, including the requirement in sec-
2 tion 307(e) of such Act that the local community
3 provides a 10 percent non-Federal match in the
4 form of any necessary land or planning and design
5 funds: *Provided further*, That such funds shall be
6 available until expended: *Provided further*, That the
7 Federal share of the costs for which an expenditure
8 is made with funds transferred under this paragraph
9 shall be up to 90 percent; and

10 (13) \$15,000,000 shall be transferred to the
11 Denali Commission to carry out the Denali Access
12 System Program under section 309 of the Denali
13 Commission Act of 1998 (42 U.S.C. 3121 note;
14 Public Law 105–277): *Provided*, That a transfer
15 under this paragraph shall not be subject to section
16 311 of such Act: *Provided further*, That except as
17 otherwise provided under this heading, funds made
18 available under this paragraph shall be administered
19 as if directly appropriated to the Denali Commission
20 and subject to applicable provisions of such Act:
21 *Provided further*, That funds made available under
22 this paragraph shall not be subject to section
23 309(j)(2) of such Act: *Provided further*, That funds
24 made available under this paragraph shall be avail-
25 able until expended: *Provided further*, That the Fed-

1641

1 eral share of the costs for which an expenditure is
2 made with funds transferred under this paragraph
3 shall be up to 100 percent.

4 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

5 ADMINISTRATION

6 SEC. 120. (a) For fiscal year 2023, the Secretary of
7 Transportation shall—

8 (1) not distribute from the obligation limitation
9 for Federal-aid highways—

10 (A) amounts authorized for administrative
11 expenses and programs by section 104(a) of
12 title 23, United States Code; and

13 (B) amounts authorized for the Bureau of
14 Transportation Statistics;

15 (2) not distribute an amount from the obliga-
16 tion limitation for Federal-aid highways that is equal
17 to the unobligated balance of amounts—

18 (A) made available from the Highway
19 Trust Fund (other than the Mass Transit Ac-
20 count) for Federal-aid highway and highway
21 safety construction programs for previous fiscal
22 years the funds for which are allocated by the
23 Secretary (or apportioned by the Secretary
24 under section 202 or 204 of title 23, United
25 States Code); and

1642

1 (B) for which obligation limitation was
2 provided in a previous fiscal year;

3 (3) determine the proportion that—

4 (A) the obligation limitation for Federal-
5 aid highways, less the aggregate of amounts not
6 distributed under paragraphs (1) and (2) of
7 this subsection; bears to

8 (B) the total of the sums authorized to be
9 appropriated for the Federal-aid highway and
10 highway safety construction programs (other
11 than sums authorized to be appropriated for
12 provisions of law described in paragraphs (1)
13 through (11) of subsection (b) and sums au-
14 thorized to be appropriated for section 119 of
15 title 23, United States Code, equal to the
16 amount referred to in subsection (b)(12) for
17 such fiscal year), less the aggregate of the
18 amounts not distributed under paragraphs (1)
19 and (2) of this subsection;

20 (4) distribute the obligation limitation for Fed-
21 eral-aid highways, less the aggregate amounts not
22 distributed under paragraphs (1) and (2), for each
23 of the programs (other than programs to which
24 paragraph (1) applies) that are allocated by the Sec-
25 retary under authorized Federal-aid highway and

1643

1 highway safety construction programs, or appor-
2 tioned by the Secretary under section 202 or 204 of
3 title 23, United States Code, by multiplying—

4 (A) the proportion determined under para-
5 graph (3); by

6 (B) the amounts authorized to be appro-
7 priated for each such program for such fiscal
8 year; and

9 (5) distribute the obligation limitation for Fed-
10 eral-aid highways, less the aggregate amounts not
11 distributed under paragraphs (1) and (2) and the
12 amounts distributed under paragraph (4), for Fed-
13 eral-aid highway and highway safety construction
14 programs that are apportioned by the Secretary
15 under title 23, United States Code (other than the
16 amounts apportioned for the National Highway Per-
17 formance Program in section 119 of title 23, United
18 States Code, that are exempt from the limitation
19 under subsection (b)(12) and the amounts appor-
20 tioned under sections 202 and 204 of that title) in
21 the proportion that—

22 (A) amounts authorized to be appropriated
23 for the programs that are apportioned under
24 title 23, United States Code, to each State for
25 such fiscal year; bears to

1644

1 (B) the total of the amounts authorized to
2 be appropriated for the programs that are ap-
3 portioned under title 23, United States Code, to
4 all States for such fiscal year.

5 (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—

6 The obligation limitation for Federal-aid highways shall
7 not apply to obligations under or for—

8 (1) section 125 of title 23, United States Code;

9 (2) section 147 of the Surface Transportation
10 Assistance Act of 1978 (23 U.S.C. 144 note; 92
11 Stat. 2714);

12 (3) section 9 of the Federal-Aid Highway Act
13 of 1981 (95 Stat. 1701);

14 (4) subsections (b) and (j) of section 131 of the
15 Surface Transportation Assistance Act of 1982 (96
16 Stat. 2119);

17 (5) subsections (b) and (c) of section 149 of the
18 Surface Transportation and Uniform Relocation As-
19 sistance Act of 1987 (101 Stat. 198);

20 (6) sections 1103 through 1108 of the Inter-
21 modal Surface Transportation Efficiency Act of
22 1991 (105 Stat. 2027);

23 (7) section 157 of title 23, United States Code
24 (as in effect on June 8, 1998);

1645

1 (8) section 105 of title 23, United States Code
2 (as in effect for fiscal years 1998 through 2004, but
3 only in an amount equal to \$639,000,000 for each
4 of those fiscal years);

5 (9) Federal-aid highway programs for which ob-
6 ligation authority was made available under the
7 Transportation Equity Act for the 21st Century
8 (112 Stat. 107) or subsequent Acts for multiple
9 years or to remain available until expended, but only
10 to the extent that the obligation authority has not
11 lapsed or been used;

12 (10) section 105 of title 23, United States Code
13 (as in effect for fiscal years 2005 through 2012, but
14 only in an amount equal to \$639,000,000 for each
15 of those fiscal years);

16 (11) section 1603 of SAFETEA-LU (23
17 U.S.C. 118 note; 119 Stat. 1248), to the extent that
18 funds obligated in accordance with that section were
19 not subject to a limitation on obligations at the time
20 at which the funds were initially made available for
21 obligation; and

22 (12) section 119 of title 23, United States Code
23 (but, for each of fiscal years 2013 through 2023,
24 only in an amount equal to \$639,000,000).

1 (c) REDISTRIBUTION OF UNUSED OBLIGATION AU-
2 THORITY.—Notwithstanding subsection (a), the Secretary
3 shall, after August 1 of such fiscal year—

4 (1) revise a distribution of the obligation limita-
5 tion made available under subsection (a) if an
6 amount distributed cannot be obligated during that
7 fiscal year; and

8 (2) redistribute sufficient amounts to those
9 States able to obligate amounts in addition to those
10 previously distributed during that fiscal year, giving
11 priority to those States having large unobligated bal-
12 ances of funds apportioned under sections 144 (as in
13 effect on the day before the date of enactment of
14 Public Law 112–141) and 104 of title 23, United
15 States Code.

16 (d) APPLICABILITY OF OBLIGATION LIMITATIONS TO
17 TRANSPORTATION RESEARCH PROGRAMS.—

18 (1) IN GENERAL.—Except as provided in para-
19 graph (2), the obligation limitation for Federal-aid
20 highways shall apply to contract authority for trans-
21 portation research programs carried out under—

22 (A) chapter 5 of title 23, United States
23 Code;

24 (B) title VI of the Fixing America’s Sur-
25 face Transportation Act; and

1647

1 (C) title III of division A of the Infrastruc-
2 ture Investment and Jobs Act (Public Law
3 117–58).

4 (2) EXCEPTION.—Obligation authority made
5 available under paragraph (1) shall—

6 (A) remain available for a period of 4 fis-
7 cal years; and

8 (B) be in addition to the amount of any
9 limitation imposed on obligations for Federal-
10 aid highway and highway safety construction
11 programs for future fiscal years.

12 (e) REDISTRIBUTION OF CERTAIN AUTHORIZED
13 FUNDS.—

14 (1) IN GENERAL.—Not later than 30 days after
15 the date of distribution of obligation limitation
16 under subsection (a), the Secretary shall distribute
17 to the States any funds (excluding funds authorized
18 for the program under section 202 of title 23,
19 United States Code) that—

20 (A) are authorized to be appropriated for
21 such fiscal year for Federal-aid highway pro-
22 grams; and

23 (B) the Secretary determines will not be
24 allocated to the States (or will not be appor-
25 tioned to the States under section 204 of title

1 23, United States Code), and will not be avail-
2 able for obligation, for such fiscal year because
3 of the imposition of any obligation limitation for
4 such fiscal year.

5 (2) **RATIO.**—Funds shall be distributed under
6 paragraph (1) in the same proportion as the dis-
7 tribution of obligation authority under subsection
8 (a)(5).

9 (3) **AVAILABILITY.**—Funds distributed to each
10 State under paragraph (1) shall be available for any
11 purpose described in section 133(b) of title 23,
12 United States Code.

13 **SEC. 121.** Notwithstanding 31 U.S.C. 3302, funds re-
14 ceived by the Bureau of Transportation Statistics from the
15 sale of data products, for necessary expenses incurred pur-
16 suant to chapter 63 of title 49, United States Code, may
17 be credited to the Federal-aid highways account for the
18 purpose of reimbursing the Bureau for such expenses.

19 **SEC. 122.** Not less than 15 days prior to waiving,
20 under his or her statutory authority, any Buy America re-
21 quirement for Federal-aid highways projects, the Sec-
22 retary of Transportation shall make an informal public no-
23 tice and comment opportunity on the intent to issue such
24 waiver and the reasons therefor: *Provided*, That the Sec-

1649

1 retary shall post on a website any waivers granted under
2 the Buy America requirements.

3 SEC. 123. None of the funds made available in this
4 Act may be used to make a grant for a project under sec-
5 tion 117 of title 23, United States Code, unless the Sec-
6 retary, at least 60 days before making a grant under that
7 section, provides written notification to the House and
8 Senate Committees on Appropriations of the proposed
9 grant, including an evaluation and justification for the
10 project and the amount of the proposed grant award.

11 SEC. 124. (a) A State or territory, as defined in sec-
12 tion 165 of title 23, United States Code, may use for any
13 project eligible under section 133(b) of title 23 or section
14 165 of title 23 and located within the boundary of the
15 State or territory any earmarked amount, and any associ-
16 ated obligation limitation: *Provided*, That the Department
17 of Transportation for the State or territory for which the
18 earmarked amount was originally designated or directed
19 notifies the Secretary of its intent to use its authority
20 under this section and submits an annual report to the
21 Secretary identifying the projects to which the funding
22 would be applied. Notwithstanding the original period of
23 availability of funds to be obligated under this section,
24 such funds and associated obligation limitation shall re-
25 main available for obligation for a period of 3 fiscal years

1 after the fiscal year in which the Secretary is notified. The
2 Federal share of the cost of a project carried out with
3 funds made available under this section shall be the same
4 as associated with the earmark.

5 (b) In this section, the term “earmarked amount”
6 means—

7 (1) congressionally directed spending, as de-
8 fined in rule XLIV of the Standing Rules of the
9 Senate, identified in a prior law, report, or joint ex-
10 planatory statement, which was authorized to be ap-
11 propriated or appropriated more than 10 fiscal years
12 prior to the current fiscal year, and administered by
13 the Federal Highway Administration; or

14 (2) a congressional earmark, as defined in rule
15 XXI of the Rules of the House of Representatives,
16 identified in a prior law, report, or joint explanatory
17 statement, which was authorized to be appropriated
18 or appropriated more than 10 fiscal years prior to
19 the current fiscal year, and administered by the Fed-
20 eral Highway Administration.

21 (c) The authority under subsection (a) may be exer-
22 cised only for those projects or activities that have obli-
23 gated less than 10 percent of the amount made available
24 for obligation as of October 1 of the current fiscal year,
25 and shall be applied to projects within the same general

1651

1 geographic area within 25 miles for which the funding was
2 designated, except that a State or territory may apply
3 such authority to unexpended balances of funds from
4 projects or activities the State or territory certifies have
5 been closed and for which payments have been made under
6 a final voucher.

7 (d) The Secretary shall submit consolidated reports
8 of the information provided by the States and territories
9 annually to the House and Senate Committees on Appro-
10 priations.

11 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

12 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

13 (LIQUIDATION OF CONTRACT AUTHORIZATION)

14 (LIMITATION ON OBLIGATIONS)

15 (HIGHWAY TRUST FUND)

16 For payment of obligations incurred in the implemen-
17 tation, execution and administration of motor carrier safe-
18 ty operations and programs pursuant to section 31110 of
19 title 49, United States Code, as amended by the Infra-
20 structure Investment and Jobs Act (Public Law 117-58),
21 \$367,500,000, to be derived from the Highway Trust
22 Fund (other than the Mass Transit Account), together
23 with advances and reimbursements received by the Fed-
24 eral Motor Carrier Safety Administration, the sum of
25 which shall remain available until expended: *Provided,*

1652

1 That funds available for implementation, execution, or ad-
2 ministration of motor carrier safety operations and pro-
3 grams authorized under title 49, United States Code, shall
4 not exceed total obligations of \$367,500,000, for “Motor
5 Carrier Safety Operations and Programs” for fiscal year
6 2023, of which \$14,073,000, to remain available for obli-
7 gation until September 30, 2025, is for the research and
8 technology program, and of which not less than
9 \$63,098,000, to remain available for obligation until Sep-
10 tember 30, 2025, is for development, modernization, en-
11 hancement, and continued operation and maintenance of
12 information technology and information management.

13 MOTOR CARRIER SAFETY GRANTS
14 (LIQUIDATION OF CONTRACT AUTHORIZATION)
15 (LIMITATION ON OBLIGATIONS)
16 (HIGHWAY TRUST FUND)

17 For payment of obligations incurred in carrying out
18 sections 31102, 31103, 31104, and 31313 of title 49,
19 United States Code, \$506,150,000, to be derived from the
20 Highway Trust Fund (other than the Mass Transit Ac-
21 count) and to remain available until expended: *Provided*,
22 That funds available for the implementation or execution
23 of motor carrier safety programs shall not exceed total ob-
24 ligations of \$506,150,000 in fiscal year 2023 for “Motor

1653

1 Carrier Safety Grants”: *Provided further*, That of the
2 amounts made available under this heading—

3 (1) \$398,500,000, to remain available for obli-
4 gation until September 30, 2024, shall be for the
5 motor carrier safety assistance program;

6 (2) \$42,650,000, to remain available for obliga-
7 tion until September 30, 2024, shall be for the com-
8 mercial driver’s license program implementation pro-
9 gram;

10 (3) \$58,800,000, to remain available for obliga-
11 tion until September 30, 2024, shall be for the high
12 priority program;

13 (4) \$1,200,000, to remain available for obliga-
14 tion until September 30, 2024, shall be for the com-
15 mercial motor vehicle operators grant program; and

16 (5) \$5,000,000, to remain available for obliga-
17 tion until September 30, 2024, shall be for the com-
18 mercial motor vehicle enforcement training and sup-
19 port grant program.

20 ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR

21 CARRIER SAFETY ADMINISTRATION

22 SEC. 130. The Federal Motor Carrier Safety Admin-
23 istration shall send notice of section 385.308 of title 49,
24 Code of Federal Regulations, violations by certified mail,
25 registered mail, or another manner of delivery, which

1655

1 OPERATIONS AND RESEARCH
2 (LIQUIDATION OF CONTRACT AUTHORIZATION)
3 (LIMITATION ON OBLIGATIONS)
4 (HIGHWAY TRUST FUND)

5 For payment of obligations incurred in carrying out
6 the provisions of section 403 of title 23, United States
7 Code, including behavioral research on Automated Driving
8 Systems and Advanced Driver Assistance Systems and im-
9 proving consumer responses to safety recalls, section
10 25024 of the Infrastructure Investment and Jobs Act
11 (Public Law 117–58), and chapter 303 of title 49, United
12 States Code, \$197,000,000, to be derived from the High-
13 way Trust Fund (other than the Mass Transit Account)
14 and to remain available until expended: *Provided*, That
15 none of the funds in this Act shall be available for the
16 planning or execution of programs the total obligations for
17 which, in fiscal year 2023, are in excess of \$197,000,000:
18 *Provided further*, That of the sums appropriated under
19 this heading—

20 (1) \$190,000,000 shall be for programs author-
21 ized under section 403 of title 23, United States
22 Code, including behavioral research on Automated
23 Driving Systems and Advanced Driver Assistance
24 Systems and improving consumer responses to safety

1656

1 recalls, and section 25024 of the Infrastructure In-
2 vestment and Jobs Act (Public Law 117–58); and

3 (2) \$7,000,000 shall be for the National Driver
4 Register authorized under chapter 303 of title 49,
5 United States Code:

6 *Provided further*, That within the \$197,000,000 obligation
7 limitation for operations and research, \$57,500,000 shall
8 remain available until September 30, 2024, and shall be
9 in addition to the amount of any limitation imposed on
10 obligations for future years: *Provided further*, That
11 amounts for behavioral research on Automated Driving
12 Systems and Advanced Driver Assistance Systems and im-
13 proving consumer responses to safety recalls are in addi-
14 tion to any other funds provided for those purposes for
15 fiscal year 2023 in this Act.

16 HIGHWAY TRAFFIC SAFETY GRANTS
17 (LIQUIDATION OF CONTRACT AUTHORIZATION)
18 (LIMITATION ON OBLIGATIONS)
19 (HIGHWAY TRUST FUND)

20 For payment of obligations incurred in carrying out
21 provisions of sections 402, 404, and 405 of title 23,
22 United States Code, and grant administration expenses
23 under chapter 4 of title 23, United States Code, to remain
24 available until expended, \$795,220,000, to be derived from
25 the Highway Trust Fund (other than the Mass Transit

1 Account): *Provided*, That none of the funds in this Act
2 shall be available for the planning or execution of pro-
3 grams for which the total obligations in fiscal year 2023
4 are in excess of \$795,220,000 for programs authorized
5 under sections 402, 404, and 405 of title 23, United
6 States Code, and grant administration expenses under
7 chapter 4 of title 23, United States Code: *Provided further*,
8 That of the sums appropriated under this heading—

9 (1) \$370,900,000 shall be for “Highway Safety
10 Programs” under section 402 of title 23, United
11 States Code;

12 (2) \$346,500,000 shall be for “National Pri-
13 ority Safety Programs” under section 405 of title
14 23, United States Code;

15 (3) \$38,300,000 shall be for the “High Visi-
16 bility Enforcement Program” under section 404 of
17 title 23, United States Code; and

18 (4) \$39,520,000 shall be for grant administra-
19 tive expenses under chapter 4 of title 23, United
20 States Code:

21 *Provided further*, That none of these funds shall be used
22 for construction, rehabilitation, or remodeling costs, or for
23 office furnishings and fixtures for State, local or private
24 buildings or structures: *Provided further*, That not to ex-
25 ceed \$500,000 of the funds made available for “National

1658

1 Priority Safety Programs” under section 405 of title 23,
2 United States Code, for “Impaired Driving Counter-
3 measures” (as described in subsection (d) of that section)
4 shall be available for technical assistance to the States:
5 *Provided further*, That with respect to the “Transfers”
6 provision under section 405(a)(8) of title 23, United
7 States Code, any amounts transferred to increase the
8 amounts made available under section 402 shall include
9 the obligation authority for such amounts: *Provided fur-*
10 *ther*, That the Administrator shall notify the House and
11 Senate Committees on Appropriations of any exercise of
12 the authority granted under the preceding proviso or
13 under section 405(a)(8) of title 23, United States Code,
14 within 5 days.

15 ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY

16 TRAFFIC SAFETY ADMINISTRATION

17 SEC. 140. An additional \$130,000 shall be made
18 available to the National Highway Traffic Safety Adminis-
19 tration, out of the amount limited for section 402 of title
20 23, United States Code, to pay for travel and related ex-
21 penses for State management reviews and to pay for core
22 competency development training and related expenses for
23 highway safety staff.

24 SEC. 141. The limitations on obligations for the pro-
25 grams of the National Highway Traffic Safety Adminis-

1 tration set in this Act shall not apply to obligations for
2 which obligation authority was made available in previous
3 public laws but only to the extent that the obligation au-
4 thority has not lapsed or been used.

5 SEC. 142. None of the funds in this Act or any other
6 Act shall be used to enforce the requirements of section
7 405(a)(9) of title 23, United States Code.

8 SEC. 143. Section 24220 of the Infrastructure Invest-
9 ment and Jobs Act (Public Law 117–58) is amended by
10 adding at the end the following:

11 “(f) SHORT TITLE.—This section may be cited as the
12 ‘Honoring the Abbas Family Legacy to Terminate Drunk
13 Driving Act’.”.

14 FEDERAL RAILROAD ADMINISTRATION

15 SAFETY AND OPERATIONS

16 For necessary expenses of the Federal Railroad Ad-
17 ministration, not otherwise provided for, \$250,449,000, of
18 which \$25,000,000 shall remain available until expended.

19 RAILROAD RESEARCH AND DEVELOPMENT

20 For necessary expenses for railroad research and de-
21 velopment, \$44,000,000, to remain available until ex-
22 pended: *Provided*, That of the amounts provided under
23 this heading, up to \$3,000,000 shall be available pursuant
24 to section 20108(d) of title 49, United States Code, for

1660

1 the construction, alteration, and repair of buildings and
2 improvements at the Transportation Technology Center.

3 FEDERAL-STATE PARTNERSHIP FOR INTERCITY

4 PASSENGER RAIL

5 For necessary expenses related to Federal-State
6 Partnership for Intercity Passenger Rail grants as author-
7 ized by section 24911 of title 49, United States Code,
8 \$100,000,000, to remain available until expended: *Pro-*
9 *vided*, That the Secretary may withhold up to 2 percent
10 of the amounts made available under this heading in this
11 Act for the costs of award and project management over-
12 sight of grants carried out under title 49, United States
13 Code.

14 CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY

15 IMPROVEMENTS

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses related to Consolidated Rail
18 Infrastructure and Safety Improvements grants, as au-
19 thorized by section 22907 of title 49, United States Code,
20 \$535,000,000, to remain available until expended: *Pro-*
21 *vided*, That of the amounts made available under this
22 heading in this Act—

23 (1) not less than \$150,000,000 shall be for
24 projects eligible under section 22907(c)(2) of title
25 49, United States Code, that support the develop-

1661

1 ment of new intercity passenger rail service routes
2 including alignments for existing routes;

3 (2) not less than \$25,000,000 shall be for
4 projects eligible under section 22907(c)(11) of title
5 49, United States Code: *Provided*, That for amounts
6 made available in this paragraph, the Secretary shall
7 give preference to projects that are located in coun-
8 ties with the most pedestrian trespasser casualties;

9 (3) \$5,000,000 shall be for preconstruction
10 planning activities and capital costs related to the
11 deployment of magnetic levitation transportation
12 projects;

13 (4) \$30,426,000 shall be made available for the
14 purposes, and in amounts, specified for Community
15 Project Funding/Congressionally Directed Spending
16 in the table entitled “Community Project Funding/
17 Congressionally Directed Spending” included in the
18 explanatory statement described in section 4 (in the
19 matter preceding division A of this consolidated
20 Act): *Provided*, That requirements under subsections
21 (g) and (l) of section 22907 of title 49, United
22 States Code, shall not apply to this paragraph: *Pro-*
23 *vided further*, That any remaining funds available
24 after the distribution of the Community Project
25 Funding/Congressionally Directed Spending de-

1662

1 scribed in this paragraph shall be available to the
2 Secretary to distribute as discretionary grants under
3 this heading; and

4 (5) not less than \$5,000,000 shall be available
5 for workforce development and training activities as
6 authorized under section 22907(c)(13) of title 49,
7 United States Code:

8 *Provided further*, That for amounts made available under
9 this heading in this Act, eligible projects under section
10 22907(c)(8) of title 49, United States Code, shall also in-
11 clude railroad systems planning (including the preparation
12 of regional intercity passenger rail plans and State Rail
13 Plans) and railroad project development activities (includ-
14 ing railroad project planning, preliminary engineering, de-
15 sign, environmental analysis, feasibility studies, and the
16 development and analysis of project alternatives): *Provided*
17 *further*, That section 22905(f) of title 49, United States
18 Code, shall not apply to amounts made available under
19 this heading in this Act for projects that implement or
20 sustain positive train control systems otherwise eligible
21 under section 22907(c)(1) of title 49, United States Code:
22 *Provided further*, That amounts made available under this
23 heading in this Act for projects selected for commuter rail
24 passenger transportation may be transferred by the Sec-
25 retary, after selection, to the appropriate agencies to be

1 administered in accordance with chapter 53 of title 49,
2 United States Code: *Provided further*, That for amounts
3 made available under this heading in this Act, eligible re-
4 cipients under section 22907(b)(7) of title 49, United
5 States Code, shall include any holding company of a Class
6 II railroad or Class III railroad (as those terms are de-
7 fined in section 20102 of title 49, United States Code):
8 *Provided further*, That section 22907(e)(1)(A) of title 49,
9 United States Code, shall not apply to amounts made
10 available under this heading in this Act: *Provided further*,
11 That section 22907(e)(1)(A) of title 49, United States
12 Code, shall not apply to amounts made available under
13 this heading in previous fiscal years if such funds are an-
14 nounced in a notice of funding opportunity that includes
15 funds made available under this heading in this Act: *Pro-*
16 *vided further*, That the preceding proviso shall not apply
17 to funds made available under this heading in the Infra-
18 structure Investment and Jobs Act (division J of Public
19 Law 117–58): *Provided further*, That unobligated balances
20 remaining after 6 years from the date of enactment of this
21 Act may be used for any eligible project under section
22 22907(c) of title 49, United States Code: *Provided further*,
23 That the Secretary may withhold up to 2 percent of the
24 amounts made available under this heading in this Act for

1664

1 the costs of award and project management oversight of
2 grants carried out under title 49, United States Code.

3 NORTHEAST CORRIDOR GRANTS TO THE NATIONAL
4 RAILROAD PASSENGER CORPORATION

5 To enable the Secretary of Transportation to make
6 grants to the National Railroad Passenger Corporation for
7 activities associated with the Northeast Corridor as au-
8 thorized by section 22101(a) of the Infrastructure Invest-
9 ment and Jobs Act (Public Law 117–58), \$1,260,000,000,
10 to remain available until expended: *Provided*, That the
11 Secretary may retain up to one-half of 1 percent of the
12 amounts made available under both this heading in this
13 Act and the “National Network Grants to the National
14 Railroad Passenger Corporation” heading in this Act to
15 fund the costs of project management and oversight of ac-
16 tivities authorized by section 22101(c) of the Infrastruc-
17 ture Investment and Jobs Act (Public Law 117–58): *Pro-*
18 *vided further*, That in addition to the project management
19 oversight funds authorized under section 22101(c) of the
20 Infrastructure Investment and Jobs Act (Public Law 117–
21 58), the Secretary may retain up to an additional
22 \$5,000,000 of the amounts made available under this
23 heading in this Act to fund expenses associated with the
24 Northeast Corridor Commission established under section
25 24905 of title 49, United States Code.

1665

1 NATIONAL NETWORK GRANTS TO THE NATIONAL
2 RAILROAD PASSENGER CORPORATION

3 To enable the Secretary of Transportation to make
4 grants to the National Railroad Passenger Corporation for
5 activities associated with the National Network as author-
6 ized by section 22101(b) of the Infrastructure Investment
7 and Jobs Act (division B of Public Law 117–58),
8 \$1,193,000,000, to remain available until expended: *Pro-*
9 *vided*, That the Secretary may retain up to an additional
10 \$3,000,000 of the funds provided under this heading in
11 this Act to fund expenses associated with the State-Sup-
12 ported Route Committee established under section 24712
13 of title 49, United States Code: *Provided further*, That at
14 least \$50,000,000 of the amount provided under this
15 heading in this Act shall be available for the development,
16 installation and operation of railroad safety improvements,
17 including the implementation of a positive train control
18 system, on State-supported routes as defined under sec-
19 tion 24102(13) of title 49, United States Code, on which
20 positive train control systems are not required by law or
21 regulation as identified on or before the date of enactment
22 of this Act: *Provided further*, That any unexpended bal-
23 ances from amounts provided under this heading in this
24 Act and in prior fiscal years for the development, installa-
25 tion and operation of railroad safety technology on State-

1666

1 supported routes on which positive train control systems
2 are not required by law or regulation shall also be avail-
3 able for railroad safety improvements on State-supported
4 routes as identified on or before the date of enactment
5 of Public Law 117–103: *Provided further*, That none of
6 the funds provided under this heading in this Act shall
7 be used by Amtrak to give notice under subsection (a) or
8 (c) of section 24706 of title 49, United States Code, with
9 respect to long-distance routes (as defined in section
10 24102 of title 49, United States Code) on which Amtrak
11 is the sole operator on a host railroad’s line and a positive
12 train control system is not required by law or regulation,
13 or, except in an emergency or during maintenance or con-
14 struction outages impacting such routes, to otherwise dis-
15 continue, reduce the frequency of, suspend, or substan-
16 tially alter the route of rail service on any portion of such
17 route operated in fiscal year 2018, including implementa-
18 tion of service permitted by section 24305(a)(3)(A) of title
19 49, United States Code, in lieu of rail service: *Provided*
20 *further*, That the National Railroad Passenger Corpora-
21 tion may use up to \$66,000,000 of the amounts made
22 available under this heading in this Act to support plan-
23 ning and capital costs, and operating assistance consistent
24 with the Federal funding limitations under section 22908
25 of title 49, United States Code, of corridors selected under

1667

1 section 25101 of title 49, United States Code, that are
2 operated by the National Railroad Passenger Corporation.

3 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD

4 ADMINISTRATION

5 (INCLUDING RESCISSION)

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 150. None of the funds made available by this
8 Act may be used by the National Railroad Passenger Cor-
9 poration in contravention of the Worker Adjustment and
10 Retraining Notification Act (29 U.S.C. 2101 et seq.).

11 SEC. 151. The amounts made available to the Sec-
12 retary or to the Federal Railroad Administration for the
13 costs of award, administration, and project management
14 oversight of financial assistance which are administered
15 by the Federal Railroad Administration, in this and prior
16 Acts, may be transferred to the Federal Railroad Adminis-
17 tration’s “Financial Assistance Oversight and Technical
18 Assistance” account for the necessary expenses to support
19 the award, administration, project management oversight,
20 and technical assistance of financial assistance adminis-
21 tered by the Federal Railroad Administration, in the same
22 manner as appropriated for in this and prior Acts: *Pro-*
23 *vided*, That this section shall not apply to amounts that
24 were previously designated by the Congress as an emer-
25 gency requirement pursuant to a concurrent resolution on

1 the budget or the Balanced Budget and Emergency Def-
2 icit Control Act of 1985.

3 SEC. 152. Amounts made available under the heading
4 “Department of Transportation—Federal Railroad Ad-
5 ministration—Restoration and Enhancement” in any
6 prior fiscal years are subject to the requirements of section
7 22908 of title 49, United States Code, as in effect on the
8 effective date of the Infrastructure Investment and Jobs
9 Act (Public Law 117–58).

10 SEC. 153. Section 802 of title VIII of division J of
11 Public Law 117–58 is amended—

12 (1) in the first proviso, by inserting “that could
13 be” after “amounts”; and

14 (2) in the second proviso, by inserting “that
15 could be” after “amounts”:

16 *Provided*, That amounts repurposed by the amendments
17 made by this section that were previously designated by
18 the Congress as an emergency requirement pursuant to
19 the Balanced Budget and Emergency Deficit Control Act
20 of 1985 or a concurrent resolution on the budget are des-
21 ignated as an emergency requirement pursuant to section
22 4001(a)(1) of S. Con. Res. 14 (117th Congress), the con-
23 current resolution on the budget for fiscal year 2022, and
24 section 1(e) of H. Res. 1151 (117th Congress) as en-
25 grossed in the House of Representatives on June 8, 2022.

1669

1 SEC. 154. Of the unobligated balances of funds re-
2 maining from—

3 (1) “Rail Line Relocation and Improvement
4 Program” account totaling \$1,811,124.16 appro-
5 priated by Public Law 112–10 is hereby perma-
6 nently rescinded; and

7 (2) “Railroad Safety Grants” account totaling
8 \$1,610,000.00 appropriated by Public Law 114–113
9 is hereby permanently rescinded.

10 SEC. 155. None of the funds made available to the
11 National Railroad Passenger Corporation may be used to
12 fund any overtime costs in excess of \$35,000 for any indi-
13 vidual employee: *Provided*, That the President of Amtrak
14 may waive the cap set in the preceding proviso for specific
15 employees when the President of Amtrak determines such
16 a cap poses a risk to the safety and operational efficiency
17 of the system: *Provided further*, That the President of Am-
18 trak shall report to the House and Senate Committees on
19 Appropriations no later than 60 days after the date of en-
20 actment of this Act, a summary of all overtime payments
21 incurred by Amtrak for 2022 and the 3 prior calendar
22 years: *Provided further*, That such summary shall include
23 the total number of employees that received waivers and
24 the total overtime payments Amtrak paid to employees re-

1670

1 ceiving waivers for each month for 2022 and for the 3
2 prior calendar years.

3 SEC. 156. None of the funds made available to the
4 National Railroad Passenger Corporation under the head-
5 ings “Northeast Corridor Grants to the National Railroad
6 Passenger Corporation” and “National Network Grants to
7 the National Railroad Passenger Corporation” may be
8 used to reduce the total number of Amtrak Police Depart-
9 ment uniformed officers patrolling on board passenger
10 trains or at stations, facilities or rights-of-way below the
11 staffing level on May 1, 2019.

12 SEC. 157. It is the sense of Congress that—

13 (1) long-distance passenger rail routes provide
14 much-needed transportation access for 4,700,000
15 riders in 325 communities in 40 States and are par-
16 ticularly important in rural areas; and

17 (2) long-distance passenger rail routes and
18 services should be sustained to ensure connectivity
19 throughout the National Network (as defined in sec-
20 tion 24102 of title 49, United States Code).

21 SEC. 158. State-supported routes operated by Am-
22 trak. Section 24712(a) of title 49, United States Code,
23 is hereby amended by inserting after section 24712(a)(7)
24 the following—

25 “(8) STAFFING.—The Committee may—

1671

1 “(A) appoint, terminate, and fix the com-
2 pensation of an executive director and other
3 Committee employees necessary for the Com-
4 mittee to carry out its duties; and

5 “(B) enter into contracts necessary to
6 carry out its duties, including providing Com-
7 mittee employees with retirement and other em-
8 ployee benefits under the condition that Non-
9 Federal members or officers, the executive di-
10 rector, and employees of the Committee are not
11 Federal employees for any purpose.

12 “(9) AUTHORIZATION OF APPROPRIATIONS.—
13 Amounts made available by the Secretary of Trans-
14 portation for the Committee may be used to carry
15 out this section.”.

16 SEC. 159. For an additional amount for “Consoli-
17 dated Rail Infrastructure and Safety Improvements”,
18 \$25,000,000, to remain available until expended, for
19 projects selected in response to the Notice of Funding Op-
20 portunity published by the Federal Railroad Administra-
21 tion on August 19, 2019 (84 FR 42979), and where a
22 grant for the project was obligated after June 1, 2021
23 and remains open: *Provided*, That sponsors of projects eli-
24 gible for funds made available under this heading in this
25 section shall provide sufficient written justification de-

1672

1 scribing, at a minimum, the current project cost estimate,
2 why the project cannot be completed with the obligated
3 grant amount, and any other relevant information, as de-
4 termined by the Secretary: *Provided further*, That funds
5 made available under this section shall be allocated to
6 projects eligible to receive funding under this section in
7 order of the date the grants were obligated: *Provided fur-*
8 *ther*, That the allocation under the preceding proviso will
9 be for the amounts necessary to cover increases to eligible
10 project costs since the grant was obligated, based on the
11 information provided: *Provided further*, That the amounts
12 made available under this section shall not be part of the
13 Federal share of total project costs under section
14 22907(h)(2) of title 49, United States Code: *Provided fur-*
15 *ther*, That the Federal Railroad Administration shall pro-
16 vide the amounts allocated to projects under this section
17 no later than 90 days after the date the sufficient written
18 justifications required under this section have been sub-
19 mitted.

1673

1 FEDERAL TRANSIT ADMINISTRATION
2 TRANSIT FORMULA GRANTS
3 (LIQUIDATION OF CONTRACT AUTHORIZATION)
4 (LIMITATION ON OBLIGATIONS)
5 (HIGHWAY TRUST FUND)

6 For payment of obligations incurred in the Federal
7 Public Transportation Assistance Program in this ac-
8 count, and for payment of obligations incurred in carrying
9 out the provisions of 49 U.S.C. 5305, 5307, 5310, 5311,
10 5312, 5314, 5318, 5329(e)(6), 5334, 5335, 5337, 5339,
11 and 5340, as amended by the Infrastructure Investment
12 and Jobs Act, section 20005(b) of Public Law 112–141,
13 and section 3006(b) of the Fixing America’s Surface
14 Transportation Act, \$13,634,000,000, to be derived from
15 the Mass Transit Account of the Highway Trust Fund
16 and to remain available until expended: *Provided*, That
17 funds available for the implementation or execution of pro-
18 grams authorized under 49 U.S.C. 5305, 5307, 5310,
19 5311, 5312, 5314, 5318, 5329(e)(6), 5334, 5335, 5337,
20 5339, and 5340, as amended by the Infrastructure Invest-
21 ment and Jobs Act, section 20005(b) of Public Law 112–
22 141, and section 3006(b) of the Fixing America’s Surface
23 Transportation Act, shall not exceed total obligations of
24 \$13,634,000,000 in fiscal year 2023.

1674

1 TRANSIT INFRASTRUCTURE GRANTS

2 For an additional amount for buses and bus facilities
3 grants under section 5339(b) of title 49, United States
4 Code, low or no emission grants under section 5339(c) of
5 such title, ferry boats grants under section 5307(h) of
6 such title, bus testing facilities under section 5318 of such
7 title, innovative mobility solutions grants under section
8 5312 of such title, accelerating innovative mobility initia-
9 tive grants under section 5312 of such title, accelerating
10 the adoption of zero emission buses under section 5312
11 of such title, Community Project Funding/Congressionally
12 Directed Spending for projects and activities eligible under
13 chapter 53 of such title, and ferry service for rural com-
14 munities under section 71103 of division G of Public Law
15 117–58, \$541,959,324, to remain available until ex-
16 pended: *Provided*, That of the sums provided under this
17 heading in this Act—

18 (1) \$90,000,000 shall be available for buses and
19 bus facilities competitive grants as authorized under
20 section 5339(b) of such title;

21 (2) \$50,000,000 shall be available for the low
22 or no emission grants as authorized under section
23 5339(c) of such title: *Provided*, That the minimum
24 grant award shall be not less than \$750,000;

1675

1 (3) \$15,000,000 shall be available for ferry
2 boat grants as authorized under section 5307(h) of
3 such title: *Provided*, That of the amounts provided
4 under this paragraph, no less than \$5,000,000 shall
5 be available for low or zero emission ferries or fer-
6 ries using electric battery or fuel cell components
7 and the infrastructure to support such ferries;

8 (4) \$2,000,000 shall be available for the oper-
9 ation and maintenance of the bus testing facilities
10 selected under section 5318 of such title;

11 (5) \$360,459,324 shall be available for the pur-
12 poses, and in amounts, specified for Community
13 Project Funding/Congressionally Directed Spending
14 in the table entitled “Community Project Funding/
15 Congressionally Directed Spending” included in the
16 explanatory statement described in section 4 (in the
17 matter preceding division A of this consolidated
18 Act): *Provided*, That unless otherwise specified, ap-
19 plicable requirements under chapter 53 of title 49,
20 United States Code, shall apply to amounts made
21 available in this paragraph, except that the Federal
22 share of the costs for a project in this paragraph
23 shall be in an amount equal to 80 percent of the net
24 costs of the project, unless the Secretary approves a
25 higher maximum Federal share of the net costs of

1676

1 the project consistent with administration of similar
2 projects funded under chapter 53 of title 49, United
3 States Code;

4 (6) \$17,500,000 shall be available for ferry
5 service for rural communities under section 71103 of
6 division G of Public Law 117–58: *Provided*, That for
7 amounts made available in this paragraph, notwith-
8 standing section 71103(a)(2)(B), eligible service
9 shall include passenger ferry service that serves at
10 least two rural areas with a single segment over 20
11 miles between the two rural areas and is not other-
12 wise eligible under section 5307(h) of title 49,
13 United States Code: *Provided further*, That entities
14 that provide eligible service pursuant to the pre-
15 ceding proviso may use amounts made available in
16 this paragraph for public transportation capital
17 projects to support any ferry service between two
18 rural areas: *Provided further*, That entities eligible
19 for amounts made available in this paragraph shall
20 only provide ferry service to rural areas;

21 (7) \$1,000,000 shall be available for the dem-
22 onstration and deployment of innovative mobility so-
23 lutions as authorized under section 5312 of title 49,
24 United States Code: *Provided*, That such amounts
25 shall be available for competitive grants or coopera-

1677

1 tive agreements for the development of software to
2 facilitate the provision of demand-response public
3 transportation service that dispatches public trans-
4 portation fleet vehicles through riders mobile devices
5 or other advanced means: *Provided further*, That the
6 Secretary shall evaluate the potential for software
7 developed with grants or cooperative agreements to
8 be shared for use by public transportation agencies;

9 (8) \$1,000,000 shall be for the accelerating in-
10 novative mobility initiative as authorized under sec-
11 tion 5312 of title 49, United States Code: *Provided*,
12 That such amounts shall be available for competitive
13 grants to improve mobility and enhance the rider ex-
14 perience with a focus on innovative service delivery
15 models, creative financing, novel partnerships, and
16 integrated payment solutions in order to help dis-
17 seminate proven innovation mobility practices
18 throughout the public transportation industry; and

19 (9) \$5,000,000 shall be available to support
20 technical assistance, research, demonstration, or de-
21 ployment activities or projects to accelerate the
22 adoption of zero emission buses in public transit as
23 authorized under section 5312 of title 49, United
24 States Code:

1 *Provided further*, That amounts made available under this
2 heading in this Act shall be derived from the general fund:

3 *Provided further*, That amounts made available under this
4 heading in this Act shall not be subject to any limitation
5 on obligations for transit programs set forth in this or any
6 other Act.

7 TECHNICAL ASSISTANCE AND TRAINING

8 For necessary expenses to carry out section 5314 of
9 title 49, United States Code, \$7,500,000, to remain avail-
10 able until September 30, 2024: *Provided*, That the assist-
11 ance provided under this heading does not duplicate the
12 activities of section 5311(b) or section 5312 of title 49,
13 United States Code: *Provided further*, That amounts made
14 available under this heading are in addition to any other
15 amounts made available for such purposes: *Provided fur-*
16 *ther*, That amounts made available under this heading
17 shall not be subject to any limitation on obligations set
18 forth in this or any other Act.

19 CAPITAL INVESTMENT GRANTS

20 For necessary expenses to carry out fixed guideway
21 capital investment grants under section 5309 of title 49,
22 United States Code, and section 3005(b) of the Fixing
23 America's Surface Transportation Act (Public Law 114–
24 94), \$2,210,000,000, to remain available until expended:

1679

1 *Provided*, That of the sums appropriated under this head-
2 ing in this Act—

3 (1) \$1,772,900,000 shall be available for
4 projects authorized under section 5309(d) of title
5 49, United States Code;

6 (2) \$100,000,000 shall be available for projects
7 authorized under section 5309(e) of title 49, United
8 States Code;

9 (3) \$215,000,000 shall be available for projects
10 authorized under section 5309(h) of title 49, United
11 States Code; and

12 (4) \$100,000,000 shall be available for projects
13 authorized under section 3005(b) of the Fixing
14 America's Surface Transportation Act:

15 *Provided further*, That the Secretary shall continue to ad-
16 minister the capital investment grants program in accord-
17 ance with the procedural and substantive requirements of
18 section 5309 of title 49, United States Code, and of sec-
19 tion 3005(b) of the Fixing America's Surface Transpor-
20 tation Act: *Provided further*, That projects that receive a
21 grant agreement under the Expedited Project Delivery for
22 Capital Investment Grants Pilot Program under section
23 3005(b) of the Fixing America's Surface Transportation
24 Act shall be deemed eligible for funding provided for
25 projects under section 5309 of title 49, United States

1680

1 Code, without further evaluation or rating under such sec-
2 tion: *Provided further*, That such funding shall not exceed
3 the Federal share under section 3005(b): *Provided further*,
4 That upon submission to the Congress of the fiscal year
5 2024 President's budget, the Secretary of Transportation
6 shall transmit to Congress the annual report on capital
7 investment grants, including proposed allocations for fiscal
8 year 2024.

9 GRANTS TO THE WASHINGTON METROPOLITAN AREA

10 TRANSIT AUTHORITY

11 For grants to the Washington Metropolitan Area
12 Transit Authority as authorized under section 601 of divi-
13 sion B of the Passenger Rail Investment and Improvement
14 Act of 2008 (Public Law 110-432), \$150,000,000, to re-
15 main available until expended: *Provided*, That the Sec-
16 retary of Transportation shall approve grants for capital
17 and preventive maintenance expenditures for the Wash-
18 ington Metropolitan Area Transit Authority only after re-
19 ceiving and reviewing a request for each specific project:
20 *Provided further*, That the Secretary shall determine that
21 the Washington Metropolitan Area Transit Authority has
22 placed the highest priority on those investments that will
23 improve the safety of the system before approving such
24 grants.

1681

1 ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

2 ADMINISTRATION

3 (INCLUDING RESCISSIONS)

4 SEC. 160. The limitations on obligations for the pro-
5 grams of the Federal Transit Administration shall not
6 apply to any authority under 49 U.S.C. 5338, previously
7 made available for obligation, or to any other authority
8 previously made available for obligation.

9 SEC. 161. Notwithstanding any other provision of
10 law, funds appropriated or limited by this Act under the
11 heading “Capital Investment Grants” of the Federal
12 Transit Administration for projects specified in this Act
13 not obligated by September 30, 2026, and other recov-
14 eries, shall be directed to projects eligible to use the funds
15 for the purposes for which they were originally provided.

16 SEC. 162. Notwithstanding any other provision of
17 law, any funds appropriated before October 1, 2022, under
18 any section of chapter 53 of title 49, United States Code,
19 that remain available for expenditure, may be transferred
20 to and administered under the most recent appropriation
21 heading for any such section.

22 SEC. 163. None of the funds made available by this
23 Act or any other Act shall be used to adjust appor-
24 tions or withhold funds from apportionments pursuant

1682

1 to section 9503(e)(4) of the Internal Revenue Code of
2 1986 (26 U.S.C. 9503(e)(4)).

3 SEC. 164. None of the funds made available by this
4 Act or any other Act shall be used to impede or hinder
5 project advancement or approval for any project seeking
6 a Federal contribution from the capital investment grants
7 program of greater than 40 percent of project costs as
8 authorized under section 5309 of title 49, United States
9 Code.

10 SEC. 165. For an additional amount for “Department
11 of Transportation—Federal Transit Administration—
12 Capital Investment Grants”, \$425,000,000, to remain
13 available until expended, for allocation to recipients with
14 existing full funding grant agreements under sections
15 5309(d) and 5309(e) of title 49, United States Code: *Pro-*
16 *vided*, That allocations shall be made only to recipients—

17 (1) that have received allocations for fiscal year
18 2022 or that have expended 100 percent of the
19 funds allocated under section 3401(b)(4) of the
20 American Rescue Plan Act of 2021 (Public Law
21 117–2); and

22 (2) that have a non-capital investment grant
23 share of at least \$800,000,000 and either a capital
24 investment grant share of 40 percent or less or

1683

1 signed a full funding grant agreement between Jan-
2 uary 20, 2017 and January 20, 2021; and

3 (3) that have expended at least 75 percent of
4 the allocations received under paragraph (4) of sec-
5 tion 3401(b) of the American Rescue Plan Act of
6 2021 (Public Law 117–2) or expended at least 50
7 percent of the Federal operating assistance alloca-
8 tions received under section 5307 of title 49, United
9 States Code, in the Coronavirus Aid, Relief, and
10 Economic Security Act (Public Law 116–136), the
11 Coronavirus Response and Relief Supplemental Ap-
12 propriations Act, 2021 (division M of Public Law
13 116–260), or the American Rescue Plan Act of 2021
14 (Public Law 117–2):

15 *Provided further*, That recipients with projects open for
16 revenue 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
22 in this section: *Provided further*, That the Secretary shall
23 proportionally distribute funds in excess of such 15 per-
24 cent to recipients for which the percent of funds does not
25 exceed 15 percent: *Provided further*, That amounts allo-

1684

1 cated pursuant to this section shall be provided to eligible
2 recipients notwithstanding the limitation of any calcula-
3 tion of the maximum amount of Federal financial assist-
4 ance for the project under section 5309(k)(2)(C)(ii) of
5 title 49, United States Code: *Provided further*, That the
6 Federal Transit Administration shall allocate amounts
7 under this section no later than 30 days after the date
8 of enactment of this Act.

9 SEC. 166. (a) The remaining unobligated balances,
10 as of September 30, 2023, from amounts made available
11 to the Department of Transportation in section 422 under
12 title IV of division L of the Consolidated Appropriations
13 Act, 2022 (Public Law 117–103) are hereby rescinded,
14 and an amount of additional new budget authority equiva-
15 lent to the amount rescinded is hereby appropriated on
16 September 30, 2023, for an additional amount for fiscal
17 year 2023, to remain available until September 30, 2025,
18 and shall be available for the same purposes and under
19 the same authorities for which such amounts were origi-
20 nally provided in the Consolidated Appropriations Act,
21 2019 (Public Law 116–6).

22 (b) The remaining unobligated balances, as of Sep-
23 tember 30, 2023, from amounts made available to the De-
24 partment of Transportation under the heading “Federal
25 Transit Administration—Capital Investment Grants” in

1685

1 division H of the Further Consolidated Appropriations
2 Act, 2020 (Public Law 116–94) are hereby rescinded, and
3 an amount of additional new budget authority equivalent
4 to the amount rescinded is hereby appropriated on Sep-
5 tember 30, 2023, for an additional amount for fiscal year
6 2023, to remain available until September 30, 2025, and
7 shall be available for the same purposes and under the
8 same authorities for which such amounts were originally
9 provided in Public Law 116–94.

10 SEC. 167. Any unexpended balances from amounts
11 previously appropriated for low or no emission vehicle
12 component assessment under 49 U.S.C. 5312(h) under the
13 headings “Transit Formula Grants” and “Transit Infra-
14 structure Grants” in fiscal years 2021 and 2022 may be
15 used by the facilities selected for such vehicle component
16 assessment for capital projects in order to build new infra-
17 structure and enhance existing facilities in order to expand
18 component testing capability, in accordance with the in-
19 dustry stakeholder testing objectives and capabilities as
20 outlined through the work of the Federal Transit Adminis-
21 tration Transit Vehicle Innovation and Deployment Cen-
22 ters program and included in the Center for Transpor-
23 tation and the Environment report submitted to the Fed-
24 eral Transit Administration for review.

1686

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
11 budget 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
19 the Harbor Maintenance Trust Fund, pursuant to section
20 210 of the Water Resources Development Act of 1986 (33
21 U.S.C. 2238): *Provided*, That of the amounts made avail-
22 able under this heading, not less than \$14,800,000 shall
23 be for the seaway infrastructure program.

1687

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 secu-
7 rity needs of the United States, \$318,000,000, to remain
8 available until expended: *Provided*, That of the unobli-
9 gated balances from prior year appropriations available
10 under this heading, \$55,000,000 are hereby permanently
11 rescinded.

12 CABLE SECURITY FLEET

13 For the cable security fleet program, as authorized
14 under chapter 532 of title 46, United States Code,
15 \$10,000,000, to remain available until expended.

16 TANKER SECURITY PROGRAM

17 For Tanker Security Fleet payments, as authorized
18 under section 53406 of title 46, United States Code,
19 \$60,000,000, to remain available until expended.

20 OPERATIONS AND TRAINING

21 For necessary expenses of operations and training ac-
22 tivities authorized by law, \$213,181,000: *Provided*, That
23 of the sums appropriated under this heading—

1688

1 (1) \$87,848,000 shall remain available until
2 September 30, 2024, for the operations of the
3 United States Merchant Marine Academy;

4 (2) \$11,900,000 shall remain available until ex-
5 pended, for facilities maintenance and repair, and
6 equipment, at the United States Merchant Marine
7 Academy;

8 (3) \$31,921,000 shall remain available until ex-
9 pended, for capital improvements at the United
10 States Merchant Marine Academy;

11 (4) \$6,000,000 shall remain available until Sep-
12 tember 30, 2024, for the Maritime Environmental
13 and Technical Assistance program authorized under
14 section 50307 of title 46, United States Code; and

15 (5) \$10,000,000 shall remain available until ex-
16 pended, for the America's Marine Highway Program
17 to make grants for the purposes authorized under
18 paragraphs (1) and (3) of section 55601(b) of title
19 46, United States Code:

20 *Provided further*, That the Administrator of the Maritime
21 Administration shall transmit to the House and Senate
22 Committees on Appropriations the annual report on sexual
23 assault and sexual harassment at the United States Mer-
24 chant Marine Academy as required pursuant to section
25 3510 of the National Defense Authorization Act for fiscal

1689

1 year 2017 (46 U.S.C. 51318): *Provided further*, That
2 available balances under this heading for the Short Sea
3 Transportation Program (now known as the America's
4 Marine Highway Program) from prior year recoveries
5 shall be available to carry out activities authorized under
6 paragraphs (1) and (3) of section 55601(b) of title 46,
7 United States Code.

8 STATE MARITIME ACADEMY OPERATIONS

9 For necessary expenses of operations, support, and
10 training activities for State Maritime Academies,
11 \$120,700,000: *Provided*, That of the sums appropriated
12 under this heading—

13 (1) \$30,500,000 shall remain available until ex-
14 pended, for maintenance, repair, life extension, in-
15 surance, and capacity improvement of National De-
16 fense Reserve Fleet training ships, and for support
17 of training ship operations at the State Maritime
18 Academies, of which not more than \$8,000,000 shall
19 be for expenses related to training mariners, and for
20 costs associated with training vessel sharing pursu-
21 ant to section 51504(g)(3) of title 46, United States
22 Code, for costs associated with mobilizing, operating
23 and demobilizing the vessel; travel costs for stu-
24 dents, faculty and crew; and the costs of the general
25 agent, crew costs, fuel, insurance, operational fees,

1 and vessel hire costs, as determined by the Sec-
2 retary;

3 (2) \$75,000,000 shall remain available until ex-
4 pended, for the National Security Multi-Mission Ves-
5 sel Program, including funds for construction, plan-
6 ning, administration, and design of school ships and,
7 as determined by the Secretary, necessary expenses
8 to design, plan, construct infrastructure, and pur-
9 chase equipment necessary to berth such ships;

10 (3) \$2,400,000 shall remain available until Sep-
11 tember 30, 2027, for the Student Incentive Pro-
12 gram;

13 (4) \$6,800,000 shall remain available until ex-
14 pended, for training ship fuel assistance; and

15 (5) \$6,000,000 shall remain available until Sep-
16 tember 30, 2024, for direct payments for State Mar-
17 itime Academies:

18 *Provided further*, That the Administrator of the Maritime
19 Administration may use the funds made available under
20 paragraph (2) and the funds provided for shoreside infra-
21 structure improvements in Public Law 117–103 for the
22 purposes described in paragraph (2): *Provided further*,
23 That such funds may be used to reimburse State Maritime
24 Academies for costs incurred prior to the date of enact-
25 ment of this Act.

1691

1 ASSISTANCE TO SMALL SHIPYARDS

2 To make grants to qualified shipyards as authorized
3 under section 54101 of title 46, United States Code,
4 \$20,000,000, to remain available until expended.

5 SHIP DISPOSAL

6 (INCLUDING RESCISSION OF FUNDS)

7 For necessary expenses related to the disposal of ob-
8 solete vessels in the National Defense Reserve Fleet of the
9 Maritime Administration, \$6,000,000, to remain available
10 until expended: *Provided*, That of the unobligated balances
11 from prior year appropriations made available under this
12 heading, \$12,000,000 are hereby permanently rescinded.

13 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

14 ACCOUNT

15 (INCLUDING TRANSFER OF FUNDS)

16 For administrative expenses to carry out the guaran-
17 teed loan program, \$3,000,000, which shall be transferred
18 to and merged with the appropriations for “Maritime Ad-
19 ministration—Operations and Training”.

20 PORT INFRASTRUCTURE DEVELOPMENT PROGRAM

21 To make grants to improve port facilities as author-
22 ized under section 54301 of title 46, United States Code,
23 \$212,203,512, to remain available until expended: *Pro-*
24 *vided*, That projects eligible for amounts made available
25 under this heading in this Act shall be projects for coastal

1 seaports, inland river ports, or Great Lakes ports: *Pro-*
2 *vided further*, That of the amounts made available under
3 this heading in this Act, not less than \$187,203,512 shall
4 be for coastal seaports or Great Lakes ports: *Provided fur-*
5 *ther*, That the requirements under section 3501(a)(12) of
6 the National Defense Authorization Act for Fiscal Year
7 2022 (Public Law 117–81) shall apply to amounts made
8 available under this heading in this Act: *Provided further*,
9 That for grants awarded under this heading in this Act,
10 the minimum grant size shall be \$1,000,000: *Provided fur-*
11 *ther*, That for amounts made available under this heading
12 in this Act, the requirement under section
13 54301(a)(6)(A)(ii) of title 46, United States Code, shall
14 not apply to projects located in noncontiguous States or
15 territories.

16 ADMINISTRATIVE PROVISION—MARITIME

17 ADMINISTRATION

18 SEC. 170. Notwithstanding any other provision of
19 this Act, in addition to any existing authority, the Mari-
20 time Administration is authorized to furnish utilities and
21 services and make necessary repairs in connection with
22 any lease, contract, or occupancy involving Government
23 property under control of the Maritime Administration:
24 *Provided*, That payments received therefor shall be cred-
25 ited to the appropriation charged with the cost thereof and

1693

1 shall remain available until expended: *Provided further*,
2 That rental payments under any such lease, contract, or
3 occupancy for items other than such utilities, services, or
4 repairs shall be deposited into the Treasury as miscella-
5 neous receipts.

6 PIPELINE AND HAZARDOUS MATERIALS SAFETY

7 ADMINISTRATION

8 OPERATIONAL EXPENSES

9 For necessary operational expenses of the Pipeline
10 and Hazardous Materials Safety Administration,
11 \$29,936,000, of which \$4,500,000 shall remain available
12 until September 30, 2025.

13 HAZARDOUS MATERIALS SAFETY

14 For expenses necessary to discharge the hazardous
15 materials safety functions of the Pipeline and Hazardous
16 Materials Safety Administration, \$70,743,000, of which
17 \$12,070,000 shall remain available until September 30,
18 2025, of which \$1,000,000 shall be made available for car-
19 rying out section 5107(i) of title 49, United States Code:
20 *Provided*, That up to \$800,000 in fees collected under sec-
21 tion 5108(g) of title 49, United States Code, shall be de-
22 posited in the general fund of the Treasury as offsetting
23 receipts: *Provided further*, That there may be credited to
24 this appropriation, to be available until expended, funds
25 received from States, counties, municipalities, other public

1694

1 authorities, and private sources for expenses incurred for
2 training, for reports publication and dissemination, and
3 for travel expenses incurred in performance of hazardous
4 materials exemptions and approvals functions.

5

PIPELINE SAFETY

6

(PIPELINE SAFETY FUND)

7

(OIL SPILL LIABILITY TRUST FUND)

8 For expenses necessary to carry out a pipeline safety
9 program, as authorized by section 60107 of title 49,
10 United States Code, and to discharge the pipeline program
11 responsibilities of the Oil Pollution Act of 1990 (Public
12 Law 101–380), \$190,385,000, to remain available until
13 September 30, 2025, of which \$29,000,000 shall be de-
14 rived from the Oil Spill Liability Trust Fund; of which
15 \$153,985,000 shall be derived from the Pipeline Safety
16 Fund; of which \$400,000 shall be derived from the fees
17 collected under section 60303 of title 49, United States
18 Code, and deposited in the Liquefied Natural Gas Siting
19 Account for compliance reviews of liquefied natural gas
20 facilities; and of which \$7,000,000 shall be derived from
21 fees collected under section 60302 of title 49, United
22 States Code, and deposited in the Underground Natural
23 Gas Storage Facility Safety Account for the purpose of
24 carrying out section 60141 of title 49, United States Code:
25 *Provided*, That not less than \$1,058,000 of the amounts

1 made available under this heading shall be for the One-
2 Call State grant program: *Provided further*, That any
3 amounts made available under this heading in this Act or
4 in prior Acts for research contracts, grants, cooperative
5 agreements or research other transactions agreements
6 (“OTAs”) shall require written notification to the House
7 and Senate Committees on Appropriations not less than
8 3 full business days before such research contracts, grants,
9 cooperative agreements, or research OTAs are announced
10 by the Department of Transportation: *Provided further*,
11 That the Secretary shall transmit to the House and Sen-
12 ate Committees on Appropriations the report on pipeline
13 safety testing enhancement as required pursuant to sec-
14 tion 105 of the Protecting our Infrastructure of Pipelines
15 and Enhancing Safety Act of 2020 (division R of Public
16 Law 116–260): *Provided further*, That the Secretary may
17 obligate amounts made available under this heading to en-
18 gineer, erect, alter, and repair buildings or make any other
19 public improvements for research facilities at the Trans-
20 portation Technology Center after the Secretary submits
21 an updated research plan and the report in the preceding
22 proviso to the House and Senate Committees on Appro-
23 priations and after such plan and report in the preceding
24 proviso are approved by the House and Senate Commit-
25 tees on Appropriations.

1696

1 EMERGENCY PREPAREDNESS GRANTS

2 (LIMITATION ON OBLIGATIONS)

3 (EMERGENCY PREPAREDNESS FUND)

4 For expenses necessary to carry out the Emergency
5 Preparedness Grants program, not more than
6 \$28,318,000 shall remain available until September 30,
7 2025, from amounts made available by section 5116(h)
8 and subsections (b) and (c) of section 5128 of title 49,
9 United States Code: *Provided*, That notwithstanding sec-
10 tion 5116(h)(4) of title 49, United States Code, not more
11 than 4 percent of the amounts made available from this
12 account shall be available to pay the administrative costs
13 of carrying out sections 5116, 5107(e), and 5108(g)(2)
14 of title 49, United States Code: *Provided further*, That
15 notwithstanding subsections (b) and (c) of section 5128
16 of title 49, United States Code, and the limitation on obli-
17 gations provided under this heading, prior year recoveries
18 recognized in the current year shall be available to develop
19 and deliver hazardous materials emergency response train-
20 ing for emergency responders, including response activities
21 for the transportation of crude oil, ethanol, flammable liq-
22 uids, and other hazardous commodities by rail, consistent
23 with National Fire Protection Association standards, and
24 to make such training available through an electronic for-
25 mat: *Provided further*, That the prior year recoveries made

1697

1 available under this heading shall also be available to carry
2 out sections 5116(a)(1)(C), 5116(h), 5116(i), 5116(j),
3 and 5107(e) of title 49, United States Code.

4 OFFICE OF INSPECTOR GENERAL

5 SALARIES AND EXPENSES

6 For necessary expenses of the Office of Inspector
7 General to carry out the provisions of the Inspector Gen-
8 eral Act of 1978, as amended, \$108,073,000: *Provided,*
9 That the Inspector General shall have all necessary au-
10 thority, in carrying out the duties specified in the Inspec-
11 tor General Act, as amended (5 U.S.C. App.), to inves-
12 tigate allegations of fraud, including false statements to
13 the government (18 U.S.C. 1001), by any person or entity
14 that is subject to regulation by the Department of Trans-
15 portation.

16 GENERAL PROVISIONS—DEPARTMENT OF

17 TRANSPORTATION

18 SEC. 180. (a) During the current fiscal year, applica-
19 ble appropriations to the Department of Transportation
20 shall be available for maintenance and operation of air-
21 craft; hire of passenger motor vehicles and aircraft; pur-
22 chase of liability insurance for motor vehicles operating
23 in foreign countries on official department business; and
24 uniforms or allowances therefor, as authorized by sections
25 5901 and 5902 of title 5, United States Code.

1 (b) During the current fiscal year, applicable appro-
2 priations to the Department and its operating administra-
3 tions shall be available for the purchase, maintenance, op-
4 eration, and deployment of unmanned aircraft systems
5 that advance the missions of the Department of Transpor-
6 tation or an operating administration of the Department
7 of Transportation.

8 (c) Any unmanned aircraft system purchased, pro-
9 cured, or contracted for by the Department prior to the
10 date of enactment of this Act shall be deemed authorized
11 by Congress as if this provision was in effect when the
12 system was purchased, procured, or contracted for.

13 SEC. 181. Appropriations contained in this Act for
14 the Department of Transportation shall be available for
15 services as authorized by section 3109 of title 5, United
16 States Code, but at rates for individuals not to exceed the
17 per diem rate equivalent to the rate for an Executive Level
18 IV.

19 SEC. 182. (a) No recipient of amounts made available
20 by this Act shall disseminate personal information (as de-
21 fined in section 2725(3) of title 18, United States Code)
22 obtained by a State department of motor vehicles in con-
23 nection with a motor vehicle record as defined in section
24 2725(1) of title 18, United States Code, except as pro-
25 vided in section 2721 of title 18, United States Code, for

1 a use permitted under section 2721 of title 18, United
2 States Code.

3 (b) Notwithstanding subsection (a), the Secretary
4 shall not withhold amounts made available by this Act for
5 any grantee if a State is in noncompliance with this provi-
6 sion.

7 SEC. 183. None of the funds made available by this
8 Act shall be available for salaries and expenses of more
9 than 125 political and Presidential appointees in the De-
10 partment of Transportation: *Provided*, That none of the
11 personnel covered by this provision may be assigned on
12 temporary detail outside the Department of Transpor-
13 tation.

14 SEC. 184. Funds received by the Federal Highway
15 Administration and Federal Railroad Administration from
16 States, counties, municipalities, other public authorities,
17 and private sources for expenses incurred for training may
18 be credited respectively to the Federal Highway Adminis-
19 tration's "Federal-Aid Highways" account and to the Fed-
20 eral Railroad Administration's "Safety and Operations"
21 account, except for State rail safety inspectors partici-
22 pating in training pursuant to section 20105 of title 49,
23 United States Code.

24 SEC. 185. None of the funds made available by this
25 Act or in title VIII of division J of Public Law 117-58

1700

1 to the Department of Transportation may be used to make
2 a loan, loan guarantee, line of credit, letter of intent, fed-
3 erally funded cooperative agreement, full funding grant
4 agreement, or discretionary grant unless the Secretary of
5 Transportation notifies the House and Senate Committees
6 on Appropriations not less than 3 full business days before
7 any project competitively selected to receive any discre-
8 tionary grant award, letter of intent, loan commitment,
9 loan guarantee commitment, line of credit commitment,
10 federally funded cooperative agreement, or full funding
11 grant agreement is announced by the Department or its
12 operating administrations: *Provided*, That the Secretary of
13 Transportation shall provide the House and Senate Com-
14 mittees on Appropriations with a comprehensive list of all
15 such loans, loan guarantees, lines of credit, letters of in-
16 tent, federally funded cooperative agreements, full funding
17 grant agreements, and discretionary grants prior to the
18 notification required under the preceding proviso: *Pro-*
19 *vided further*, That the Secretary gives concurrent notifi-
20 cation to the House and Senate Committees on Appropria-
21 tions for any “quick release” of funds from the emergency
22 relief program: *Provided further*, That no notification shall
23 involve funds that are not available for obligation.

24 SEC. 186. Rebates, refunds, incentive payments,
25 minor fees, and other funds received by the Department

1701

1 of Transportation from travel management centers,
2 charge card programs, the subleasing of building space,
3 and miscellaneous sources are to be credited to appropria-
4 tions of the Department of Transportation and allocated
5 to organizational units of the Department of Transpor-
6 tation using fair and equitable criteria and such funds
7 shall be available until expended.

8 SEC. 187. Notwithstanding any other provision of
9 law, if any funds provided by or limited by this Act are
10 subject to a reprogramming action that requires notice to
11 be provided to the House and Senate Committees on Ap-
12 propriations, transmission of such reprogramming notice
13 shall be provided solely to the House and Senate Commit-
14 tees on Appropriations, and such reprogramming action
15 shall be approved or denied solely by the House and Sen-
16 ate Committees on Appropriations: *Provided*, That the
17 Secretary of Transportation may provide notice to other
18 congressional committees of the action of the House and
19 Senate Committees on Appropriations on such reprogram-
20 ming but not sooner than 30 days after the date on which
21 the reprogramming action has been approved or denied by
22 the House and Senate Committees on Appropriations.

23 SEC. 188. Funds appropriated by this Act to the op-
24 erating administrations may be obligated for the Office of
25 the Secretary for the costs related to assessments or reim-

1 bursable agreements only when such amounts are for the
2 costs of goods and services that are purchased to provide
3 a direct benefit to the applicable operating administration
4 or administrations.

5 SEC. 189. The Secretary of Transportation is author-
6 ized to carry out a program that establishes uniform
7 standards for developing and supporting agency transit
8 pass and transit benefits authorized under section 7905
9 of title 5, United States Code, including distribution of
10 transit benefits by various paper and electronic media.

11 SEC. 190. The Department of Transportation may
12 use funds provided by this Act, or any other Act, to assist
13 a contract under title 49 or 23 of the United States Code
14 utilizing geographic, economic, or any other hiring pref-
15 erence not otherwise authorized by law, or to amend a
16 rule, regulation, policy or other measure that forbids a re-
17 cipient of a Federal Highway Administration or Federal
18 Transit Administration grant from imposing such hiring
19 preference on a contract or construction project with
20 which the Department of Transportation is assisting, only
21 if the grant recipient certifies the following:

22 (1) that except with respect to apprentices or
23 trainees, a pool of readily available but unemployed
24 individuals possessing the knowledge, skill, and abil-

1 ity to perform the work that the contract requires
2 resides in the jurisdiction;

3 (2) that the grant recipient will include appro-
4 priate provisions in its bid document ensuring that
5 the contractor does not displace any of its existing
6 employees in order to satisfy such hiring preference;
7 and

8 (3) that any increase in the cost of labor, train-
9 ing, or delays resulting from the use of such hiring
10 preference does not delay or displace any transpor-
11 tation project in the applicable Statewide Transpor-
12 tation Improvement Program or Transportation Im-
13 provement Program.

14 SEC. 191. The Secretary of Transportation shall co-
15 ordinate with the Secretary of Homeland Security to en-
16 sure that best practices for Industrial Control Systems
17 Procurement are up-to-date and shall ensure that systems
18 procured with funds provided under this title were pro-
19 cured using such practices.

20 This title may be cited as the “Department of Trans-
21 portation Appropriations Act, 2023”.

1704

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 Sec-
8 retary, Deputy Secretary, Adjudicatory Services, Congres-
9 sional and Intergovernmental Relations, Public Affairs,
10 Small and Disadvantaged Business Utilization, and the
11 Center for Faith-Based and Neighborhood Partnerships,
12 \$18,500,000, to remain available until September 30,
13 2024: *Provided*, That not to exceed \$25,000 of the amount
14 made available under this heading shall be available to the
15 Secretary of Housing and Urban Development (referred
16 to in this title as “the Secretary”) for official reception
17 and representation expenses as the Secretary may deter-
18 mine.

19 ADMINISTRATIVE SUPPORT OFFICES

20 For necessary salaries and expenses for Administra-
21 tive Support Offices, \$659,600,000, to remain available
22 until September 30, 2024: *Provided*, That of the sums ap-
23 propriated under this heading—

24 (1) \$90,000,000 shall be available for the Office
25 of the Chief Financial Officer;

1705

1 (2) \$125,000,000 shall be available for the Of-
2 fice of the General Counsel, of which not less than
3 \$20,300,000 shall be for the Departmental Enforce-
4 ment Center;

5 (3) \$225,000,000 shall be available for the Of-
6 fice of Administration, of which not less than
7 \$3,500,000 may be for modernization and deferred
8 maintenance 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
16 of Departmental Equal Employment Opportunity;
17 and

18 (8) \$70,000,000 shall be available for the Office
19 of the Chief Information Officer;

20 *Provided further,* That funds made available under this
21 heading may be used for necessary administrative and
22 non-administrative expenses of the Department, not other-
23 wise provided for, including purchase of uniforms, or al-
24 lowances therefor, as authorized by sections 5901 and
25 5902 of title 5, United States Code; hire of passenger

1706

1 motor vehicles; and services as authorized by section 3109
2 of title 5, United States Code: *Provided further*, That not-
3 withstanding any other provision of law, funds appro-
4 priated under this heading may be used for advertising
5 and promotional activities that directly support program
6 activities funded in this title: *Provided further*, That the
7 Secretary shall provide the House and Senate Committees
8 on Appropriations quarterly written notification regarding
9 the status of pending congressional reports: *Provided fur-*
10 *ther*, That the Secretary shall provide in electronic form
11 all signed reports required by Congress.

12 PROGRAM OFFICES

13 For necessary salaries and expenses for Program Of-
14 fices, \$1,054,300,000, to remain available until September
15 30, 2024: *Provided*, That of the sums appropriated under
16 this heading—

17 (1) \$278,200,000 shall be available for the Of-
18 fice of Public and Indian Housing;

19 (2) \$163,400,000 shall be available for the Of-
20 fice of Community Planning and Development;

21 (3) \$465,000,000 shall be available for the Of-
22 fice of Housing, of which not less than \$13,300,000
23 shall be for the Office of Recapitalization;

24 (4) \$39,600,000 shall be available for the Office
25 of Policy Development and Research;

1707

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
11 Act (42 U.S.C. 3535(f)), amounts transferred, including
12 reimbursements pursuant to section 7(f), to the Fund
13 under this heading shall be available only for Federal
14 shared services used by offices and agencies of the Depart-
15 ment, and for any such portion of any office or agency’s
16 printing, records management, space renovation, fur-
17 niture, or supply services the Secretary has determined
18 shall be provided through the Fund, and the operational
19 expenses of the Fund: *Provided*, That amounts within the
20 Fund shall not be available to provide services not specifi-
21 cally authorized under this heading: *Provided further*,
22 That upon a determination by the Secretary that any
23 other service (or portion thereof) authorized under this
24 heading shall be provided through the Fund, amounts
25 made available in this title for salaries and expenses under

1708

1 the headings “Executive Offices”, “Administrative Sup-
2 port Offices”, “Program Offices”, and “Government Na-
3 tional Mortgage Association”, for such services shall be
4 transferred to the Fund, to remain available until ex-
5 pended: *Provided further*, That the Secretary shall notify
6 the House and Senate Committees on Appropriations of
7 its plans for executing such transfers at least 15 days in
8 advance of such transfers.

9 PUBLIC AND INDIAN HOUSING

10 TENANT-BASED RENTAL ASSISTANCE

11 For activities and assistance for the provision of ten-
12 ant-based rental assistance authorized under the United
13 States Housing Act of 1937, as amended (42 U.S.C. 1437
14 et seq.) (in this title “the Act”), not otherwise provided
15 for, \$23,599,532,000, to remain available until expended,
16 which shall be available on October 1, 2022 (in addition
17 to the \$4,000,000,000 previously appropriated under this
18 heading that shall be available on October 1, 2022), and
19 \$4,000,000,000, to remain available until expended, which
20 shall be available on October 1, 2023: *Provided*, That of
21 the sums appropriated under this heading—

22 (1) \$23,748,420,000 shall be available for re-
23 newals of expiring section 8 tenant-based annual
24 contributions contracts (including renewals of en-
25 hanced vouchers under any provision of law author-

1 izing such assistance under section 8(t) of the Act)
2 and including renewal of other special purpose incre-
3 mental vouchers: *Provided*, That notwithstanding
4 any other provision of law, from amounts provided
5 under this paragraph and any carryover, the Sec-
6 retary for the calendar year 2023 funding cycle shall
7 provide renewal funding for each public housing
8 agency based on validated voucher management sys-
9 tem (VMS) leasing and cost data for the prior cal-
10 endar year and by applying an inflation factor as es-
11 tablished by the Secretary, by notice published in
12 the Federal Register, and by making any necessary
13 adjustments for the costs associated with the first-
14 time renewal of vouchers under this paragraph in-
15 cluding tenant protection and Choice Neighborhoods
16 vouchers: *Provided further*, That none of the funds
17 provided under this paragraph may be used to fund
18 a total number of unit months under lease which ex-
19 ceeds a public housing agency's authorized level of
20 units under contract, except for public housing agen-
21 cies participating in the Moving to Work (MTW)
22 demonstration, which are instead governed in ac-
23 cordance with the requirements of the MTW dem-
24 onstration program or their MTW agreements, if
25 any: *Provided further*, That the Secretary shall, to

1 the extent necessary to stay within the amount spec-
2 ified under this paragraph (except as otherwise
3 modified under this paragraph), prorate each public
4 housing agency's allocation otherwise established
5 pursuant to this paragraph: *Provided further*, That
6 except as provided in the following provisos, the en-
7 tire amount specified under this paragraph (except
8 as otherwise modified under this paragraph) shall be
9 obligated to the public housing agencies based on the
10 allocation and pro rata method described above, and
11 the Secretary shall notify public housing agencies of
12 their annual budget by the latter of 60 days after
13 enactment of this Act or March 1, 2023: *Provided*
14 *further*, That the Secretary may extend the notifica-
15 tion period with the prior written approval of the
16 House and Senate Committees on Appropriations:
17 *Provided further*, That public housing agencies par-
18 ticipating in the MTW demonstration shall be fund-
19 ed in accordance with the requirements of the MTW
20 demonstration program or their MTW agreements,
21 if any, and shall be subject to the same pro rata ad-
22 justments under the preceding provisos: *Provided*
23 *further*, That the Secretary may offset public hous-
24 ing agencies' calendar year 2023 allocations based
25 on the excess amounts of public housing agencies'

1711

1 net restricted assets accounts, including HUD-held
2 programmatic reserves (in accordance with VMS
3 data in calendar year 2022 that is verifiable and
4 complete), as determined by the Secretary: *Provided*
5 *further*, That public housing agencies participating
6 in the MTW demonstration shall also be subject to
7 the offset, as determined by the Secretary, excluding
8 amounts subject to the single fund budget authority
9 provisions of their MTW agreements, from the agen-
10 cies' calendar year 2023 MTW funding allocation:
11 *Provided further*, That the Secretary shall use any
12 offset referred to in the preceding two provisos
13 throughout the calendar year to prevent the termi-
14 nation of rental assistance for families as the result
15 of insufficient funding, as determined by the Sec-
16 retary, and to avoid or reduce the proration of re-
17 newal funding allocations: *Provided further*, That up
18 to \$200,000,000 shall be available only:

19 (A) for adjustments in the allocations for
20 public housing agencies, after application for an
21 adjustment by a public housing agency that ex-
22 perience a significant increase, as determined
23 by the Secretary, in renewal costs of vouchers
24 resulting from unforeseen circumstances or
25 from portability under section 8(r) of the Act;

1712

1 (B) for vouchers that were not in use dur-
2 ing the previous 12-month period in order to be
3 available to meet a commitment pursuant to
4 section 8(o)(13) of the Act, or an adjustment
5 for a funding obligation not yet expended in the
6 previous calendar year for a MTW-eligible ac-
7 tivity to develop affordable housing for an agen-
8 cy added to the MTW demonstration under the
9 expansion authority provided in section 239 of
10 the Transportation, Housing and Urban Devel-
11 opment, and Related Agencies Appropriations
12 Act, 2016 (division L of Public Law 114–113);

13 (C) for adjustments for costs associated
14 with HUD–Veterans Affairs Supportive Hous-
15 ing (HUD–VASH) vouchers;

16 (D) for public housing agencies that de-
17 spite taking reasonable cost savings measures,
18 as determined by the Secretary, would other-
19 wise be required to terminate rental assistance
20 for families as a result of insufficient funding;

21 (E) for adjustments in the allocations for
22 public housing agencies that—

23 (i) are leasing a lower-than-average
24 percentage of their authorized vouchers,

1713

1 (ii) have low amounts of budget au-
2 thority in their net restricted assets ac-
3 counts and HUD-held programmatic re-
4 serves, relative to other agencies, and

5 (iii) are not participating in the Mov-
6 ing to Work demonstration, to enable such
7 agencies to lease more vouchers;

8 (F) for withheld payments in accordance
9 with section 8(o)(8)(A)(ii) of the Act for
10 months in the previous calendar year that were
11 subsequently paid by the public housing agency
12 after the agency's actual costs were validated;
13 and

14 (G) for public housing agencies that have
15 experienced increased costs or loss of units in
16 an area for which the President declared a dis-
17 aster under title IV of the Robert T. Stafford
18 Disaster Relief and Emergency Assistance Act
19 (42 U.S.C. 5170 et seq.):

20 *Provided further*, That the Secretary shall allocate
21 amounts under the preceding proviso based on need,
22 as determined by the Secretary;

23 (2) \$337,000,000 shall be available for section
24 8 rental assistance for relocation and replacement of
25 housing units that are demolished or disposed of

1 pursuant to section 18 of the Act, conversion of sec-
2 tion 23 projects to assistance under section 8, relo-
3 cation of witnesses (including victims of violent
4 crimes) in connection with efforts to combat crime
5 in public and assisted housing pursuant to a request
6 from a law enforcement or prosecution agency, en-
7 hanced vouchers under any provision of law author-
8 izing such assistance under section 8(t) of the Act,
9 Choice Neighborhood vouchers, mandatory and vol-
10 untary conversions, and tenant protection assistance
11 including replacement and relocation assistance or
12 for project-based assistance to prevent the displace-
13 ment of unassisted elderly tenants currently residing
14 in section 202 properties financed between 1959 and
15 1974 that are refinanced pursuant to Public Law
16 106–569, as amended, or under the authority as
17 provided under this Act: *Provided*, That when a pub-
18 lic housing development is submitted for demolition
19 or disposition under section 18 of the Act, the Sec-
20 retary may provide section 8 rental assistance when
21 the units pose an imminent health and safety risk to
22 residents: *Provided further*, That the Secretary may
23 provide section 8 rental assistance from amounts
24 made available under this paragraph for units as-
25 sisted under a project-based subsidy contract funded

1715

1 under the “Project-Based Rental Assistance” head-
2 ing under this title where the owner has received a
3 Notice of Default and the units pose an imminent
4 health and safety risk to residents: *Provided further,*
5 That of the amounts made available under this para-
6 graph, no less than \$5,000,000 may be available to
7 provide tenant protection assistance, not otherwise
8 provided under this paragraph, to residents residing
9 in low vacancy areas and who may have to pay rents
10 greater than 30 percent of household income, as the
11 result of: (A) the maturity of a HUD-insured, HUD-
12 held or section 202 loan that requires the permission
13 of the Secretary prior to loan prepayment; (B) the
14 expiration of a rental assistance contract for which
15 the tenants are not eligible for enhanced voucher or
16 tenant protection assistance under existing law; or
17 (C) the expiration of affordability restrictions accom-
18 panying a mortgage or preservation program admin-
19 istered by the Secretary: *Provided further,* That such
20 tenant protection assistance made available under
21 the preceding proviso may be provided under the au-
22 thority of section 8(t) or section 8(o)(13) of the Act:
23 *Provided further,* That any tenant protection voucher
24 made available from amounts under this paragraph
25 shall not be reissued by any public housing agency,

1716

1 except the replacement vouchers as defined by the
2 Secretary by notice, when the initial family that re-
3 ceived any such voucher no longer receives such
4 voucher, and the authority for any public housing
5 agency to issue any such voucher shall cease to exist:
6 *Provided further,* That the Secretary may only pro-
7 vide replacement vouchers for units that were occu-
8 pied within the previous 24 months that cease to be
9 available as assisted housing, subject only to the
10 availability of funds;

11 (3) \$2,777,612,000 shall be available for ad-
12 ministrative and other expenses of public housing
13 agencies in administering the section 8 tenant-based
14 rental assistance program, of which up to
15 \$30,000,000 shall be available to the Secretary to al-
16 locate to public housing agencies that need addi-
17 tional funds to administer their section 8 programs,
18 including fees associated with section 8 tenant pro-
19 tection rental assistance, the administration of dis-
20 aster related vouchers, HUD-VASH vouchers, and
21 other special purpose incremental vouchers: *Pro-*
22 *vided,* That no less than \$2,747,612,000 of the
23 amount provided in this paragraph shall be allocated
24 to public housing agencies for the calendar year
25 2023 funding cycle based on section 8(q) of the Act

1717

1 (and related Appropriation Act provisions) as in ef-
2 fect immediately before the enactment of the Quality
3 Housing and Work Responsibility Act of 1998 (Pub-
4 lic Law 105–276): *Provided further*, That if the
5 amounts made available under this paragraph are
6 insufficient to pay the amounts determined under
7 the preceding proviso, the Secretary may decrease
8 the amounts allocated to agencies by a uniform per-
9 centage applicable to all agencies receiving funding
10 under this paragraph or may, to the extent nec-
11 essary to provide full payment of amounts deter-
12 mined under the preceding proviso, utilize unobli-
13 gated balances, including recaptures and carryover,
14 remaining from funds appropriated to the Depart-
15 ment of Housing and Urban Development under this
16 heading from prior fiscal years, excluding special
17 purpose vouchers, notwithstanding the purposes for
18 which such amounts were appropriated: *Provided*
19 *further*, That all public housing agencies partici-
20 pating in the MTW demonstration shall be funded
21 in accordance with the requirements of the MTW
22 demonstration program or their MTW agreements,
23 if any, and shall be subject to the same uniform per-
24 centage decrease as under the preceding proviso:
25 *Provided further*, That amounts provided under this

1718

1 paragraph shall be only for activities related to the
2 provision of tenant-based rental assistance author-
3 ized under section 8, including related development
4 activities;

5 (4) \$606,500,000 shall be available for the re-
6 newal of tenant-based assistance contracts under
7 section 811 of the Cranston-Gonzalez National Af-
8 fordable Housing Act (42 U.S.C. 8013), including
9 necessary administrative expenses: *Provided*, That
10 administrative and other expenses of public housing
11 agencies in administering the special purpose vouch-
12 ers in this paragraph shall be funded under the
13 same terms and be subject to the same pro rata re-
14 duction as the percent decrease for administrative
15 and other expenses to public housing agencies under
16 paragraph (3) of this heading: *Provided further*,
17 That up to \$10,000,000 shall be available only—

18 (A) for adjustments in the allocation for
19 public housing agencies, after applications for
20 an adjustment by a public housing agency that
21 experienced a significant increase, as deter-
22 mined by the Secretary, in Mainstream renewal
23 costs resulting from unforeseen circumstances;
24 and

1719

1 (B) for public housing agencies that de-
2 spite taking reasonable cost savings measures,
3 as determined by the Secretary, would other-
4 wise be required to terminate the rental assist-
5 ance for Mainstream families as a result of in-
6 sufficient funding:

7 *Provided further*, That the Secretary shall allocate
8 amounts under the preceding proviso based on need,
9 as determined by the Secretary: *Provided further*,
10 That upon turnover, section 811 special purpose
11 vouchers funded under this heading in this or prior
12 Acts, or under any other heading in prior Acts, shall
13 be provided to non-elderly persons with disabilities;

14 (5) Of the amounts provided under paragraph
15 (1), up to \$7,500,000 shall be available for rental
16 assistance and associated administrative fees for
17 Tribal HUD-VASH to serve Native American vet-
18 erans that are homeless or at-risk of homelessness
19 living on or near a reservation or other Indian areas:
20 *Provided*, That such amount shall be made available
21 for renewal grants to recipients that received assist-
22 ance under prior Acts under the Tribal HUD-VASH
23 program: *Provided further*, That the Secretary shall
24 be authorized to specify criteria for renewal grants,
25 including data on the utilization of assistance re-

1720

1 ported by grant recipients: *Provided further*, That
2 such assistance shall be administered in accordance
3 with program requirements under the Native Amer-
4 ican Housing Assistance and Self-Determination Act
5 of 1996 and modeled after the HUD–VASH pro-
6 gram: *Provided further*, That the Secretary shall be
7 authorized to waive, or specify alternative require-
8 ments for any provision of any statute or regulation
9 that the Secretary administers in connection with
10 the use of funds made available under this para-
11 graph (except for requirements related to fair hous-
12 ing, nondiscrimination, labor standards, and the en-
13 vironment), upon a finding by the Secretary that
14 any such waivers or alternative requirements are
15 necessary for the effective delivery and administra-
16 tion of such assistance: *Provided further*, That grant
17 recipients shall report to the Secretary on utilization
18 of such rental assistance and other program data, as
19 prescribed by the Secretary: *Provided further*, That
20 the Secretary may reallocate, as determined by the
21 Secretary, amounts returned or recaptured from
22 awards under the Tribal HUD–VASH program
23 under prior Acts to existing recipients under the
24 Tribal HUD–VASH program;

1721

1 (6) \$50,000,000 shall be available for incre-
2 mental rental voucher assistance for use through a
3 supported housing program administered in conjunc-
4 tion with the Department of Veterans Affairs as au-
5 thorized under section 8(o)(19) of the United States
6 Housing Act of 1937: *Provided*, That the Secretary
7 of Housing and Urban Development shall make such
8 funding available, notwithstanding section 203 (com-
9 petition provision) of this title, to public housing
10 agencies that partner with eligible VA Medical Cen-
11 ters or other entities as designated by the Secretary
12 of the Department of Veterans Affairs, based on
13 geographical need for such assistance as identified
14 by the Secretary of the Department of Veterans Af-
15 fairs, public housing agency administrative perform-
16 ance, and other factors as specified by the Secretary
17 of Housing and Urban Development in consultation
18 with the Secretary of the Department of Veterans
19 Affairs: *Provided further*, That the Secretary of
20 Housing and Urban Development may waive, or
21 specify alternative requirements for (in consultation
22 with the Secretary of the Department of Veterans
23 Affairs), any provision of any statute or regulation
24 that the Secretary of Housing and Urban Develop-
25 ment administers in connection with the use of

1722

1 funds made available under this paragraph (except
2 for requirements related to fair housing, non-
3 discrimination, labor standards, and the environ-
4 ment), upon a finding by the Secretary that any
5 such waivers or alternative requirements are nec-
6 essary for the effective delivery and administration
7 of such voucher assistance: *Provided further*, That
8 assistance made available under this paragraph shall
9 continue to remain available for homeless veterans
10 upon turn-over: *Provided further*, That of the total
11 amount made available under this paragraph, up to
12 \$10,000,000 may be for additional fees established
13 by and allocated pursuant to a method determined
14 by the Secretary for administrative and other ex-
15 penses (including those eligible activities defined by
16 notice to facilitate leasing, such as security deposit
17 assistance and costs related to the retention and
18 support of participating owners) of public housing
19 agencies in administering HUD–VASH vouchers;

20 (7) \$30,000,000 shall be available for the fam-
21 ily unification program as authorized under section
22 8(x) of the Act: *Provided*, That the amounts made
23 available under this paragraph are provided as fol-
24 lows:

1 (A) \$5,000,000 shall be available for new
2 incremental voucher assistance: *Provided*, That
3 the assistance made available under this sub-
4 paragraph shall continue to remain available for
5 family unification upon turnover; and

6 (B) \$25,000,000 shall be available for new
7 incremental voucher assistance to assist eligible
8 youth as defined by such section 8(x)(2)(B) of
9 the Act: *Provided*, That assistance made avail-
10 able under this subparagraph shall continue to
11 remain available for such eligible youth upon
12 turnover: *Provided further*, That of the total
13 amount made available under this subpara-
14 graph, up to \$15,000,000 shall be available on
15 a noncompetitive basis to public housing agen-
16 cies that partner with public child welfare agen-
17 cies to identify such eligible youth, that request
18 such assistance to timely assist such eligible
19 youth, and that meet any other criteria as spec-
20 ified by the Secretary: *Provided further*, That
21 the Secretary shall review utilization of the as-
22 sistance made available under the preceding
23 proviso, at an interval to be determined by the
24 Secretary, and unutilized voucher assistance
25 that is no longer needed shall be recaptured by

1724

1 the Secretary and reallocated pursuant to the
2 preceding proviso:

3 *Provided further*, That for any public housing agency
4 administering voucher assistance appropriated in a
5 prior Act under the family unification program, or
6 made available and competitively selected under this
7 paragraph, that determines that it no longer has an
8 identified need for such assistance upon turnover,
9 such agency shall notify the Secretary, and the Sec-
10 retary shall recapture such assistance from the agen-
11 cy and reallocate it to any other public housing
12 agency or agencies based on need for voucher assist-
13 ance in connection with such specified program or
14 eligible youth, as applicable;

15 (8) \$50,000,000 shall be available for new in-
16 cremental voucher assistance under section 8(o) of
17 the Act to be allocated pursuant to a method, as de-
18 termined by the Secretary, which may include a for-
19 mula that may include such factors as severe cost
20 burden, overcrowding, substandard housing for very
21 low-income renters, homelessness, and administrative
22 capacity, where such allocation method shall include
23 both rural and urban areas: *Provided*, That the Sec-
24 retary may specify additional terms and conditions
25 to ensure that public housing agencies provide

1725

1 vouchers for use by survivors of domestic violence, or
2 individuals and families who are homeless, as de-
3 fined in section 103(a) of the McKinney-Vento
4 Homeless Assistance Act (42 U.S.C. 11302(a)), or
5 at risk of homelessness, as defined in section 401(1)
6 of such Act (42 U.S.C. 11360(1)); and

7 (9) the Secretary shall separately track all spe-
8 cial purpose vouchers funded under this heading.

9 HOUSING CERTIFICATE FUND

10 (INCLUDING RESCISSIONS)

11 Unobligated balances, including recaptures and car-
12 ryover, remaining from funds appropriated to the Depart-
13 ment of Housing and Urban Development under this
14 heading, the heading “Annual Contributions for Assisted
15 Housing” and the heading “Project-Based Rental Assist-
16 ance”, for fiscal year 2023 and prior years may be used
17 for renewal of or amendments to section 8 project-based
18 contracts and for performance-based contract administra-
19 tors, notwithstanding the purposes for which such funds
20 were appropriated: *Provided*, That any obligated balances
21 of contract authority from fiscal year 1974 and prior fiscal
22 years that have been terminated shall be rescinded: *Pro-*
23 *vided further*, That amounts heretofore recaptured, or re-
24 captured during the current fiscal year, from section 8
25 project-based contracts from source years fiscal year 1975

1726

1 through fiscal year 1987 are hereby rescinded, and an
2 amount of additional new budget authority, equivalent to
3 the amount rescinded is hereby appropriated, to remain
4 available until expended, for the purposes set forth under
5 this heading, in addition to amounts otherwise available.

6 PUBLIC HOUSING FUND

7 For 2023 payments to public housing agencies for the
8 operation and management of public housing, as author-
9 ized by section 9(e) of the United States Housing Act of
10 1937 (42 U.S.C. 1437g(e)) (the “Act”), and to carry out
11 capital and management activities for public housing
12 agencies, as authorized under section 9(d) of the Act (42
13 U.S.C. 1437g(d)), \$8,514,000,000, to remain available
14 until September 30, 2026: *Provided*, That of the sums ap-
15 propriated under this heading—

16 (1) \$5,109,000,000 shall be available for the
17 Secretary to allocate pursuant to the Operating
18 Fund formula at part 990 of title 24, Code of Fed-
19 eral Regulations, for 2023 payments;

20 (2) \$25,000,000 shall be available for the Sec-
21 retary to allocate pursuant to a need-based applica-
22 tion process notwithstanding section 203 of this title
23 and not subject to such Operating Fund formula to
24 public housing agencies that experience, or are at
25 risk of, financial shortfalls, as determined by the

1 Secretary: *Provided*, That after all such shortfall
2 needs are met, the Secretary may distribute any re-
3 maining funds to all public housing agencies on a
4 pro-rata basis pursuant to such Operating Fund for-
5 mula;

6 (3) \$3,200,000,000 shall be available for the
7 Secretary to allocate pursuant to the Capital Fund
8 formula at section 905.400 of title 24, Code of Fed-
9 eral Regulations: *Provided*, That for funds provided
10 under this paragraph, the limitation in section
11 9(g)(1) of the Act shall be 25 percent: *Provided fur-*
12 *ther*, That the Secretary may waive the limitation in
13 the preceding proviso to allow public housing agen-
14 cies to fund activities authorized under section
15 9(e)(1)(C) of the Act: *Provided further*, That the
16 Secretary shall notify public housing agencies re-
17 questing waivers under the preceding proviso if the
18 request is approved or denied within 14 days of sub-
19 mitting the request: *Provided further*, That from the
20 funds made available under this paragraph, the Sec-
21 retary shall provide bonus awards in fiscal year
22 2023 to public housing agencies that are designated
23 high performers: *Provided further*, That the Depart-
24 ment shall notify public housing agencies of their

1 formula allocation within 60 days of enactment of
2 this Act;

3 (4) \$50,000,000 shall be available for the Sec-
4 retary to make grants, notwithstanding section 203
5 of this title, to public housing agencies for emer-
6 gency capital needs, including safety and security
7 measures necessary to address crime and drug-re-
8 lated activity, as well as needs resulting from unfore-
9 seen or unpreventable emergencies and natural dis-
10 asters excluding Presidentially declared emergencies
11 and natural disasters under the Robert T. Stafford
12 Disaster Relief and Emergency Act (42 U.S.C. 5121
13 et seq.) occurring in fiscal year 2023, of which
14 \$20,000,000 shall be available for public housing
15 agencies under administrative and judicial receiver-
16 ships or under the control of a Federal monitor:
17 *Provided*, That of the amount made available under
18 this paragraph, not less than \$10,000,000 shall be
19 for safety and security measures: *Provided further*,
20 That in addition to the amount in the preceding pro-
21 viso for such safety and security measures, any
22 amounts that remain available, after all applications
23 received on or before September 30, 2024, for emer-
24 gency capital needs have been processed, shall be al-

1729

1 located to public housing agencies for such safety
2 and security measures;

3 (5) \$65,000,000 shall be available for competi-
4 tive grants to public housing agencies to evaluate
5 and reduce residential health hazards in public hous-
6 ing, including lead-based paint (by carrying out the
7 activities of risk assessments, abatement, and in-
8 terim controls, as those terms are defined in section
9 1004 of the Residential Lead-Based Paint Hazard
10 Reduction Act of 1992 (42 U.S.C. 4851b)), carbon
11 monoxide, mold, radon, and fire safety: *Provided*,
12 That not less than \$25,000,000 of the amounts pro-
13 vided under this paragraph shall be awarded for
14 evaluating and reducing lead-based paint hazards:
15 *Provided further*, That for purposes of environmental
16 review, a grant under this paragraph shall be consid-
17 ered funds for projects or activities under title I of
18 the Act for purposes of section 26 of the Act (42
19 U.S.C. 1437x) and shall be subject to the regula-
20 tions implementing such section: *Provided further*,
21 That amounts made available under this paragraph
22 shall be combined with amounts made available
23 under the sixth paragraph under this heading in the
24 Consolidated Appropriations Act, 2021 (Public Law

1 116–260) and shall be used in accordance with the
2 purposes and requirements under this paragraph;

3 (6) \$15,000,000 shall be available to support
4 the costs of administrative and judicial receiverships
5 and for competitive grants to PHAs in receivership,
6 designated troubled or substandard, or otherwise at
7 risk, as determined by the Secretary, for costs asso-
8 ciated with public housing asset improvement, in ad-
9 dition to other amounts for that purpose provided
10 under any heading under this title; and

11 (7) \$50,000,000 shall be available to support
12 ongoing public housing financial and physical assess-
13 ment activities:

14 *Provided further*, That notwithstanding any other provi-
15 sion of law or regulation, during fiscal year 2023, the Sec-
16 retary of Housing and Urban Development may not dele-
17 gate to any Department official other than the Deputy
18 Secretary and the Assistant Secretary for Public and In-
19 dian Housing any authority under paragraph (2) of sec-
20 tion 9(j) of the Act regarding the extension of the time
21 periods under such section: *Provided further*, That for pur-
22 poses of such section 9(j), the term “obligate” means, with
23 respect to amounts, that the amounts are subject to a
24 binding agreement that will result in outlays, immediately
25 or in the future.

1 CHOICE NEIGHBORHOODS INITIATIVE

2 For competitive grants under the Choice Neighbor-
3 hoods Initiative (subject to section 24 of the United States
4 Housing Act of 1937 (42 U.S.C. 1437v) unless otherwise
5 specified under this heading), for transformation, rehabili-
6 tation, and replacement housing needs of both public and
7 HUD-assisted housing and to transform neighborhoods of
8 poverty into functioning, sustainable, mixed-income neigh-
9 borhoods with appropriate services, schools, public assets,
10 transportation, and access to jobs, \$350,000,000, to re-
11 main available until September 30, 2027: *Provided*, That
12 grant funds may be used for resident and community serv-
13 ices, community development, and affordable housing
14 needs in the community, and for conversion of vacant or
15 foreclosed properties to affordable housing: *Provided fur-*
16 *ther*, That not more than 20 percent of the amount of any
17 grant made with amounts made available under this head-
18 ing may be used for necessary supportive services notwith-
19 standing subsection (d)(1)(L) of such section 24: *Provided*
20 *further*, That the use of amounts made available under this
21 heading shall not be deemed to be for public housing, not-
22 withstanding section 3(b)(1) of such Act: *Provided further*,
23 That grantees shall commit to an additional period of af-
24 fordability determined by the Secretary of not fewer than
25 20 years: *Provided further*, That grantees shall provide a

1 match in State, local, other Federal, or private funds: *Pro-*
2 *vided further*, That grantees may include local govern-
3 ments, Tribal entities, public housing agencies, and non-
4 profit organizations: *Provided further*, That for-profit de-
5 velopers may apply jointly with a public entity: *Provided*
6 *further*, That for purposes of environmental review, a
7 grantee shall be treated as a public housing agency under
8 section 26 of the United States Housing Act of 1937 (42
9 U.S.C. 1437x), and grants made with amounts available
10 under this heading shall be subject to the regulations
11 issued by the Secretary to implement such section: *Pro-*
12 *vided further*, That of the amounts made available under
13 this heading, not less than \$175,000,000 shall be awarded
14 to public housing agencies: *Provided further*, That such
15 grantees shall create partnerships with other local organi-
16 zations, including assisted housing owners, service agen-
17 cies, and resident organizations: *Provided further*, That
18 the Secretary shall consult with the Secretaries of Edu-
19 cation, Labor, Transportation, Health and Human Serv-
20 ices, Agriculture, and Commerce, the Attorney General,
21 and the Administrator of the Environmental Protection
22 Agency to coordinate and leverage other appropriate Fed-
23 eral resources: *Provided further*, That not more than
24 \$10,000,000 of the amounts made available under this
25 heading may be provided as grants to undertake com-

1733

1 prehensive local planning with input from residents and
2 the community: *Provided further*, That unobligated bal-
3 ances, including recaptures, remaining from amounts
4 made available under the heading “Revitalization of Se-
5 verely Distressed Public Housing (HOPE VI)” in fiscal
6 year 2011 and prior fiscal years may be used for purposes
7 under this heading, notwithstanding the purposes for
8 which such amounts were appropriated: *Provided further*,
9 That the Secretary shall make grant awards not later than
10 1 year after the date of enactment of this Act in such
11 amounts that the Secretary determines: *Provided further*,
12 That notwithstanding section 24(o) of the United States
13 Housing Act of 1937 (42 U.S.C. 1437v(o)), the Secretary
14 may, until September 30, 2023, obligate any available un-
15 obligated balances made available under this heading in
16 this or any prior Act.

17 SELF-SUFFICIENCY PROGRAMS

18 For activities and assistance related to Self-Suffi-
19 ciency Programs, to remain available until September 30,
20 2026, \$175,000,000: *Provided*, That of the sums appro-
21 priated under this heading—

22 (1) \$125,000,000 shall be available for the
23 Family Self-Sufficiency program to support family
24 self-sufficiency coordinators under section 23 of the
25 United States Housing Act of 1937 (42 U.S.C.

1 1437u), to promote the development of local strate-
2 gies to coordinate the use of assistance under sec-
3 tions 8 and 9 of such Act with public and private
4 resources, and enable eligible families to achieve eco-
5 nomic independence and self-sufficiency;

6 (2) \$35,000,000 shall be available for the Resi-
7 dent Opportunity and Self-Sufficiency program to
8 provide for supportive services, service coordinators,
9 and congregate services as authorized by section 34
10 of the United States Housing Act of 1937 (42
11 U.S.C. 1437z-6) and the Native American Housing
12 Assistance and Self-Determination Act of 1996 (25
13 U.S.C. 4101 et seq.): *Provided*, That amounts made
14 available under this paragraph may be used to renew
15 Resident Opportunity and Self-Sufficiency program
16 grants to allow the public housing agency, or a new
17 owner, to continue to serve (or restart service to)
18 residents of a project with assistance converted from
19 public housing to project-based rental assistance
20 under section 8 of the United States Housing Act of
21 1937 (42 U.S.C. 1437f) or assistance under section
22 8(o)(13) of such Act under the heading “Rental As-
23 sistance Demonstration” in the Department of
24 Housing and Urban Development Appropriations

1735

1 Act, 2012 (Public Law 112–55), as amended (42
2 U.S.C. 1437f note); and

3 (3) \$15,000,000 shall be available for a Jobs-
4 Plus Initiative, modeled after the Jobs-Plus dem-
5 onstration: *Provided*, That funding provided under
6 this paragraph shall be available for competitive
7 grants to partnerships between public housing au-
8 thorities, local workforce investment boards estab-
9 lished under section 107 of the Workforce Innova-
10 tion and Opportunity Act of 2014 (29 U.S.C. 3122),
11 and other agencies and organizations that provide
12 support to help public housing residents obtain em-
13 ployment and increase earnings: *Provided further*,
14 That applicants must demonstrate the ability to pro-
15 vide services to residents, partner with workforce in-
16 vestment boards, and leverage service dollars: *Pro-*
17 *vided further*, That the Secretary may allow public
18 housing agencies to request exemptions from rent
19 and income limitation requirements under sections 3
20 and 6 of the United States Housing Act of 1937 (42
21 U.S.C. 1437a, 1437d), as necessary to implement
22 the Jobs-Plus program, on such terms and condi-
23 tions as the Secretary may approve upon a finding
24 by the Secretary that any such waivers or alternative
25 requirements are necessary for the effective imple-

1736

1 mentation of the Jobs-Plus Initiative as a voluntary
2 program for residents: *Provided further*, That the
3 Secretary shall publish by notice in the Federal Reg-
4 ister any waivers or alternative requirements pursu-
5 ant to the preceding proviso no later than 10 days
6 before the effective date of such notice.

7 NATIVE AMERICAN PROGRAMS

8 (INCLUDING RESCISSION)

9 For activities and assistance authorized under title
10 I of the Native American Housing Assistance and Self-
11 Determination Act of 1996 (in this heading
12 “NAHASDA”) (25 U.S.C. 4111 et seq.), title I of the
13 Housing and Community Development Act of 1974 (42
14 U.S.C. 5301 et seq.) with respect to Indian tribes, and
15 related training and technical assistance, \$1,020,000,000,
16 to remain available until September 30, 2027: *Provided*,
17 That of the sums appropriated under this heading—

18 (1) \$787,000,000 shall be available for the Na-
19 tive American Housing Block Grants program, as
20 authorized under title I of NAHASDA: *Provided*,
21 That, notwithstanding NAHASDA, to determine the
22 amount of the allocation under title I of such Act for
23 each Indian tribe, the Secretary shall apply the for-
24 mula under section 302 of such Act with the need
25 component based on single-race census data and

1 with the need component based on multi-race census
2 data, and the amount of the allocation for each In-
3 dian tribe shall be the greater of the two resulting
4 allocation amounts: *Provided further*, That the Sec-
5 retary shall notify grantees of their formula alloca-
6 tion not later than 60 days after the date of enact-
7 ment of this Act;

8 (2) \$150,000,000 shall be available for competi-
9 tive grants under the Native American Housing
10 Block 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
13 recipients authorized under NAHASDA that apply
14 for funds: *Provided further*, That in awarding
15 amounts made available in this paragraph, the Sec-
16 retary shall consider need and administrative capac-
17 ity, and shall give priority to projects that will spur
18 construction and rehabilitation of housing: *Provided*
19 *further*, That a grant funded pursuant to this para-
20 graph shall be in an amount not greater than
21 \$7,500,000: *Provided further*, That any amounts
22 transferred for the necessary costs of administering
23 and overseeing the obligation and expenditure of
24 such additional amounts in prior Acts may also be

1 used for the necessary costs of administering and
2 overseeing such additional amount;

3 (3) \$1,000,000 shall be available for the cost of
4 guaranteed notes and other obligations, as author-
5 ized by title VI of NAHASDA: *Provided*, That such
6 costs, including the cost of modifying such notes and
7 other obligations, shall be as defined in section 502
8 of the Congressional Budget Act of 1974 (2 U.S.C.
9 661a): *Provided further*, That amounts made avail-
10 able in this and prior Acts for the cost of such guar-
11 anteed notes and other obligations that are unobli-
12 gated, including recaptures and carryover, shall be
13 available to subsidize the total principal amount of
14 any notes and other obligations, any part of which
15 is to be guaranteed, not to exceed \$50,000,000, to
16 remain available until September 30, 2024: *Provided*
17 *further*, That any remaining loan guarantee limita-
18 tion authorized for this program in fiscal year 2020
19 or prior fiscal years 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
23 the Housing and Community Development Act of
24 1974, notwithstanding section 106(a)(1) of such
25 Act, of which, notwithstanding any other provision

1 of law (including section 203 of this Act), not more
2 than \$5,000,000 may be used for emergencies that
3 constitute imminent threats to health and safety:
4 *Provided*, That not to exceed 20 percent of any
5 grant made with amounts made available in this
6 paragraph shall be expended for planning and man-
7 agement development and administration; and

8 (5) \$7,000,000, in addition to amounts other-
9 wise available for such purpose, shall be available for
10 providing 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 head-
16 ings in this Act for the needs of Native American
17 families and Indian country: *Provided*, That of the
18 amounts made available in this paragraph, not less
19 than \$2,000,000 shall be for a national organization
20 as authorized under section 703 of NAHASDA (25
21 U.S.C. 4212): *Provided further*, That amounts made
22 available in this paragraph may be used, contracted,
23 or competed as determined by the Secretary: *Pro-*
24 *vided further*, That notwithstanding chapter 63 of
25 title 31, United States Code (commonly known as

1740

1 the Federal Grant and Cooperative Agreements Act
2 of 1977), the amounts made available in this para-
3 graph may be used by the Secretary to enter into co-
4 operative agreements with public and private organi-
5 zations, agencies, institutions, and other technical
6 assistance providers to support the administration of
7 negotiated rulemaking under section 106 of
8 NAHASDA (25 U.S.C. 4116), the administration of
9 the allocation formula under section 302 of
10 NAHASDA (25 U.S.C. 4152), and the administra-
11 tion of performance tracking and reporting under
12 section 407 of NAHASDA (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
17 section 184 of the Housing and Community Development
18 Act of 1992 (12 U.S.C. 1715z-13a), \$5,521,000, to re-
19 main available until expended: *Provided*, That such costs,
20 including the cost of modifying such loans, shall be as de-
21 fined in section 502 of the Congressional Budget Act of
22 1974 (2 U.S.C. 661a): *Provided further*, That amounts
23 made available in this and prior Acts for the cost of guar-
24 anteed loans, as authorized by section 184 of the Housing
25 and Community Development Act of 1992 (12 U.S.C.

1741

1 1715z–13a), that are unobligated, including recaptures
2 and carryover, shall be available to subsidize total loan
3 principal, any part of which is to be guaranteed, not to
4 exceed \$1,400,000,000, to remain available until Sep-
5 tember 30, 2024: *Provided further*, That any remaining
6 loan guarantee limitation authorized under this heading
7 in fiscal year 2020 or prior fiscal years is hereby re-
8 scinded: *Provided further*, That any amounts determined
9 by the Secretary to be unavailable are hereby returned to
10 the General Fund of the Treasury.

11 NATIVE HAWAIIAN HOUSING BLOCK GRANT

12 For the Native Hawaiian Housing Block Grant pro-
13 gram, as authorized under title VIII of the Native Amer-
14 ican Housing Assistance and Self-Determination Act of
15 1996 (25 U.S.C. 4221 et seq.), \$22,300,000, to remain
16 available until September 30, 2027: *Provided*, That not-
17 withstanding section 812(b) of such Act, the Department
18 of Hawaiian Home Lands may not invest grant amounts
19 made available under this heading in investment securities
20 and other obligations: *Provided further*, That amounts
21 made available under this heading in this and prior fiscal
22 years may be used to provide rental assistance to eligible
23 Native Hawaiian families both on and off the Hawaiian
24 Home Lands, notwithstanding any other provision of law:
25 *Provided further*, That up to \$1,000,000 of the amounts

1742

1 made available under this heading shall be for training
2 and technical assistance related to amounts made available
3 under this heading and other headings in this Act for the
4 needs of Native Hawaiians and the Department of Hawai-
5 ian Home Lands.

6 NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND

7 PROGRAM ACCOUNT

8 New commitments to guarantee loans, as authorized
9 by section 184A of the Housing and Community Develop-
10 ment Act of 1992 (12 U.S.C. 1715z–13b), any part of
11 which is to be guaranteed, shall not exceed \$28,000,000
12 in total loan principal, to remain available until September
13 30, 2024: *Provided*, That the Secretary may enter into
14 commitments to guarantee loans used for refinancing.

15 COMMUNITY PLANNING AND DEVELOPMENT

16 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

17 For carrying out the Housing Opportunities for Per-
18 sons with AIDS program, as authorized by the AIDS
19 Housing Opportunity Act (42 U.S.C. 12901 et seq.),
20 \$499,000,000, to remain available until September 30,
21 2024, except that amounts allocated pursuant to section
22 854(c)(5) of such Act shall remain available until Sep-
23 tember 30, 2025: *Provided*, That the Secretary shall renew
24 or replace all expiring contracts for permanent supportive
25 housing that initially were funded under section 854(c)(5)

1 of such Act from funds made available under this heading
2 in fiscal year 2010 and prior fiscal years that meet all
3 program requirements before awarding funds for new con-
4 tracts under such section: *Provided further*, That the proc-
5 ess for submitting amendments and approving replace-
6 ment contracts shall be established by the Secretary in a
7 notice: *Provided further*, That the Department shall notify
8 grantees of their formula allocation within 60 days of en-
9 actment of this Act.

10 COMMUNITY DEVELOPMENT FUND

11 For assistance to States and units of general local
12 government, and other entities, for economic and commu-
13 nity development activities, and other purposes,
14 \$6,397,285,641, to remain available until September 30,
15 2026: *Provided*, That of the sums appropriated under this
16 heading—

17 (1) \$3,300,000,000 shall be available for car-
18 rying out the community development block grant
19 program under title I of the Housing and Commu-
20 nity Development Act of 1974, as amended (42
21 U.S.C. 5301 et seq.) (in this heading “the Act”):
22 *Provided*, That not to exceed 20 percent of any
23 grant made with funds made available under this
24 paragraph shall be expended for planning and man-
25 agement development and administration: *Provided*

1 *further*, That a metropolitan city, urban county, unit
2 of general local government, or insular area that di-
3 rectly or indirectly receives funds under this para-
4 graph may not sell, trade, or otherwise transfer all
5 or any portion of such funds to another such entity
6 in exchange for any other funds, credits, or non-
7 Federal considerations, but shall use such funds for
8 activities eligible under title I of the Act: *Provided*
9 *further*, That notwithstanding section 105(e)(1) of
10 the Act, no funds made available under this para-
11 graph may be provided to a for-profit entity for an
12 economic development project under section
13 105(a)(17) unless such project has been evaluated
14 and selected in accordance with guidelines required
15 under subsection (e)(2) of section 105;

16 (2) \$85,000,000 shall be available for the Sec-
17 retary to award grants on a competitive basis to
18 State and local governments, metropolitan planning
19 organizations, and multijurisdictional entities for ad-
20 ditional activities under title I of the Act for the
21 identification and removal of barriers to affordable
22 housing production and preservation: *Provided*, That
23 eligible uses of such grants include activities to fur-
24 ther develop, evaluate, and implement housing policy
25 plans, improve housing strategies, and facilitate af-

1745

1 fordable housing production and preservation: *Pro-*
2 *vided further*, That the Secretary shall prioritize ap-
3 plicants that are able to (A) demonstrate progress
4 and a commitment to overcoming local barriers to
5 facilitate the increase in affordable housing produc-
6 tion and preservation; and (B) demonstrate an acute
7 demand for housing affordable to households with
8 incomes below 100 percent of the area median in-
9 come: *Provided further*, That funds allocated for
10 such grants shall not adversely affect the amount of
11 any formula assistance received by a jurisdiction
12 under paragraph (1) of this heading: *Provided fur-*
13 *ther*, That in administering such amounts the Sec-
14 retary may waive or specify alternative requirements
15 for any provision of such title I except for require-
16 ments related to fair housing, nondiscrimination,
17 labor standards, the environment, and requirements
18 that activities benefit persons of low- and moderate-
19 income, upon a finding that any such waivers or al-
20 ternative requirements are necessary to expedite or
21 facilitate the use of such amounts;

22 (3) \$30,000,000 shall be available for activities
23 authorized under section 8071 of the SUPPORT for
24 Patients and Communities Act (Public Law 115–
25 271): *Provided*, That funds allocated pursuant to

1 this paragraph shall not adversely affect the amount
2 of any formula assistance received by a State under
3 paragraph (1) of this heading: *Provided further,*
4 That the Secretary shall allocate the funds for such
5 activities based on the notice establishing the fund-
6 ing formula published in 84 FR 16027 (April 17,
7 2019) except that the formula shall use age-adjusted
8 rates of drug overdose deaths for 2020 based on
9 data from the Centers for Disease Control and Pre-
10 vention; and

11 (4) \$2,982,285,641 shall be available for grants
12 for the Economic Development Initiative (EDI) for
13 the purposes, and in amounts, specified for Commu-
14 nity Project Funding/Congressionally Directed
15 Spending in the table entitled “Community Project
16 Funding/Congressionally Directed Spending” in-
17 cluded in the explanatory statement described in sec-
18 tion 4 (in the matter preceding division A of this
19 consolidated Act): *Provided,* That eligible expenses
20 of such grants may include administrative, planning,
21 operations and maintenance, and other costs: *Pro-*
22 *vided further,* That such grants for the EDI shall be
23 available for reimbursement of otherwise eligible ex-
24 penses incurred on or after the date of enactment of
25 this Act and prior to the date of grant execution:

1747

1 *Provided further,* That none of the amounts made
2 available under this paragraph for grants for the
3 EDI shall be used for reimbursement of expenses in-
4 curred prior to the date of enactment of this Act:

5 *Provided further,* That grants for the EDI author-
6 ized under this heading in the Department of Hous-
7 ing and Urban Development Appropriations Act,
8 2022 (Public Law 117–103) shall also be available
9 for reimbursement of otherwise eligible expenses (in-
10 cluding those eligible expenses identified in the first
11 proviso of this paragraph) incurred on or after the
12 date of enactment of such Act and prior to the date
13 of grant execution, and shall not be subject to the
14 second proviso under such heading in such Act:

15 *Provided further,* That for amounts made available under
16 paragraphs (1) and (3), the Secretary shall notify grantees
17 of their formula allocation within 60 days of enactment
18 of this Act.

19 COMMUNITY DEVELOPMENT LOAN GUARANTEES

20 PROGRAM ACCOUNT

21 Subject to section 502 of the Congressional Budget
22 Act of 1974 (2 U.S.C. 661a), during fiscal year 2023,
23 commitments to guarantee loans under section 108 of the
24 Housing and Community Development Act of 1974 (42
25 U.S.C. 5308), any part of which is guaranteed, shall not

1 exceed a total principal amount of \$300,000,000, notwith-
2 standing any aggregate limitation on outstanding obliga-
3 tions guaranteed in subsection (k) of such section 108:
4 *Provided*, That the Secretary shall collect fees from bor-
5 rowers, notwithstanding subsection (m) of such section
6 108, to result in a credit subsidy cost of zero for guaran-
7 teeing such loans, and any such fees shall be collected in
8 accordance with section 502(7) of the Congressional
9 Budget Act of 1974: *Provided further*, That such commit-
10 ment authority funded by fees may be used to guarantee,
11 or make commitments to guarantee, notes or other obliga-
12 tions issued by any State on behalf of non-entitlement
13 communities in the State in accordance with the require-
14 ments of such section 108: *Provided further*, That any
15 State receiving such a guarantee or commitment under the
16 preceding proviso shall distribute all funds subject to such
17 guarantee to the units of general local government in non-
18 entitlement areas that received the commitment.

19 HOME INVESTMENT PARTNERSHIPS PROGRAM

20 For the HOME Investment Partnerships program, as
21 authorized under title II of the Cranston-Gonzalez Na-
22 tional Affordable Housing Act, as amended (42 U.S.C.
23 12721 et seq.), \$1,500,000,000, to remain available until
24 September 30, 2026: *Provided*, That notwithstanding sec-
25 tion 231(b) of such Act (42 U.S.C. 12771(b)), all unobli-

1749

1 gated balances remaining from amounts recaptured pursu-
2 ant to such section that remain available until expended
3 shall be combined with amounts made available under this
4 heading and allocated in accordance with the formula
5 under section 217(b)(1)(A) of such Act (42 U.S.C.
6 12747(b)(1)(A)): *Provided further*, That the Department
7 shall notify grantees of their formula allocations within 60
8 days after enactment of this Act: *Provided further*, That
9 section 218(g) of such Act (42 U.S.C. 12748(g)) shall not
10 apply with respect to the right of a jurisdiction to draw
11 funds from its HOME Investment Trust Fund that other-
12 wise expired or would expire in any calendar year from
13 2016 through 2025 under that section: *Provided further*,
14 That section 231(b) of such Act (42 U.S.C. 12771(b))
15 shall not apply to any uninvested funds that otherwise
16 were deducted or would be deducted from the line of credit
17 in the participating jurisdiction's HOME Investment
18 Trust Fund in any calendar year from 2018 through 2025
19 under that section.

20 PRESERVATION AND REINVESTMENT INITIATIVE FOR
21 COMMUNITY ENHANCEMENT

22 For competitive grants to preserve and revitalize
23 manufactured housing and eligible manufactured housing
24 communities (including pre-1976 mobile homes) under
25 title I of the Housing and Community Development Act

1750

1 of 1974, as amended (42 U.S.C. 5301 et seq.),
2 \$225,000,000, to remain available until September 30,
3 2027: *Provided*, That recipients of grants provided with
4 amounts made available under this heading shall be
5 States, units of general local government, resident-owned
6 manufactured housing communities, cooperatives, non-
7 profit entities including consortia of nonprofit entities,
8 community development financial institutions, Indian
9 Tribes (as such term is defined in section 4 of the Native
10 American Housing Assistance and Self-Determination Act
11 of 1996 (NAHASDA) (25 U.S.C. 4103)), or other entities
12 approved by the Secretary: *Provided further*, That the Sec-
13 retary may reserve an amount for Indian Tribes within
14 such competition: *Provided further*, That the Secretary
15 may approve entities for selection that partner with one
16 or several residents of such eligible communities or that
17 propose to implement a grant program that would assist
18 residents of such eligible communities: *Provided further*,
19 That eligible uses of such grants may include infrastruc-
20 ture, planning, resident and community services (including
21 relocation assistance and eviction prevention), resiliency
22 activities, and providing other assistance to residents or
23 owners of manufactured homes, which may include pro-
24 viding assistance for manufactured housing land and site
25 acquisition: *Provided further*, That, except as determined

1 by the Secretary, participation in this program shall not
2 encumber the future transfer of title or use of property
3 by the residents, owners, or communities: *Provided further,*
4 That when selecting recipients, the Secretary shall
5 prioritize applications that primarily benefit low- or mod-
6 erately low-income residents and preserve long-term hous-
7 ing affordability for residents of manufactured housing or
8 a manufactured housing community: *Provided further,*
9 That eligible manufactured housing communities may in-
10 clude those that are—

11 (1) owned by the residents of the manufactured
12 housing community through a resident-controlled en-
13 tity, as defined by the Secretary; or

14 (2) determined by the Secretary to be subject to
15 binding agreements that will preserve the community
16 and maintain affordability on a long-term basis:

17 *Provided further,* That, of the amounts made available
18 under this heading, \$25,000,000 shall be for a pilot pro-
19 gram for the Secretary to provide grants to assist in the
20 redevelopment of manufactured housing communities (in-
21 cluding pre-1976 mobile homes) as replacement housing
22 that is affordable, as defined by the Secretary: *Provided*
23 *further,* That each such redevelopment project shall pro-
24 vide, for each unit of single-family manufactured housing
25 (including pre-1976 mobile homes) replaced under the

1752

1 project, up to 4 dwelling units of such affordable housing:
2 *Provided further*, That the Secretary shall define eligible
3 activities for grant assistance under the pilot program,
4 which may include relocation assistance or buy-outs for
5 residents of a manufactured housing community or down-
6 payment assistance for such residents: *Provided further*,
7 That the Secretary shall require each grantee under the
8 pilot program to supplement the amount of the grant with
9 non-Federal amounts exceeding 50 percent of the grant:
10 *Provided further*, That resiliency activities means the re-
11 construction, repair, or replacement of manufactured
12 housing and manufactured housing communities to pro-
13 tect the health and safety of manufactured housing resi-
14 dents and to address weatherization and energy efficiency
15 needs, except that for pre-1976 mobile homes, funds made
16 available under this heading may be used only for replace-
17 ment: *Provided further*, That the Secretary may waive or
18 specify alternative requirements for any provision of any
19 statute or regulation that the Secretary administers in
20 connection with the use of amounts made available under
21 this heading (except for requirements related to fair hous-
22 ing, nondiscrimination, labor standards, and the environ-
23 ment), upon a finding that such waiver or alternative re-
24 quirement is necessary to facilitate the use of such
25 amounts.

1753

1 SELF-HELP AND ASSISTED HOMEOWNERSHIP
2 OPPORTUNITY PROGRAM

3 For the Self-Help and Assisted Homeownership Op-
4 portunity Program, as authorized under section 11 of the
5 Housing Opportunity Program Extension Act of 1996 (42
6 U.S.C. 12805 note), and for related activities and assist-
7 ance, \$62,500,000, to remain available until September
8 30, 2025: *Provided*, That of the sums appropriated under
9 this heading—

10 (1) \$13,500,000 shall be available for the Self-
11 Help Homeownership Opportunity Program as au-
12 thorized under such section 11;

13 (2) \$42,000,000 shall be available for the sec-
14 ond, third, and fourth capacity building entities
15 specified in section 4(a) of the HUD Demonstration
16 Act of 1993 (42 U.S.C. 9816 note), of which not
17 less than \$5,000,000 shall be for rural capacity
18 building activities: *Provided*, That for purposes of
19 awarding grants from amounts made available in
20 this paragraph, the Secretary may enter into
21 multiyear agreements, as appropriate, subject to the
22 availability of annual appropriations;

23 (3) \$6,000,000 shall be available for capacity
24 building by national rural housing organizations hav-
25 ing experience assessing national rural conditions

1754

1 and providing financing, training, technical assist-
2 ance, information, and research to local nonprofit or-
3 ganizations, local governments, and Indian Tribes
4 serving high need rural communities; and

5 (4) \$1,000,000 shall be available for a program
6 to rehabilitate and modify the homes of disabled or
7 low-income veterans, as authorized under section
8 1079 of the Carl Levin and Howard P. “Buck”
9 McKeon National Defense Authorization Act for
10 Fiscal Year 2015 (38 U.S.C. 2101 note): *Provided*,
11 That the issuance of a Notice of Funding Oppor-
12 tunity for the amounts made available in this para-
13 graph shall be completed not later than 120 days
14 after enactment of this Act and such amounts shall
15 be awarded not later than 180 days after such
16 issuance.

17 HOMELESS ASSISTANCE GRANTS

18 For assistance under title IV of the McKinney-Vento
19 Homeless Assistance Act (42 U.S.C. 11360 et seq.), and
20 for related activities and assistance, \$3,633,000,000, to
21 remain available until September 30, 2025: *Provided*,
22 That of the sums appropriated under this heading—

23 (1) \$290,000,000 shall be available for the
24 Emergency Solutions Grants program authorized
25 under subtitle B of such title IV (42 U.S.C. 11371

1755

1 et seq.): *Provided*, That the Department shall notify
2 grantees of their formula allocation from amounts
3 allocated (which may represent initial or final
4 amounts allocated) for the Emergency Solutions
5 Grant program not later than 60 days after enact-
6 ment of this Act;

7 (2) \$3,154,000,000 shall be available for the
8 Continuum of Care program authorized under sub-
9 title C of such title IV (42 U.S.C. 11381 et seq.)
10 and the Rural Housing Stability Assistance pro-
11 grams authorized under subtitle D of such title IV
12 (42 U.S.C. 11408): *Provided*, That the Secretary
13 shall prioritize funding under the Continuum of
14 Care program to continuums of care that have dem-
15 onstrated a capacity to reallocate funding from lower
16 performing projects to higher performing projects:
17 *Provided further*, That the Secretary shall provide
18 incentives to create projects that coordinate with
19 housing providers and healthcare organizations to
20 provide permanent supportive housing and rapid re-
21 housing services: *Provided further*, That the Sec-
22 retary may establish by notice an alternative max-
23 imum amount for administrative costs related to the
24 requirements described in sections 402(f)(1) and
25 402(f)(2) of subtitle A of such title IV or no more

1756

1 than 5 percent or \$50,000, whichever is greater,
2 notwithstanding the 3 percent limitation in section
3 423(a)(10) of such subtitle C: *Provided further*, That
4 of the amounts made available for the Continuum of
5 Care program under this paragraph, not less than
6 \$52,000,000 shall be for grants for new rapid re-
7 housing projects and supportive service projects pro-
8 viding coordinated entry, and for eligible activities
9 that the Secretary determines to be critical in order
10 to assist survivors of domestic violence, dating vio-
11 lence, sexual assault, or stalking: *Provided further*,
12 That amounts made available for the Continuum of
13 Care program under this paragraph and any remain-
14 ing unobligated balances under this heading in prior
15 Acts may be used to competitively or non-competi-
16 tively renew or replace grants for youth homeless
17 demonstration projects under the Continuum of
18 Care program, notwithstanding any conflict with the
19 requirements of the Continuum of Care program;

20 (3) \$7,000,000 shall be available for the na-
21 tional homeless data analysis project: *Provided*, That
22 notwithstanding the provisions of the Federal Grant
23 and Cooperative Agreements Act of 1977 (31 U.S.C.
24 6301–6308), the amounts made available under this
25 paragraph and any remaining unobligated balances

1757

1 under this heading for such purposes in prior Acts
2 may be used by the Secretary to enter into coopera-
3 tive agreements with such entities as may be deter-
4 mined by the Secretary, including public and private
5 organizations, agencies, and institutions;

6 (4) \$107,000,000 shall be available to imple-
7 ment projects to demonstrate how a comprehensive
8 approach to serving homeless youth, age 24 and
9 under, in up to 25 communities with a priority for
10 communities with substantial rural populations in up
11 to eight locations, can dramatically reduce youth
12 homelessness: *Provided*, That of the amount made
13 available under this paragraph, not less than
14 \$25,000,000 shall be for youth homelessness system
15 improvement grants to support communities, includ-
16 ing but not limited to the communities assisted
17 under the matter preceding this proviso, in estab-
18 lishing and implementing a response system for
19 youth homelessness, or for improving their existing
20 system: *Provided further*, That of the amount made
21 available under this paragraph, up to \$10,000,000
22 shall be to provide technical assistance to commu-
23 nities, including but not limited to the communities
24 assisted in the preceding proviso and the matter pre-
25 ceding such proviso, on improving system responses

1758

1 to youth homelessness, and collection, analysis, use,
2 and reporting of data and performance measures
3 under the comprehensive approaches to serve home-
4 less youth, in addition to and in coordination with
5 other technical assistance funds provided under this
6 title: *Provided further*, That the Secretary may use
7 up to 10 percent of the amount made available
8 under the preceding proviso to build the capacity of
9 current technical assistance providers or to train
10 new technical assistance providers with verifiable
11 prior experience with systems and programs for
12 youth experiencing homelessness; and

13 (5) \$75,000,000 shall be available for one-time
14 awards under the Continuum of Care program for
15 new construction, acquisition, or rehabilitation of
16 new permanent supportive housing, of which not
17 more than 20 percent of such awards may be used
18 for other Continuum of Care eligible activities asso-
19 ciated with such projects and not more than 10 per-
20 cent of such awards may be used for project admin-
21 istration: *Provided*, That these amounts shall be
22 awarded on a competitive basis, based on need and
23 other factors to be determined by the Secretary, in-
24 cluding incentives to establish projects that coordi-
25 nate with housing providers, healthcare organiza-

1 tions and social service providers: *Provided further,*
2 That not less than \$30,000,000 shall be awarded to
3 applicants for projects within States with popu-
4 lations less than 2,500,000, except that if such
5 amount is undersubscribed any remaining amounts
6 may be awarded to qualified applicants for projects
7 in any State: *Provided further,* That the grants for
8 ongoing costs associated with such projects shall be
9 eligible for renewal under the Continuum of Care
10 program subject to the same terms and conditions
11 as other renewal applicants:

12 *Provided further,* That youth aged 24 and under seeking
13 assistance under this heading shall not be required to pro-
14 vide third party documentation to establish their eligibility
15 under subsection (a) or (b) of section 103 of the McKin-
16 ney-Vento Homeless Assistance Act (42 U.S.C. 11302) to
17 receive services: *Provided further,* That unaccompanied
18 youth aged 24 and under or families headed by youth aged
19 24 and under who are living in unsafe situations may be
20 served by youth-serving providers funded under this head-
21 ing: *Provided further,* That persons eligible under section
22 103(a)(5) of the McKinney-Vento Homeless Assistance
23 Act may be served by any project funded under this head-
24 ing to provide both transitional housing and rapid re-hous-
25 ing: *Provided further,* That for all matching funds require-

1760

1 ments applicable to funds made available under this head-
2 ing for this fiscal year and prior fiscal years, a grantee
3 may use (or could have used) as a source of match funds
4 other funds administered by the Secretary and other Fed-
5 eral agencies unless there is (or was) a specific statutory
6 prohibition on any such use of any such funds: *Provided*
7 *further*, That none of the funds made available under this
8 heading shall be available to provide funding for new
9 projects, except for projects created through reallocation,
10 unless the Secretary determines that the continuum of
11 care has demonstrated that projects are evaluated and
12 ranked based on the degree to which they improve the con-
13 tinuum of care's system performance: *Provided further*,
14 That any unobligated amounts remaining from funds
15 made available under this heading in fiscal year 2012 and
16 prior years for project-based rental assistance for rehabili-
17 tation projects with 10-year grant terms may be used for
18 purposes under this heading, notwithstanding the pur-
19 poses for which such funds were appropriated: *Provided*
20 *further*, That unobligated balances, including recaptures
21 and carryover, remaining from funds transferred to or ap-
22 propriated under this heading in fiscal year 2019 or prior
23 years, except for rental assistance amounts that were re-
24 captured and made available until expended, shall be avail-
25 able for the current purposes authorized under this head-

1761

1 ing in addition to the purposes for which such funds origi-
2 nally were appropriated.

3 HOUSING PROGRAMS

4 PROJECT-BASED RENTAL ASSISTANCE

5 For activities and assistance for the provision of
6 project-based subsidy contracts under the United States
7 Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the
8 Act”), not otherwise provided for, \$13,537,580,000, to re-
9 main available until expended, shall be available on Octo-
10 ber 1, 2022 (in addition to the \$400,000,000 previously
11 appropriated under this heading that became available Oc-
12 tober 1, 2022), and \$400,000,000, to remain available
13 until expended, shall be available on October 1, 2023: *Pro-*
14 *vided*, That the amounts made available under this head-
15 ing shall be available for expiring or terminating section
16 8 project-based subsidy contracts (including section 8
17 moderate rehabilitation contracts), for amendments to sec-
18 tion 8 project-based subsidy contracts (including section
19 8 moderate rehabilitation contracts), for contracts entered
20 into pursuant to section 441 of the McKinney-Vento
21 Homeless Assistance Act (42 U.S.C. 11401), for renewal
22 of section 8 contracts for units in projects that are subject
23 to approved plans of action under the Emergency Low In-
24 come Housing Preservation Act of 1987 or the Low-In-
25 come Housing Preservation and Resident Homeownership

1762

1 Act of 1990, and for administrative and other expenses
2 associated with project-based activities and assistance
3 funded under this heading: *Provided further*, That of the
4 total amounts provided under this heading, not to exceed
5 \$343,000,000 shall be available for performance-based
6 contract administrators for section 8 project-based assist-
7 ance, for carrying out 42 U.S.C. 1437(f): *Provided further*,
8 That the Secretary may also use such amounts in the pre-
9 ceding proviso for performance-based contract administra-
10 tors for the administration of: interest reduction payments
11 pursuant to section 236(a) of the National Housing Act
12 (12 U.S.C. 1715z-1(a)); rent supplement payments pur-
13 suant to section 101 of the Housing and Urban Develop-
14 ment Act of 1965 (12 U.S.C. 1701s); section 236(f)(2)
15 rental assistance payments (12 U.S.C. 1715z-1(f)(2));
16 project rental assistance contracts for the elderly under
17 section 202(c)(2) of the Housing Act of 1959 (12 U.S.C.
18 1701q); project rental assistance contracts for supportive
19 housing for persons with disabilities under section
20 811(d)(2) of the Cranston-Gonzalez National Affordable
21 Housing Act (42 U.S.C. 8013(d)(2)); project assistance
22 contracts pursuant to section 202(h) of the Housing Act
23 of 1959 (Public Law 86-372; 73 Stat. 667); and loans
24 under section 202 of the Housing Act of 1959 (Public Law
25 86-372; 73 Stat. 667): *Provided further*, That amounts

1763

1 recaptured under this heading, the heading “Annual Con-
2 tributions for Assisted Housing”, or the heading “Housing
3 Certificate Fund”, may be used for renewals of or amend-
4 ments to section 8 project-based contracts or for perform-
5 ance-based contract administrators, notwithstanding the
6 purposes for which such amounts were appropriated: *Pro-*
7 *vided further*, That, notwithstanding any other provision
8 of law, upon the request of the Secretary, project funds
9 that are held in residual receipts accounts for any project
10 subject to a section 8 project-based Housing Assistance
11 Payments contract that authorizes the Department or a
12 housing finance agency to require that surplus project
13 funds be deposited in an interest-bearing residual receipts
14 account and that are in excess of an amount to be deter-
15 mined by the Secretary, shall be remitted to the Depart-
16 ment and deposited in this account, to be available until
17 expended: *Provided further*, That amounts deposited pur-
18 suant to the preceding proviso shall be available in addi-
19 tion to the amount otherwise provided by this heading for
20 uses authorized under this heading.

21 HOUSING FOR THE ELDERLY

22 For capital advances, including amendments to cap-
23 ital advance contracts, for housing for the elderly, as au-
24 thorized by section 202 of the Housing Act of 1959 (12
25 U.S.C. 1701q), for project rental assistance for the elderly

1764

1 under section 202(c)(2) of such Act, including amend-
2 ments to contracts for such assistance and renewal of ex-
3 piring contracts for such assistance for up to a 5-year
4 term, for senior preservation rental assistance contracts,
5 including renewals, as authorized by section 811(e) of the
6 American Homeownership and Economic Opportunity Act
7 of 2000 (12 U.S.C. 1701q note), and for supportive serv-
8 ices associated with the housing, \$1,075,000,000 to re-
9 main available until September 30, 2026: *Provided*, That
10 of the amount made available under this heading, up to
11 \$120,000,000 shall be for service coordinators and the
12 continuation of existing congregate service grants for resi-
13 dents of assisted housing projects: *Provided further*, That
14 any funding for existing service coordinators under the
15 preceding proviso shall be provided within 120 days of en-
16 actment of this Act: *Provided further*, That amounts made
17 available under this heading shall be available for Real Es-
18 tate Assessment Center inspections and inspection-related
19 activities associated with section 202 projects: *Provided*
20 *further*, That the Secretary may waive the provisions of
21 section 202 governing the terms and conditions of project
22 rental assistance, except that the initial contract term for
23 such assistance shall not exceed 5 years in duration: *Pro-*
24 *vided further*, That upon request of the Secretary, project
25 funds that are held in residual receipts accounts for any

1765

1 project subject to a section 202 project rental assistance
2 contract, and that upon termination of such contract are
3 in excess of an amount to be determined by the Secretary,
4 shall be remitted to the Department and deposited in this
5 account, to remain available until September 30, 2026:
6 *Provided further*, That amounts deposited in this account
7 pursuant to the preceding proviso shall be available, in ad-
8 dition to the amounts otherwise provided by this heading,
9 for the purposes authorized under this heading: *Provided*
10 *further*, That unobligated balances, including recaptures
11 and carryover, remaining from funds transferred to or ap-
12 propriated under this heading shall be available for the
13 current purposes authorized under this heading in addi-
14 tion to the purposes for which such funds originally were
15 appropriated: *Provided further*, That of the total amount
16 made available under this heading, up to \$25,000,000
17 shall be used to expand the supply of intergenerational
18 dwelling units (as such term is defined in section 202 of
19 the Legacy Act of 2003 (12 U.S.C. 1701q note)) for elder-
20 ly caregivers raising children: *Provided further*, That for
21 the purposes of the preceding proviso the Secretary may
22 waive, or specify alternative requirements for, any provi-
23 sion of section 202 of the Housing Act of 1959 (12 U.S.C.
24 1701q) in order to facilitate the development of such
25 units, except for requirements related to fair housing, non-

1766

1 discrimination, labor standards, and the environment: *Pro-*
2 *vided further*, That of the total amount made available
3 under this heading, up to \$6,000,000 shall be used by the
4 Secretary to support preservation transactions of housing
5 for the elderly originally developed with a capital advance
6 and assisted by a project rental assistance contract under
7 the provisions of section 202(c) of the Housing Act of
8 1959.

9 HOUSING FOR PERSONS WITH DISABILITIES

10 For capital advances, including amendments to cap-
11 ital advance contracts, for supportive housing for persons
12 with disabilities, as authorized by section 811 of the Cran-
13 ston-Gonzalez National Affordable Housing Act (42
14 U.S.C. 8013), for project rental assistance for supportive
15 housing for persons with disabilities under section
16 811(d)(2) of such Act, for project assistance contracts
17 pursuant to subsection (h) of section 202 of the Housing
18 Act of 1959, as added by section 205(a) of the Housing
19 and Community Development Amendments of 1978 (Pub-
20 lic Law 95-557: 92 Stat. 2090), including amendments
21 to contracts for such assistance and renewal of expiring
22 contracts for such assistance for up to a 5-year term, for
23 project rental assistance to State housing finance agencies
24 and other appropriate entities as authorized under section
25 811(b)(3) of the Cranston-Gonzalez National Affordable

1767

1 Housing Act, and for supportive services associated with
2 the housing for persons with disabilities as authorized by
3 section 811(b)(1) of such Act, \$360,000,000, to remain
4 available until September 30, 2026: *Provided*, That
5 amounts made available under this heading shall be avail-
6 able for Real Estate Assessment Center inspections and
7 inspection-related activities associated with section 811
8 projects: *Provided further*, That, upon the request of the
9 Secretary, project funds that are held in residual receipts
10 accounts for any project subject to a section 811 project
11 rental assistance contract, and that upon termination of
12 such contract are in excess of an amount to be determined
13 by the Secretary, shall be remitted to the Department and
14 deposited in this account, to remain available until Sep-
15 tember 30, 2026: *Provided further*, That amounts depos-
16 ited in this account pursuant to the preceding proviso shall
17 be available in addition to the amounts otherwise provided
18 by this heading for the purposes authorized under this
19 heading: *Provided further*, That unobligated balances, in-
20 cluding recaptures and carryover, remaining from funds
21 transferred to or appropriated under this heading shall be
22 used for the current purposes authorized under this head-
23 ing in addition to the purposes for which such funds origi-
24 nally were appropriated.

1768

1 HOUSING COUNSELING ASSISTANCE

2 For contracts, grants, and other assistance excluding
3 loans, as authorized under section 106 of the Housing and
4 Urban Development Act of 1968, as amended,
5 \$57,500,000, to remain available until September 30,
6 2024, including up to \$4,500,000 for administrative con-
7 tract services: *Provided*, That funds shall be used for pro-
8 viding counseling and advice to tenants and homeowners,
9 both current and prospective, with respect to property
10 maintenance, financial management or literacy, and such
11 other matters as may be appropriate to assist them in im-
12 proving their housing conditions, meeting their financial
13 needs, and fulfilling the responsibilities of tenancy or
14 homeownership; for program administration; and for hous-
15 ing counselor training: *Provided further*, That for purposes
16 of awarding grants from amounts provided under this
17 heading, the Secretary may enter into multiyear agree-
18 ments, as appropriate, subject to the availability of annual
19 appropriations.

20 PAYMENT TO MANUFACTURED HOUSING FEES TRUST

21 FUND

22 For necessary expenses as authorized by the National
23 Manufactured Housing Construction and Safety Stand-
24 ards Act of 1974 (42 U.S.C. 5401 et seq.), up to
25 \$14,000,000, to remain available until expended, of which

1769

1 \$14,000,000 shall be derived from the Manufactured
2 Housing Fees Trust Fund (established under section
3 620(e) of such Act (42 U.S.C. 5419(e)): *Provided*, That
4 not to exceed the total amount appropriated under this
5 heading shall be available from the general fund of the
6 Treasury to the extent necessary to incur obligations and
7 make expenditures pending the receipt of collections to the
8 Fund pursuant to section 620 of such Act: *Provided fur-*
9 *ther*, That the amount made available under this heading
10 from the general fund shall be reduced as such collections
11 are received during fiscal year 2023 so as to result in a
12 final fiscal year 2023 appropriation from the general fund
13 estimated at zero, and fees pursuant to such section 620
14 shall be modified as necessary to ensure such a final fiscal
15 year 2023 appropriation: *Provided further*, That for the
16 dispute resolution and installation programs, the Sec-
17 retary may assess and collect fees from any program par-
18 ticipant: *Provided further*, That such collections shall be
19 deposited into the Trust Fund, and the Secretary, as pro-
20 vided herein, may use such collections, as well as fees col-
21 lected under section 620 of such Act, for necessary ex-
22 penses of such Act: *Provided further*, That, notwith-
23 standing the requirements of section 620 of such Act, the
24 Secretary may carry out responsibilities of the Secretary
25 under such Act through the use of approved service pro-

1770

1 viders that are paid directly by the recipients of their serv-
2 ices.

3 FEDERAL HOUSING ADMINISTRATION

4 MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

5 New commitments to guarantee single family loans
6 insured under the Mutual Mortgage Insurance Fund shall
7 not exceed \$400,000,000,000, to remain available until
8 September 30, 2024: *Provided*, That during fiscal year
9 2023, obligations to make direct loans to carry out the
10 purposes of section 204(g) of the National Housing Act,
11 as amended, shall not exceed \$1,000,000: *Provided fur-*
12 *ther*, That the foregoing amount in the preceding proviso
13 shall be for loans to nonprofit and governmental entities
14 in connection with sales of single family real properties
15 owned by the Secretary and formerly insured under the
16 Mutual Mortgage Insurance Fund: *Provided further*, That
17 for administrative contract expenses of the Federal Hous-
18 ing Administration, \$150,000,000, to remain available
19 until September 30, 2024: *Provided further*, That to the
20 extent guaranteed loan commitments exceed
21 \$200,000,000,000 on or before April 1, 2023, an addi-
22 tional \$1,400 for administrative contract expenses shall be
23 available for each \$1,000,000 in additional guaranteed
24 loan commitments (including a pro rata amount for any
25 amount below \$1,000,000), but in no case shall funds

1771

1 made available by this proviso exceed \$30,000,000: *Pro-*
2 *vided further*, That notwithstanding the limitation in the
3 first sentence of section 255(g) of the National Housing
4 Act (12 U.S.C. 1715z–20(g)), during fiscal year 2023 the
5 Secretary may insure and enter into new commitments to
6 insure mortgages under section 255 of the National Hous-
7 ing Act only to the extent that the net credit subsidy cost
8 for such insurance does not exceed zero.

9 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

10 New commitments to guarantee loans insured under
11 the General and Special Risk Insurance Funds, as author-
12 ized by sections 238 and 519 of the National Housing Act
13 (12 U.S.C. 1715z–3 and 1735c), shall not exceed
14 \$35,000,000,000 in total loan principal, any part of which
15 is to be guaranteed, to remain available until September
16 30, 2024: *Provided*, That during fiscal year 2023, gross
17 obligations for the principal amount of direct loans, as au-
18 thorized by sections 204(g), 207(l), 238, and 519(a) of
19 the National Housing Act, shall not exceed \$1,000,000,
20 which shall be for loans to nonprofit and governmental en-
21 tities in connection with the sale of single family real prop-
22 erties owned by the Secretary and formerly insured under
23 such Act.

1772

1 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION
2 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN
3 GUARANTEE PROGRAM ACCOUNT

4 New commitments to issue guarantees to carry out
5 the purposes of section 306 of the National Housing Act,
6 as amended (12 U.S.C. 1721(g)), shall not exceed
7 \$900,000,000,000, to remain available until September
8 30, 2024: *Provided*, That \$40,400,000, to remain avail-
9 able until September 30, 2024, shall be for necessary sala-
10 ries and expenses of the Government National Mortgage
11 Association: *Provided further*, That to the extent that
12 guaranteed loan commitments exceed \$155,000,000,000
13 on or before April 1, 2023, an additional \$100 for nec-
14 essary salaries and expenses shall be available until ex-
15 pended for each \$1,000,000 in additional guaranteed loan
16 commitments (including a pro rata amount for any
17 amount below \$1,000,000), but in no case shall funds
18 made available by this proviso exceed \$3,000,000: *Pro-*
19 *vided further*, That receipts from Commitment and
20 Multiclass fees collected pursuant to title III of the Na-
21 tional Housing Act (12 U.S.C. 1716 et seq.) shall be cred-
22 ited as offsetting collections to this account.

1773

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
7 of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying
8 out the functions of the Secretary of Housing and Urban
9 Development under section 1(a)(1)(i) of Reorganization
10 Plan No. 2 of 1968, and for technical assistance,
11 \$125,400,000, to remain available until September 30,
12 2024: *Provided*, That with respect to amounts made avail-
13 able under this heading, notwithstanding section 203 of
14 this title, the Secretary may enter into cooperative agree-
15 ments with philanthropic entities, other Federal agencies,
16 State or local governments and their agencies, Indian
17 Tribes, tribally designated housing entities, or colleges or
18 universities for research projects: *Provided further*, That
19 with respect to the preceding proviso, such partners to the
20 cooperative agreements shall contribute at least a 50 per-
21 cent match toward the cost of the project: *Provided fur-*
22 *ther*, That for non-competitive agreements entered into in
23 accordance with the preceding two provisos, the Secretary
24 shall comply with section 2(b) of the Federal Funding Ac-
25 countability and Transparency Act of 2006 (Public Law

1774

1 109–282, 31 U.S.C. note) in lieu of compliance with sec-
2 tion 102(a)(4)(C) of the Department of Housing and
3 Urban Development Reform Act of 1989 (42 U.S.C.
4 3545(a)(4)(C)) with respect to documentation of award
5 decisions: *Provided further*, That prior to obligation of
6 technical assistance funding, the Secretary shall submit a
7 plan to the House and Senate Committees on Appropria-
8 tions on how the Secretary will allocate funding for this
9 activity at least 30 days prior to obligation: *Provided fur-*
10 *ther*, That none of the funds provided under this heading
11 may be available for the doctoral dissertation research
12 grant program: *Provided further*, That an additional
13 \$20,000,000, to remain available until September 30,
14 2025, shall be for competitive grants to nonprofit or gov-
15 ernmental entities to provide legal assistance (including
16 assistance related to pretrial activities, trial activities,
17 post-trial activities and alternative dispute resolution) at
18 no cost to eligible low-income tenants at risk of or subject
19 to eviction: *Provided further*, That in awarding grants
20 under the preceding proviso, the Secretary shall give pref-
21 erence to applicants that include a marketing strategy for
22 residents of areas with high rates of eviction, have experi-
23 ence providing no-cost legal assistance to low-income indi-
24 viduals, including those with limited English proficiency
25 or disabilities, and have sufficient capacity to administer

1775

1 such assistance: *Provided further*, That the Secretary shall
2 ensure, to the extent practicable, that the proportion of
3 eligible tenants living in rural areas who will receive legal
4 assistance with grant funds made available under this
5 heading is not less than the overall proportion of eligible
6 tenants who live in rural areas.

7 FAIR HOUSING AND EQUAL OPPORTUNITY

8 FAIR HOUSING ACTIVITIES

9 For contracts, grants, and other assistance, not oth-
10 erwise provided for, as authorized by title VIII of the Civil
11 Rights Act of 1968 (42 U.S.C. 3601 et seq.), and section
12 561 of the Housing and Community Development Act of
13 1987 (42 U.S.C. 3616a), \$86,355,000, to remain available
14 until September 30, 2024: *Provided*, That notwithstanding
15 section 3302 of title 31, United States Code, the Secretary
16 may assess and collect fees to cover the costs of the Fair
17 Housing Training Academy, and may use such funds to
18 develop on-line courses and provide such training: *Pro-*
19 *vided further*, That none of the funds made available under
20 this heading may be used to lobby the executive or legisla-
21 tive branches of the Federal Government in connection
22 with a specific contract, grant, or loan: *Provided further*,
23 That of the funds made available under this heading,
24 \$1,355,000 shall be available to the Secretary for the cre-
25 ation and promotion of translated materials and other pro-

1776

1 grams that support the assistance of persons with limited
2 English proficiency in utilizing the services provided by
3 the Department of Housing and Urban Development.

4 OFFICE OF LEAD HAZARD CONTROL AND HEALTHY
5 HOMES

6 LEAD HAZARD REDUCTION

7 (INCLUDING TRANSFER OF FUNDS)

8 For the Lead Hazard Reduction Program, as author-
9 ized by section 1011 of the Residential Lead-Based Paint
10 Hazard Reduction Act of 1992 (42 U.S.C. 4852), the
11 Healthy Homes Initiative, pursuant to sections 501 and
12 502 of the Housing and Urban Development Act of 1970
13 (12 U.S.C. 1701z-1 and 1701z-2), and for related activi-
14 ties and assistance, \$410,000,000, to remain available
15 until September 30, 2025: *Provided*, That the amounts
16 made available under this heading are provided as follows:

17 (1) \$290,000,000 shall be for the award of
18 grants pursuant to such section 1011, of which not
19 less than \$95,000,000 shall be provided to areas
20 with the highest lead-based paint abatement needs;

21 (2) \$85,000,000 shall be for the Healthy
22 Homes Initiative, pursuant to sections 501 and 502
23 of the Housing and Urban Development Act of
24 1970, which shall include research, studies, testing,
25 and demonstration efforts, including education and

1777

1 outreach concerning lead-based paint poisoning and
2 other housing-related diseases and hazards, and
3 mitigating housing-related health and safety hazards
4 in housing of low-income families, of which—

5 (A) \$5,000,000 shall be for the implemen-
6 tation of projects in up to five communities that
7 are served by both the Healthy Homes Initia-
8 tive and the Department of Energy weatheriza-
9 tion programs to demonstrate whether the co-
10 ordination of Healthy Homes remediation ac-
11 tivities with weatherization activities achieves
12 cost savings and better outcomes in improving
13 the safety and quality of homes; and

14 (B) \$30,000,000 shall be for grants to ex-
15 perience non-profit organizations, States, local
16 governments, or public housing agencies for
17 safety and functional home modification repairs
18 and renovations to meet the needs of low-in-
19 come seniors to enable them to remain in their
20 primary residence: *Provided*, That of the total
21 amount made available under this subpara-
22 graph no less than \$10,000,000 shall be avail-
23 able to meet such needs in communities with
24 substantial rural populations;

1778

1 (3) \$5,000,000 shall be for the award of grants
2 and contracts for research pursuant to sections 1051
3 and 1052 of the Residential Lead-Based Paint Haz-
4 ard Reduction Act of 1992 (42 U.S.C. 4854,
5 4854a);

6 (4) Up to \$2,000,000 in total of the amounts
7 made available under paragraphs (2) and (3) may be
8 transferred to the heading “Research and Tech-
9 nology” for the purposes of conducting research and
10 studies and for use in accordance with the provisos
11 under that heading for non-competitive agreements;

12 (5) \$25,000,000 shall be for a lead-risk assess-
13 ment demonstration for public housing agencies to
14 conduct lead hazard screenings or lead-risk assess-
15 ments during housing quality standards inspections
16 of units in which a family receiving assistance under
17 section 8(o) of the U.S. Housing Act of 1937 (42
18 U.S.C. 1437f(o)) resides or expects to reside, and
19 has or expects to have a child under age 6 residing
20 in the unit, while preserving rental housing avail-
21 ability and affordability; and

22 (6) \$5,000,000 shall be for grants for a radon
23 testing and mitigation safety demonstration program
24 (the radon demonstration) in public housing: *Pro-*
25 *vided*, That the testing method, mitigation method,

1779

1 or action level used under the radon demonstration
2 shall be as specified by applicable State or local law,
3 if such law is more protective of human health or
4 the environment than the method or level specified
5 by the Secretary:

6 *Provided further*, That for purposes of environmental re-
7 view, pursuant to the National Environmental Policy Act
8 of 1969 (42 U.S.C. 4321 et seq.) and other provisions of
9 law that further the purposes of such Act, a grant under
10 the Healthy Homes Initiative, or the Lead Technical Stud-
11 ies program, or other demonstrations or programs under
12 this heading or under prior appropriations Acts for such
13 purposes under this heading, or under the heading “Hous-
14 ing for the Elderly” under prior Appropriations Acts, shall
15 be considered to be funds for a special project for purposes
16 of section 305(c) of the Multifamily Housing Property
17 Disposition Reform Act of 1994: *Provided further*, That
18 each applicant for a grant or cooperative agreement under
19 this heading shall certify adequate capacity that is accept-
20 able to the Secretary to carry out the proposed use of
21 funds pursuant to a notice of funding opportunity: *Pro-*
22 *vided further*, That amounts made available under this
23 heading, except for amounts in paragraph (2)(B) for home
24 modification repairs and renovations, in this or prior ap-
25 propriations Acts, still remaining available, may be used

1780

1 for any purpose under this heading notwithstanding the
2 purpose for which such amounts were appropriated if a
3 program competition is undersubscribed and there are
4 other program competitions under this heading that are
5 oversubscribed.

6 INFORMATION TECHNOLOGY FUND

7 For Department-wide and program-specific informa-
8 tion technology systems and infrastructure, \$374,750,000,
9 to remain available until September 30, 2025, of which
10 up to \$23,950,000 shall be for development, moderniza-
11 tion, and enhancement projects, including planning for
12 such projects: *Provided*, That not more than 10 percent
13 of the funds made available under this heading for devel-
14 opment, modernization, and enhancement may be obli-
15 gated until the Secretary submits and the House and Sen-
16 ate Committees on Appropriations approve a plan that—

17 (1) identifies for each development, moderniza-
18 tion, and enhancement project to be funded from
19 available balances, including carryover—

20 (A) plain language summaries of the
21 project scope;

22 (B) the estimated total project cost; and

23 (C) key milestones to be met; and

24 (2) identifies for each major modernization
25 project—

1781

1 (A) the functional and performance capa-
2 bilities to be delivered and the mission benefits
3 to be realized;

4 (B) the estimated life-cycle cost;

5 (C) key milestones to be met through the
6 project end date, including any identified sys-
7 tem decommissioning;

8 (D) a description of the procurement strat-
9 egy and governance structure for the project
10 and the number of HUD staff and contractors
11 supporting the project; and

12 (E) certification from the Chief Informa-
13 tion Officer that each project is compliant with
14 the Department's enterprise architecture, life-
15 cycle management and capital planning and in-
16 vestment control requirements:

17 *Provided further*, That not later than 30 days after the
18 end of each quarter, the Secretary shall submit an updated
19 report to the Committees on Appropriations of the House
20 of Representatives and the Senate summarizing the sta-
21 tus, cost and plan for all modernization projects; and for
22 each major modernization project with an approved
23 project plan, identifying—

24 (1) results and actual expenditures of the prior
25 quarter;

1783

1 State housing finance agencies or local governments or
2 local housing agencies with projects approved by the Sec-
3 retary of Housing and Urban Development for which set-
4 tlement occurred after January 1, 1992, in accordance
5 with such section. Notwithstanding the previous sentence,
6 the Secretary may award up to 15 percent of the budget
7 authority or cash recaptured and not rescinded or remitted
8 to the Treasury to provide project owners with incentives
9 to refinance their project at a lower interest rate.

10 SEC. 202. None of the funds made available by this
11 Act may be used during fiscal year 2023 to investigate
12 or prosecute under the Fair Housing Act any otherwise
13 lawful activity engaged in by one or more persons, includ-
14 ing the filing or maintaining of a nonfrivolous legal action,
15 that is engaged in solely for the purpose of achieving or
16 preventing action by a Government official or entity, or
17 a court of competent jurisdiction.

18 SEC. 203. Except as explicitly provided in law, any
19 grant, cooperative agreement or other assistance made
20 pursuant to title II of this Act shall be made on a competi-
21 tive basis and in accordance with section 102 of the De-
22 partment of Housing and Urban Development Reform Act
23 of 1989 (42 U.S.C. 3545).

24 SEC. 204. Funds of the Department of Housing and
25 Urban Development subject to the Government Corpora-

1 tion Control Act or section 402 of the Housing Act of
2 1950 shall be available, without regard to the limitations
3 on administrative expenses, for legal services on a contract
4 or fee basis, and for utilizing and making payment for
5 services and facilities of the Federal National Mortgage
6 Association, Government National Mortgage Association,
7 Federal Home Loan Mortgage Corporation, Federal Fi-
8 nancing Bank, Federal Reserve banks or any member
9 thereof, Federal Home Loan banks, and any insured bank
10 within the meaning of the Federal Deposit Insurance Cor-
11 poration Act, as amended (12 U.S.C. 1811–1).

12 SEC. 205. Unless otherwise provided for in this Act
13 or through a reprogramming of funds, no part of any ap-
14 propriation for the Department of Housing and Urban
15 Development shall be available for any program, project
16 or activity in excess of amounts set forth in the budget
17 estimates submitted to Congress.

18 SEC. 206. Corporations and agencies of the Depart-
19 ment of Housing and Urban Development which are sub-
20 ject to the Government Corporation Control Act are here-
21 by authorized to make such expenditures, within the limits
22 of funds and borrowing authority available to each such
23 corporation or agency and in accordance with law, and to
24 make such contracts and commitments without regard to
25 fiscal year limitations as provided by section 104 of such

1 Act as may be necessary in carrying out the programs set
2 forth in the budget for 2023 for such corporation or agen-
3 cy except as hereinafter provided: *Provided*, That collec-
4 tions of these corporations and agencies may be used for
5 new loan or mortgage purchase commitments only to the
6 extent expressly provided for in this Act (unless such loans
7 are in support of other forms of assistance provided for
8 in this or prior appropriations Acts), except that this pro-
9 viso shall not apply to the mortgage insurance or guaranty
10 operations of these corporations, or where loans or mort-
11 gage purchases are necessary to protect the financial in-
12 terest of the United States Government.

13 SEC. 207. The Secretary shall provide quarterly re-
14 ports to the House and Senate Committees on Appropria-
15 tions regarding all uncommitted, unobligated, recaptured
16 and excess funds in each program and activity within the
17 jurisdiction of the Department and shall submit addi-
18 tional, updated budget information to these Committees
19 upon request.

20 SEC. 208. None of the funds made available by this
21 title may be used for an audit of the Government National
22 Mortgage Association that makes applicable requirements
23 under the Federal Credit Reform Act of 1990 (2 U.S.C.
24 661 et seq.).

1 SEC. 209. (a) Notwithstanding any other provision
2 of law, subject to the conditions listed under this section,
3 for fiscal years 2023 and 2024, the Secretary of Housing
4 and Urban Development may authorize the transfer of
5 some or all project-based assistance, debt held or insured
6 by the Secretary and statutorily required low-income and
7 very low-income use restrictions if any, associated with one
8 or more multifamily housing project or projects to another
9 multifamily housing project or projects.

10 (b) PHASED TRANSFERS.—Transfers of project-
11 based assistance under this section may be done in phases
12 to accommodate the financing and other requirements re-
13 lated to rehabilitating or constructing the project or
14 projects to which the assistance is transferred, to ensure
15 that such project or projects meet the standards under
16 subsection (c).

17 (c) The transfer authorized in subsection (a) is sub-
18 ject to the following conditions:

19 (1) NUMBER AND BEDROOM SIZE OF UNITS.—

20 (A) For occupied units in the transferring
21 project: The number of low-income and very
22 low-income units and the configuration (i.e.,
23 bedroom size) provided by the transferring
24 project shall be no less than when transferred
25 to the receiving project or projects and the net

1787

1 dollar amount of Federal assistance provided to
2 the transferring project shall remain the same
3 in the receiving project or projects.

4 (B) For unoccupied units in the transfer-
5 ring project: The Secretary may authorize a re-
6 duction in the number of dwelling units in the
7 receiving project or projects to allow for a re-
8 configuration of bedroom sizes to meet current
9 market demands, as determined by the Sec-
10 retary and provided there is no increase in the
11 project-based assistance budget authority.

12 (2) The transferring project shall, as deter-
13 mined by the Secretary, be either physically obsolete
14 or economically nonviable, or be reasonably expected
15 to become economically nonviable when complying
16 with State or Federal requirements for community
17 integration and reduced concentration of individuals
18 with disabilities.

19 (3) The receiving project or projects shall meet
20 or exceed applicable physical standards established
21 by the Secretary.

22 (4) The owner or mortgagor of the transferring
23 project shall notify and consult with the tenants re-
24 siding in the transferring project and provide a cer-

1 tification of approval by all appropriate local govern-
2 mental officials.

3 (5) The tenants of the transferring project who
4 remain eligible for assistance to be provided by the
5 receiving project or projects shall not be required to
6 vacate their units in the transferring project or
7 projects until new units in the receiving project are
8 available for occupancy.

9 (6) The Secretary determines that this transfer
10 is in the best interest of the tenants.

11 (7) If either the transferring project or the re-
12 ceiving project or projects meets the condition speci-
13 fied in subsection (d)(2)(A), any lien on the receiv-
14 ing project resulting from additional financing ob-
15 tained by the owner shall be subordinate to any
16 FHA-insured mortgage lien transferred to, or placed
17 on, such project by the Secretary, except that the
18 Secretary may waive this requirement upon deter-
19 mination that such a waiver is necessary to facilitate
20 the financing of acquisition, construction, and/or re-
21 habilitation of the receiving project or projects.

22 (8) If the transferring project meets the re-
23 quirements of subsection (d)(2), the owner or mort-
24 gagor of the receiving project or projects shall exe-
25 cute and record either a continuation of the existing

1 use agreement or a new use agreement for the
2 project where, in either case, any use restrictions in
3 such agreement are of no lesser duration than the
4 existing use restrictions.

5 (9) The transfer does not increase the cost (as
6 defined in section 502 of the Congressional Budget
7 Act of 1974 (2 U.S.C. 661a)) of any FHA-insured
8 mortgage, except to the extent that appropriations
9 are provided in advance for the amount of any such
10 increased cost.

11 (d) For purposes of this section—

12 (1) the terms “low-income” and “very low-in-
13 come” shall have the meanings provided by the stat-
14 ute and/or regulations governing the program under
15 which the project is insured or assisted;

16 (2) the term “multifamily housing project”
17 means housing that meets one of the following con-
18 ditions—

19 (A) housing that is subject to a mortgage
20 insured under the National Housing Act;

21 (B) housing that has project-based assist-
22 ance attached to the structure including
23 projects undergoing mark to market debt re-
24 structuring under the Multifamily Assisted
25 Housing Reform and Affordability Housing Act;

1790

1 (C) housing that is assisted under section
2 202 of the Housing Act of 1959 (12 U.S.C.
3 1701q);

4 (D) housing that is assisted under section
5 202 of the Housing Act of 1959 (12 U.S.C.
6 1701q), as such section existed before the en-
7 actment of the Cranston-Gonzales National Af-
8 fordable Housing Act;

9 (E) housing that is assisted under section
10 811 of the Cranston-Gonzales National Afford-
11 able Housing Act (42 U.S.C. 8013); or

12 (F) housing or vacant land that is subject
13 to a use agreement;

14 (3) the term “project-based assistance”
15 means—

16 (A) assistance provided under section 8(b)
17 of the United States Housing Act of 1937 (42
18 U.S.C. 1437f(b));

19 (B) assistance for housing constructed or
20 substantially rehabilitated pursuant to assist-
21 ance provided under section 8(b)(2) of such Act
22 (as such section existed immediately before Oc-
23 tober 1, 1983);

1791

1 (C) rent supplement payments under sec-
2 tion 101 of the Housing and Urban Develop-
3 ment Act of 1965 (12 U.S.C. 1701s);

4 (D) interest reduction payments under sec-
5 tion 236 and/or additional assistance payments
6 under section 236(f)(2) of the National Hous-
7 ing Act (12 U.S.C. 1715z-1);

8 (E) assistance payments made under sec-
9 tion 202(e)(2) of the Housing Act of 1959 (12
10 U.S.C. 1701q(e)(2)); and

11 (F) assistance payments made under sec-
12 tion 811(d)(2) of the Cranston-Gonzalez Na-
13 tional Affordable Housing Act (42 U.S.C.
14 8013(d)(2));

15 (4) the term “receiving project or projects”
16 means the multifamily housing project or projects to
17 which some or all of the project-based assistance,
18 debt, and statutorily required low-income and very
19 low-income use restrictions are to be transferred;

20 (5) the term “transferring project” means the
21 multifamily housing project which is transferring
22 some or all of the project-based assistance, debt, and
23 the statutorily required low-income and very low-in-
24 come use restrictions to the receiving project or
25 projects; and

1 (6) the term “Secretary” means the Secretary
2 of Housing and Urban Development.

3 (e) RESEARCH REPORT.—The Secretary shall con-
4 duct an evaluation of the transfer authority under this sec-
5 tion, including the effect of such transfers on the oper-
6 ational efficiency, contract rents, physical and financial
7 conditions, and long-term preservation of the affected
8 properties.

9 SEC. 210. (a) No assistance shall be provided under
10 section 8 of the United States Housing Act of 1937 (42
11 U.S.C. 1437f) to any individual who—

12 (1) is enrolled as a student at an institution of
13 higher education (as defined under section 102 of
14 the Higher Education Act of 1965 (20 U.S.C.
15 1002));

16 (2) is under 24 years of age;

17 (3) is not a veteran;

18 (4) is unmarried;

19 (5) does not have a dependent child;

20 (6) is not a person with disabilities, as such
21 term is defined in section 3(b)(3)(E) of the United
22 States Housing Act of 1937 (42 U.S.C.
23 1437a(b)(3)(E)) and was not receiving assistance
24 under such section 8 as of November 30, 2005;

1 (7) is not a youth who left foster care at age
2 14 or older and is at risk of becoming homeless; and
3 (8) is not otherwise individually eligible, or has
4 parents who, individually or jointly, are not eligible,
5 to receive assistance under section 8 of the United
6 States Housing Act of 1937 (42 U.S.C. 1437f).

7 (b) For purposes of determining the eligibility of a
8 person to receive assistance under section 8 of the United
9 States Housing Act of 1937 (42 U.S.C. 1437f), any finan-
10 cial assistance (in excess of amounts received for tuition
11 and any other required fees and charges) that an indi-
12 vidual receives under the Higher Education Act of 1965
13 (20 U.S.C. 1001 et seq.), from private sources, or from
14 an institution of higher education (as defined under sec-
15 tion 102 of the Higher Education Act of 1965 (20 U.S.C.
16 1002)), shall be considered income to that individual, ex-
17 cept for a person over the age of 23 with dependent chil-
18 dren.

19 SEC. 211. The funds made available for Native Alas-
20 kans under paragraph (1) under the heading “Native
21 American Programs” in title II of this Act shall be allo-
22 cated to the same Native Alaskan housing block grant re-
23 cipients that received funds in fiscal year 2005, and only
24 such recipients shall be eligible to apply for funds made
25 available under paragraph (2) of such heading.

1 SEC. 212. Notwithstanding any other provision of
2 law, in fiscal year 2023, in managing and disposing of any
3 multifamily property that is owned or has a mortgage held
4 by the Secretary of Housing and Urban Development, and
5 during the process of foreclosure on any property with a
6 contract for rental assistance payments under section 8
7 of the United States Housing Act of 1937 (42 U.S.C.
8 1437f) or any other Federal programs, the Secretary shall
9 maintain any rental assistance payments under section 8
10 of the United States Housing Act of 1937 and other pro-
11 grams that are attached to any dwelling units in the prop-
12 erty. To the extent the Secretary determines, in consulta-
13 tion with the tenants and the local government that such
14 a multifamily property owned or having a mortgage held
15 by the Secretary is not feasible for continued rental assist-
16 ance payments under such section 8 or other programs,
17 based on consideration of (1) the costs of rehabilitating
18 and operating the property and all available Federal,
19 State, and local resources, including rent adjustments
20 under section 524 of the Multifamily Assisted Housing
21 Reform and Affordability Act of 1997 (in this section
22 “MAHRAA”) (42 U.S.C. 1437f note), and (2) environ-
23 mental conditions that cannot be remedied in a cost-effec-
24 tive fashion, the Secretary may, in consultation with the
25 tenants of that property, contract for project-based rental

1 assistance payments with an owner or owners of other ex-
2 isting housing properties, or provide other rental assist-
3 ance. The Secretary shall also take appropriate steps to
4 ensure that project-based contracts remain in effect prior
5 to foreclosure, subject to the exercise of contractual abate-
6 ment remedies to assist relocation of tenants for imminent
7 major threats to health and safety after written notice to
8 and informed consent of the affected tenants and use of
9 other available remedies, such as partial abatements or re-
10 ceivership. After disposition of any multifamily property
11 described in this section, the contract and allowable rent
12 levels on such properties shall be subject to the require-
13 ments under section 524 of MAHRAA.

14 SEC. 213. Public housing agencies that own and oper-
15 ate 400 or fewer public housing units may elect to be ex-
16 empt from any asset management requirement imposed by
17 the Secretary in connection with the operating fund rule:
18 *Provided*, That an agency seeking a discontinuance of a
19 reduction of subsidy under the operating fund formula
20 shall not be exempt from asset management requirements.

21 SEC. 214. With respect to the use of amounts pro-
22 vided in this Act and in future Acts for the operation, cap-
23 ital improvement, and management of public housing as
24 authorized by sections 9(d) and 9(e) of the United States
25 Housing Act of 1937 (42 U.S.C. 1437g(d),(e)), the Sec-

1 retary shall not impose any requirement or guideline relat-
2 ing to asset management that restricts or limits in any
3 way the use of capital funds for central office costs pursu-
4 ant to paragraph (1) or (2) of section 9(g) of the United
5 States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)):
6 *Provided*, That a public housing agency may not use cap-
7 ital funds authorized under section 9(d) for activities that
8 are eligible under section 9(e) for assistance with amounts
9 from the operating fund in excess of the amounts per-
10 mitted under paragraph (1) or (2) of section 9(g).

11 SEC. 215. No official or employee of the Department
12 of Housing and Urban Development shall be designated
13 as an allotment holder unless the Office of the Chief Fi-
14 nancial Officer has determined that such allotment holder
15 has implemented an adequate system of funds control and
16 has received training in funds control procedures and di-
17 rectives. The Chief Financial Officer shall ensure that
18 there is a trained allotment holder for each HUD appro-
19 priation under the accounts “Executive Offices”, “Admin-
20 istrative Support Offices”, “Program Offices”, “Govern-
21 ment National Mortgage Association—Guarantees of
22 Mortgage-Backed Securities Loan Guarantee Program
23 Account”, and “Office of Inspector General” within the
24 Department of Housing and Urban Development.

1 SEC. 216. The Secretary shall, for fiscal year 2023,
2 notify the public through the Federal Register and other
3 means, as determined appropriate, of the issuance of a no-
4 tice of the availability of assistance or notice of funding
5 opportunity (NOFO) for any program or discretionary
6 fund administered by the Secretary that is to be competi-
7 tively awarded. Notwithstanding any other provision of
8 law, for fiscal year 2023, the Secretary may make the
9 NOFO available only on the Internet at the appropriate
10 Government website or through other electronic media, as
11 determined by the Secretary.

12 SEC. 217. Payment of attorney fees in program-re-
13 lated litigation shall be paid from the individual program
14 office and Office of General Counsel salaries and expenses
15 appropriations.

16 SEC. 218. The Secretary is authorized to transfer up
17 to 10 percent or \$5,000,000, whichever is less, of funds
18 appropriated for any office under the headings “Adminis-
19 trative Support Offices” or “Program Offices” to any
20 other such office under such headings: *Provided*, That no
21 appropriation for any such office under such headings
22 shall be increased or decreased by more than 10 percent
23 or \$5,000,000, whichever is less, without prior written ap-
24 proval of the House and Senate Committees on Appropria-
25 tions: *Provided further*, That the Secretary shall provide

1 notification to such Committees 3 business days in ad-
2 vance of any such transfers under this section up to 10
3 percent or \$5,000,000, whichever is less.

4 SEC. 219. (a) Any entity receiving housing assistance
5 payments shall maintain decent, safe, and sanitary condi-
6 tions, as determined by the Secretary, and comply with
7 any standards under applicable State or local laws, rules,
8 ordinances, or regulations relating to the physical condi-
9 tion of any property covered under a housing assistance
10 payment contract.

11 (b) The Secretary shall take action under subsection
12 (c) when a multifamily housing project with a contract
13 under section 8 of the United States Housing Act of 1937
14 (42 U.S.C. 1437f) or a contract for similar project-based
15 assistance—

16 (1) receives a Uniform Physical Condition
17 Standards (UPCS) score of 59 or less; or

18 (2) fails to certify in writing to the Secretary
19 within 3 days that all Exigent Health and Safety de-
20 ficiencies identified by the inspector at the project
21 have been corrected.

22 Such requirements shall apply to insured and non-
23 insured projects with assistance attached to the units
24 under section 8 of the United States Housing Act of 1937
25 (42 U.S.C. 1437f), but shall not apply to such units as-

1 sisted under section 8(o)(13) of such Act (42 U.S.C.
2 1437f(o)(13)) or to public housing units assisted with cap-
3 ital or operating funds under section 9 of the United
4 States Housing Act of 1937 (42 U.S.C. 1437g).

5 (c)(1) Within 15 days of the issuance of the Real Es-
6 tate Assessment Center (“REAC”) inspection, the Sec-
7 retary shall provide the owner with a Notice of Default
8 with a specified timetable, determined by the Secretary,
9 for correcting all deficiencies. The Secretary shall provide
10 a copy of the Notice of Default to the tenants, the local
11 government, any mortgagees, and any contract adminis-
12 trator. If the owner’s appeal results in a UPCS score of
13 60 or above, the Secretary may withdraw the Notice of
14 Default.

15 (2) At the end of the time period for correcting all
16 deficiencies specified in the Notice of Default, if the owner
17 fails to fully correct such deficiencies, the Secretary may—

18 (A) require immediate replacement of project
19 management with a management agent approved by
20 the Secretary;

21 (B) impose civil money penalties, which shall be
22 used solely for the purpose of supporting safe and
23 sanitary conditions at applicable properties, as des-
24 ignated by the Secretary, with priority given to the
25 tenants of the property affected by the penalty;

1800

1 (C) abate the section 8 contract, including par-
2 tial abatement, as determined by the Secretary, until
3 all deficiencies have been corrected;

4 (D) pursue transfer of the project to an owner,
5 approved by the Secretary under established proce-
6 dures, who will be obligated to promptly make all re-
7 quired repairs and to accept renewal of the assist-
8 ance contract if such renewal is offered;

9 (E) transfer the existing section 8 contract to
10 another project or projects and owner or owners;

11 (F) pursue exclusionary sanctions, including
12 suspensions or debarments from Federal programs;

13 (G) seek judicial appointment of a receiver to
14 manage the property and cure all project deficiencies
15 or seek a judicial order of specific performance re-
16 quiring the owner to cure all project deficiencies;

17 (H) work with the owner, lender, or other re-
18 lated party to stabilize the property in an attempt
19 to preserve the property through compliance, trans-
20 fer of ownership, or an infusion of capital provided
21 by a third-party that requires time to effectuate; or

22 (I) take any other regulatory or contractual
23 remedies available as deemed necessary and appro-
24 priate by the Secretary.

1 (d) The Secretary shall take appropriate steps to en-
2 sure that project-based contracts remain in effect, subject
3 to the exercise of contractual abatement remedies to assist
4 relocation of tenants for major threats to health and safety
5 after written notice to the affected tenants. To the extent
6 the Secretary determines, in consultation with the tenants
7 and the local government, that the property is not feasible
8 for continued rental assistance payments under such sec-
9 tion 8 or other programs, based on consideration of—

10 (1) the costs of rehabilitating and operating the
11 property and all available Federal, State, and local
12 resources, including rent adjustments under section
13 524 of the Multifamily Assisted Housing Reform
14 and Affordability Act of 1997 (“MAHRAA”); and

15 (2) environmental conditions that cannot be
16 remedied in a cost-effective fashion, the Secretary
17 may contract for project-based rental assistance pay-
18 ments with an owner or owners of other existing
19 housing properties, or provide other rental assist-
20 ance.

21 (e) The Secretary shall report semi-annually on all
22 properties covered by this section that are assessed
23 through the Real Estate Assessment Center and have
24 UPCS physical inspection scores of less than 60 or have

1 received an unsatisfactory management and occupancy re-
2 view within the past 36 months. The report shall include—

3 (1) identification of the enforcement actions
4 being taken to address such conditions, including
5 imposition of civil money penalties and termination
6 of subsidies, and identification of properties that
7 have such conditions multiple times;

8 (2) identification of actions that the Depart-
9 ment of Housing and Urban Development is taking
10 to protect tenants of such identified properties; and

11 (3) any administrative or legislative rec-
12 ommendations to further improve the living condi-
13 tions at properties covered under a housing assist-
14 ance payment contract.

15 The first report shall be submitted to the Senate and
16 House Committees on Appropriations not later than 30
17 days after the enactment of this Act, and the second re-
18 port shall be submitted within 180 days of the transmittal
19 of the first report.

20 SEC. 220. None of the funds made available by this
21 Act, or any other Act, for purposes authorized under sec-
22 tion 8 (only with respect to the tenant-based rental assist-
23 ance program) and section 9 of the United States Housing
24 Act of 1937 (42 U.S.C. 1437 et seq.), may be used by
25 any public housing agency for any amount of salary, in-

1 cluding bonuses, for the chief executive officer of which,
2 or any other official or employee of which, that exceeds
3 the annual rate of basic pay payable for a position at level
4 IV of the Executive Schedule at any time during any pub-
5 lic housing agency fiscal year 2023.

6 SEC. 221. None of the funds made available by this
7 Act and provided to the Department of Housing and
8 Urban Development may be used to make a grant award
9 unless the Secretary notifies the House and Senate Com-
10 mittees on Appropriations not less than 3 full business
11 days before any project, State, locality, housing authority,
12 Tribe, nonprofit organization, or other entity selected to
13 receive a grant award is announced by the Department
14 or its offices: *Provided*, That such notification shall list
15 each grant award by State and congressional district.

16 SEC. 222. None of the funds made available in this
17 Act shall be used by the Federal Housing Administration,
18 the Government National Mortgage Association, or the
19 Department of Housing and Urban Development to in-
20 sure, securitize, or establish a Federal guarantee of any
21 mortgage or mortgage backed security that refinances or
22 otherwise replaces a mortgage that has been subject to
23 eminent domain condemnation or seizure, by a State, mu-
24 nicipality, or any other political subdivision of a State.

1 SEC. 223. None of the funds made available by this
2 Act may be used to terminate the status of a unit of gen-
3 eral local government as a metropolitan city (as defined
4 in section 102 of the Housing and Community Develop-
5 ment Act of 1974 (42 U.S.C. 5302)) with respect to
6 grants under section 106 of such Act (42 U.S.C. 5306).

7 SEC. 224. Amounts made available by this Act that
8 are appropriated, allocated, advanced on a reimbursable
9 basis, or transferred to the Office of Policy Development
10 and Research of the Department of Housing and Urban
11 Development and functions thereof, for research, evalua-
12 tion, or statistical purposes, and that are unexpended at
13 the time of completion of a contract, grant, or cooperative
14 agreement, may be deobligated and shall immediately be-
15 come available and may be reobligated in that fiscal year
16 or the subsequent fiscal year for the research, evaluation,
17 or statistical purposes for which the amounts are made
18 available to that Office subject to reprogramming require-
19 ments in section 405 of this Act.

20 SEC. 225. None of the funds provided in this Act or
21 any other Act may be used for awards, including perform-
22 ance, special act, or spot, for any employee of the Depart-
23 ment of Housing and Urban Development subject to ad-
24 ministrative discipline (including suspension from work),
25 in this fiscal year, but this prohibition shall not be effec-

1 tive prior to the effective date of any such administrative
2 discipline or after any final decision over-turning such dis-
3 cipline.

4 SEC. 226. With respect to grant amounts awarded
5 under the heading “Homeless Assistance Grants” for fis-
6 cal years 2015 through 2023 for the Continuum of Care
7 (CoC) program as authorized under subtitle C of title IV
8 of the McKinney-Vento Homeless Assistance Act, costs
9 paid by program income of grant recipients may count to-
10 ward meeting the recipient’s matching requirements, pro-
11 vided the costs are eligible CoC costs that supplement the
12 recipient’s CoC program.

13 SEC. 227. (a) From amounts made available under
14 this title under the heading “Homeless Assistance
15 Grants”, the Secretary may award 1-year transition
16 grants to recipients of funds for activities under subtitle
17 C of the McKinney-Vento Homeless Assistance Act (42
18 U.S.C. 11381 et seq.) to transition from one Continuum
19 of Care program component to another.

20 (b) In order to be eligible to receive a transition
21 grant, the funding recipient must have the consent of the
22 continuum of care and meet standards determined by the
23 Secretary.

24 SEC. 228. The Promise Zone designations and Prom-
25 ise Zone Designation Agreements entered into pursuant

1 to such designations, made by the Secretary in prior fiscal
2 years, shall remain in effect in accordance with the terms
3 and conditions of such agreements.

4 SEC. 229. None of the amounts made available in this
5 Act may be used to consider Family Self-Sufficiency per-
6 formance measures or performance scores in determining
7 funding awards for programs receiving Family Self-Suffi-
8 ciency program coordinator funding provided in this Act.

9 SEC. 230. Any public housing agency designated as
10 a Moving to Work agency pursuant to section 239 of divi-
11 sion L of Public Law 114–113 (42 U.S.C. 1437f note;
12 129 Stat. 2897) may, upon such designation, use funds
13 (except for special purpose funding, including special pur-
14 pose vouchers) previously allocated to any such public
15 housing agency under section 8 or 9 of the United States
16 Housing Act of 1937, including any reserve funds held by
17 the public housing agency or funds held by the Depart-
18 ment of Housing and Urban Development, pursuant to the
19 authority for use of section 8 or 9 funding provided under
20 such section and section 204 of title II of the Departments
21 of Veterans Affairs and Housing and Urban Development
22 and Independent Agencies Appropriations Act, 1996
23 (Public Law 104–134; 110 Stat. 1321–28), notwith-
24 standing the purposes for which such funds were appro-
25 priated.

1 SEC. 231. None of the amounts made available by
2 this Act may be used to prohibit any public housing agen-
3 cy under receivership or the direction of a Federal monitor
4 from applying for, receiving, or using funds made available
5 under the heading “Public Housing Fund” for competitive
6 grants to evaluate and reduce lead-based paint hazards in
7 this Act or that remain available and not awarded from
8 prior Acts, or be used to prohibit a public housing agency
9 from using such funds to carry out any required work pur-
10 suant to a settlement agreement, consent decree, vol-
11 untary agreement, or similar document for a violation of
12 the Lead Safe Housing or Lead Disclosure Rules.

13 SEC. 232. None of the funds made available by this
14 title may be used to issue rules or guidance in contraven-
15 tion of section 1210 of Public Law 115–254 (132 Stat.
16 3442) or section 312 of the Robert T. Stafford Disaster
17 Relief and Emergency Assistance Act (42 U.S.C. 5155).

18 SEC. 233. Funds previously made available in the
19 Consolidated Appropriations Act, 2016 (Public Law 114–
20 113) for the “Choice Neighborhoods Initiative” that were
21 available for obligation through fiscal year 2018 are to re-
22 main available through fiscal year 2024 for the liquidation
23 of valid obligations incurred in fiscal years 2016 through
24 2018.

1 SEC. 234. None of the funds made available by this
2 Act may be used by the Department of Housing and
3 Urban Development to direct a grantee to undertake spe-
4 cific changes to existing zoning laws as part of carrying
5 out the final rule entitled “Affirmatively Furthering Fair
6 Housing” (80 Fed. Reg. 42272 (July 16, 2015)) or the
7 notice entitled “Affirmatively Furthering Fair Housing
8 Assessment Tool” (79 Fed. Reg. 57949 (September 26,
9 2014)).

10 SEC. 235. For fiscal year 2023, if the Secretary de-
11 termines or has determined, for any prior formula grant
12 allocation administered by the Secretary through the Of-
13 fices of Public and Indian Housing, Community Planning
14 and Development, or Housing, that a recipient received
15 an allocation greater than the amount such recipient
16 should have received for a formula allocation cycle pursu-
17 ant to applicable statutes and regulations, the Secretary
18 may adjust for any such funding error in the next applica-
19 ble formula allocation cycle by (a) offsetting each such re-
20 cipient’s formula allocation (if eligible for a formula alloca-
21 tion in the next applicable formula allocation cycle) by the
22 amount of any such funding error, and (b) reallocating
23 any available balances that are attributable to the offset
24 to the recipient or recipients that would have been allo-
25 cated additional funds in the formula allocation cycle in

1 which any such error occurred (if such recipient or recipi-
2 ents are eligible for a formula allocation in the next appli-
3 cable formula allocation cycle) in an amount proportionate
4 to such recipient's eligibility under the next applicable for-
5 mula allocation cycle: *Provided*, That all offsets and re-
6 allocations from such available balances shall be recorded
7 against funds available for the next applicable formula al-
8 location cycle: *Provided further*, That the term "next appli-
9 cable formula allocation cycle" means the first formula al-
10 location cycle for a program that is reasonably available
11 for correction following such a Secretarial determination:
12 *Provided further*, That if, upon request by a recipient and
13 giving consideration to all Federal resources available to
14 the recipient for the same grant purposes, the Secretary
15 determines that the offset in the next applicable formula
16 allocation cycle would critically impair the recipient's abil-
17 ity to accomplish the purpose of the formula grant, the
18 Secretary may adjust for the funding error across two or
19 more formula allocation cycles.

20 SEC. 236. The Multifamily Assisted Housing Reform
21 and Affordability Act of 1997 (42 U.S.C. 1437f note) is
22 amended—

23 (a) in section 515, by adding at the end the following
24 new subsection:

1 “(d) RENT ADJUSTMENTS AND SUBSEQUENT RE-
2 NEWALS.—After the initial renewal of a section 8 contract
3 pursuant to this section and notwithstanding any other
4 provision of law or contract regarding the adjustment of
5 rents or subsequent renewal of such contract for a project,
6 including such a provision in section 514 or this section,
7 in the case of a project subject to any restrictions imposed
8 pursuant to sections 514 or this section, the Secretary
9 may, not more often than once every 10 years, adjust such
10 rents or renew such contracts at rent levels that are equal
11 to the lesser of budget-based rents or comparable market
12 rents for the market area upon the request of an owner
13 or purchaser who—

14 “(1) demonstrates that—

15 “(A) project income is insufficient to oper-
16 ate and maintain the project, and no rehabilita-
17 tion is currently needed, as determined by the
18 Secretary; or

19 “(B) the rent adjustment or renewal con-
20 tract is necessary to support commercially rea-
21 sonable financing (including any required debt
22 service coverage and replacement reserve) for
23 rehabilitation necessary to ensure the long-term
24 sustainability of the project, as determined by
25 the Secretary, and in the event the owner or

1811

1 purchaser fails to implement the rehabilitation
2 as required by the Secretary, the Secretary may
3 take such action against the owner or purchaser
4 as allowed by law; and

5 “(2) agrees to—

6 “(A) extend the affordability and use re-
7 strictions required under 514(e)(6) for an addi-
8 tional twenty years; and

9 “(B) enter into a binding commitment to
10 continue to renew such contract for and during
11 such extended term, provided that after the af-
12 fordability and use restrictions required under
13 514(e)(6) have been maintained for a term of
14 30 years:

15 “(i) an owner with a contract for
16 which rent levels were set at the time of its
17 initial renewal under section 514(g)(2)
18 shall request that the Secretary renew such
19 contract under section 524 for and during
20 such extended term; and

21 “(ii) an owner with a contract for
22 which rent levels were set at the time of its
23 initial renewal under section 514(g)(1)
24 may request that the Secretary renew such

1812

1 contract under section 524 for and during
2 such extended term.”; and

3 (b) in section 579, by striking “October 1, 2022”
4 each place it appears and inserting in lieu thereof “Octo-
5 ber 1, 2027”.

6 SEC. 237. The Secretary may transfer from amounts
7 made available for salaries and expenses under this title
8 (excluding amounts made available under the heading
9 “Office of Inspector General”) up to \$500,000 from each
10 office to the heading “Information Technology Fund” for
11 information technology needs, including for additional de-
12 velopment, modernization, and enhancement, to remain
13 available until September 30, 2025: *Provided*, That the
14 total amount of such transfers shall not exceed
15 \$5,000,000: *Provided further*, That this transfer authority
16 shall not be used to fund information technology projects
17 or activities that have known out-year development, mod-
18 ernization, or enhancement costs in excess of \$500,000:
19 *Provided further*, That the Secretary shall provide notifica-
20 tion to the House and Senate Committees on Appropria-
21 tions no less than three business days in advance of any
22 such transfer.

23 SEC. 238. Funds previously made available in the
24 Consolidated Appropriations Act, 2019 (Public Law 116–
25 6) for “Lead Hazard Reduction” that were available for

1 obligation through fiscal year 2020 are to remain available
2 through fiscal year 2027 for the liquidation of valid obliga-
3 tions incurred in fiscal years 2019 through 2020.

4 SEC. 239. The Secretary shall comply with all process
5 requirements, including public notice and comment, when
6 seeking to revise any annual contributions contract.

7 SEC. 240. None of the funds appropriated or other-
8 wise made available in this or prior Acts may be used by
9 the Department to carry out customer experience activities
10 within the Office of the Assistant Chief Financial Officer
11 for Budget.

12 This title may be cited as the “Department of Hous-
13 ing and Urban Development Appropriations Act, 2023”.

1814

1 TITLE III
2 RELATED AGENCIES
3 ACCESS BOARD
4 SALARIES AND EXPENSES

5 For expenses necessary for the Access Board, as au-
6 thorized by section 502 of the Rehabilitation Act of 1973
7 (29 U.S.C. 792), \$9,850,000: *Provided*, That, notwith-
8 standing any other provision of law, there may be credited
9 to this appropriation funds received for publications and
10 training expenses.

11 FEDERAL MARITIME COMMISSION
12 SALARIES AND EXPENSES

13 For necessary expenses of the Federal Maritime
14 Commission as authorized by section 201(d) of the Mer-
15 chant Marine Act, 1936, as amended (46 U.S.C. 46107),
16 including services as authorized by section 3109 of title
17 5, United States Code; hire of passenger motor vehicles
18 as authorized by section 1343(b) of title 31, United States
19 Code; and uniforms or allowances therefore, as authorized
20 by sections 5901 and 5902 of title 5, United States Code,
21 \$38,260,000, of which \$2,000,000 shall remain available
22 until September 30, 2024: *Provided*, That not to exceed
23 \$3,500 shall be for official reception and representation
24 expenses.

1815

1 NATIONAL RAILROAD PASSENGER CORPORATION

2 OFFICE OF INSPECTOR GENERAL

3 SALARIES AND EXPENSES

4 For necessary expenses of the Office of Inspector
5 General for the National Railroad Passenger Corporation
6 to carry out the provisions of the Inspector General Act
7 of 1978 (5 U.S.C. App. 3), \$27,935,000: *Provided*, That
8 the Inspector General shall have all necessary authority,
9 in carrying out the duties specified in such Act, to inves-
10 tigate allegations of fraud, including false statements to
11 the Government under section 1001 of title 18, United
12 States Code, by any person or entity that is subject to
13 regulation by the National Railroad Passenger Corpora-
14 tion: *Provided further*, That the Inspector General may
15 enter into contracts and other arrangements for audits,
16 studies, analyses, and other services with public agencies
17 and with private persons, subject to the applicable laws
18 and regulations that govern the obtaining of such services
19 within the National Railroad Passenger Corporation: *Pro-*
20 *vided further*, That the Inspector General may select, ap-
21 point, and employ such officers and employees as may be
22 necessary for carrying out the functions, powers, and du-
23 ties of the Office of Inspector General, subject to the appli-
24 cable laws and regulations that govern such selections, ap-
25 pointments, and employment within the National Railroad

1816

1 Passenger Corporation: *Provided further*, That concurrent
2 with the President's budget request for fiscal year 2024,
3 the Inspector General shall submit to the House and Sen-
4 ate Committees on Appropriations a budget request for
5 fiscal year 2024 in similar format and substance to budget
6 requests submitted by executive agencies of the Federal
7 Government.

8 NATIONAL TRANSPORTATION SAFETY BOARD
9 SALARIES AND EXPENSES

10 For necessary expenses of the National Transpor-
11 tation Safety Board, including hire of passenger motor ve-
12 hicles and aircraft; services as authorized by section 3109
13 of title 5, United States Code, but at rates for individuals
14 not to exceed the per diem rate equivalent to the rate for
15 a GS-15; uniforms, or allowances therefor, as authorized
16 by sections 5901 and 5902 of title 5, United States Code,
17 \$129,300,000, of which not to exceed \$2,000 may be used
18 for official reception and representation expenses: *Pro-*
19 *vided*, That the amounts made available to the National
20 Transportation Safety Board in this Act include amounts
21 necessary to make lease payments on an obligation in-
22 curred in fiscal year 2001 for a capital lease.

1817

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,
6 as authorized by the Neighborhood Reinvestment Corpora-
7 tion Act (42 U.S.C. 8101–8107), \$166,000,000: *Provided*,
8 That an additional \$4,000,000, to remain available until
9 September 30, 2026, shall be for the promotion and devel-
10 opment of shared equity housing models.

11 SURFACE TRANSPORTATION BOARD
12 SALARIES AND EXPENSES

13 For necessary expenses of the Surface Transpor-
14 tation Board, including services authorized by section
15 3109 of title 5, United States Code, \$41,429,000: *Pro-*
16 *vided*, That, notwithstanding any other provision of law,
17 not to exceed \$1,250,000 from fees established by the Sur-
18 face Transportation Board shall be credited to this appro-
19 priation as offsetting collections and used for necessary
20 and authorized expenses under this heading: *Provided fur-*
21 *ther*, That the amounts made available under this heading
22 from the general fund shall be reduced on a dollar-for-
23 dollar basis as such offsetting collections are received dur-
24 ing fiscal year 2023, to result in a final appropriation from
25 the general fund estimated at not more than \$40,179,000.

1818

1 UNITED STATES INTERAGENCY COUNCIL ON
2 HOMELESSNESS
3 OPERATING EXPENSES

4 For necessary expenses, including payment of sala-
5 ries, authorized travel, hire of passenger motor vehicles,
6 the rental of conference rooms, and the employment of ex-
7 perts and consultants under section 3109 of title 5, United
8 States Code, of the United States Interagency Council on
9 Homelessness in carrying out the functions pursuant to
10 title II of the McKinney-Vento Homeless Assistance Act,
11 as amended, \$4,000,000.

1819

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
7 funded in this Act.

8 SEC. 402. None of the funds appropriated in this Act
9 shall remain available for obligation beyond the current
10 fiscal year, nor may any be transferred to other appropria-
11 tions, unless expressly so provided herein.

12 SEC. 403. The expenditure of any appropriation
13 under this Act for any consulting service through a pro-
14 curement contract pursuant to section 3109 of title 5,
15 United States Code, shall be limited to those contracts
16 where such expenditures are a matter of public record and
17 available for public inspection, except where otherwise pro-
18 vided under existing law, or under existing Executive order
19 issued pursuant to existing law.

20 SEC. 404. (a) None of the funds made available in
21 this Act may be obligated or expended for any employee
22 training that—

23 (1) does not meet identified needs for knowl-
24 edge, skills, and abilities bearing directly upon the
25 performance of official duties;

1 (2) contains elements likely to induce high lev-
2 els of emotional response or psychological stress in
3 some participants;

4 (3) does not require prior employee notification
5 of the content and methods to be used in the train-
6 ing 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 Em-
10 ployment Opportunity Commission Notice N-
11 915.022, dated September 2, 1988; or

12 (5) is offensive to, or designed to change, par-
13 ticipants’ personal values or lifestyle outside the
14 workplace.

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 pre-
20 vious appropriations Acts to the agencies or entities fund-
21 ed in this Act that remain available for obligation or ex-
22 penditure in fiscal year 2023, or provided from any ac-
23 counts in the Treasury derived by the collection of fees
24 and available to the agencies funded by this Act, shall be

1 available for obligation or expenditure through a re-
2 programming of funds 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
10 on 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 ac-
15 tivities by \$5,000,000 or 10 percent, whichever is
16 less; or

17 (7) creates, reorganizes, or restructures a
18 branch, division, office, bureau, board, commission,
19 agency, administration, or department different from
20 the budget justifications submitted to the Commit-
21 tees on Appropriations or the table accompanying
22 the explanatory statement described in section 4 (in
23 the matter preceding division A of this consolidated
24 Act), whichever is more detailed, unless prior ap-

1 proval is received from the House and Senate Com-
2 mittees on Appropriations:

3 *Provided*, That not later than 60 days after the date of
4 enactment of this Act, each agency funded by this Act
5 shall submit a report to the Committees on Appropriations
6 of the Senate and of the House of Representatives to es-
7 tablish the baseline for application of reprogramming and
8 transfer authorities for the current fiscal year: *Provided*
9 *further*, That the report shall include—

10 (A) a table for each appropriation with a
11 separate column to display the prior year en-
12 acted level, the President’s budget request, ad-
13 justments made by Congress, adjustments due
14 to enacted rescissions, if appropriate, and the
15 fiscal year enacted level;

16 (B) a delineation in the table for each ap-
17 propriation and its respective prior year enacted
18 level by object class and program, project, and
19 activity as detailed in this Act, the table accom-
20 panying the explanatory statement described in
21 section 4 (in the matter preceding division A of
22 this consolidated Act), accompanying reports of
23 the House and Senate Committee on Appro-
24 priations, or in the budget appendix for the re-
25 spective appropriations, whichever is more de-

1 tailed, and shall apply to all items for which a
2 dollar amount is specified and to all programs
3 for which new budget (obligational) authority is
4 provided, as well as to discretionary grants and
5 discretionary grant allocations; and

6 (C) an identification of items of special
7 congressional interest.

8 SEC. 406. Except as otherwise specifically provided
9 by law, not to exceed 50 percent of unobligated balances
10 remaining available at the end of fiscal year 2023 from
11 appropriations made available for salaries and expenses
12 for fiscal year 2023 in this Act, shall remain available
13 through September 30, 2024, for each such account for
14 the purposes authorized: *Provided*, That a request shall
15 be submitted to the House and Senate Committees on Ap-
16 propriations for approval prior to the expenditure of such
17 funds: *Provided further*, That these requests shall be made
18 in compliance with reprogramming guidelines under sec-
19 tion 405 of this Act.

20 SEC. 407. No funds in this Act may be used to sup-
21 port any Federal, State, or local projects that seek to use
22 the power of eminent domain, unless eminent domain is
23 employed only for a public use: *Provided*, That for pur-
24 poses of this section, public use shall not be construed to
25 include economic development that primarily benefits pri-

1 vate entities: *Provided further*, That any use of funds for
2 mass transit, railroad, airport, seaport or highway
3 projects, as well as utility projects which benefit or serve
4 the general public (including energy-related, communica-
5 tion-related, water-related and wastewater-related infra-
6 structure), other structures designated for use by the gen-
7 eral public or which have other common-carrier or public-
8 utility functions that serve the general public and are sub-
9 ject to regulation and oversight by the government, and
10 projects for the removal of an immediate threat to public
11 health and safety or brownfields as defined in the Small
12 Business Liability Relief and Brownfields Revitalization
13 Act (Public Law 107–118) shall be considered a public
14 use for purposes of eminent domain.

15 SEC. 408. None of the funds made available in this
16 Act may be transferred to any department, agency, or in-
17 strumentality of the United States Government, except
18 pursuant to a transfer made by, or transfer authority pro-
19 vided in, this Act or any other appropriations Act.

20 SEC. 409. No funds appropriated pursuant to this
21 Act may be expended by an entity unless the entity agrees
22 that in expending the assistance the entity will comply
23 with sections 2 through 4 of the Act of March 3, 1933
24 (41 U.S.C. 8301–8305, popularly known as the “Buy
25 American Act”).

1825

1 SEC. 410. No funds appropriated or otherwise made
2 available under this Act shall be made available to any
3 person or entity that has been convicted of violating the
4 Buy American Act (41 U.S.C. 8301–8305).

5 SEC. 411. None of the funds made available in this
6 Act may be used for first-class airline accommodations in
7 contravention of sections 301–10.122 and 301–10.123 of
8 title 41, Code of Federal Regulations.

9 SEC. 412. None of the funds made available in this
10 Act may be used to send or otherwise pay for the attend-
11 ance of more than 50 employees of a single agency or de-
12 partment of the United States Government, who are sta-
13 tioned in the United States, at any single international
14 conference unless the relevant Secretary reports to the
15 House and Senate Committees on Appropriations at least
16 5 days in advance that such attendance is important to
17 the national interest: *Provided*, That for purposes of this
18 section the term “international conference” shall mean a
19 conference occurring outside of the United States attended
20 by representatives of the United States Government and
21 of foreign governments, international organizations, or
22 nongovernmental organizations.

23 SEC. 413. None of the funds appropriated or other-
24 wise made available under this Act may be used by the
25 Surface Transportation Board to charge or collect any fil-

1 ing fee for rate or practice complaints filed with the Board
2 in an amount in excess of the amount authorized for dis-
3 trict court civil suit filing fees under section 1914 of title
4 28, United States Code.

5 SEC. 414. (a) None of the funds made available in
6 this Act may be used to maintain or establish a computer
7 network unless such network blocks the viewing,
8 downloading, and exchanging of pornography.

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

13 SEC. 415. (a) None of the funds made available in
14 this Act may be used to deny an Inspector General funded
15 under this Act timely access to any records, documents,
16 or other materials available to the department or agency
17 over which that Inspector General has responsibilities
18 under the Inspector General Act of 1978 (5 U.S.C. App.),
19 or to prevent or impede that Inspector General's access
20 to such records, documents, or other materials, under any
21 provision of law, except a provision of law that expressly
22 refers to the Inspector General and expressly limits the
23 Inspector General's right of access.

24 (b) A department or agency covered by this section
25 shall provide its Inspector General with access to all such

1 records, documents, and other materials in a timely man-
2 ner.

3 (c) Each Inspector General shall ensure compliance
4 with statutory limitations on disclosure relevant to the in-
5 formation provided by the establishment over which that
6 Inspector General has responsibilities under the Inspector
7 General Act of 1978 (5 U.S.C. App.).

8 (d) Each Inspector General covered by this section
9 shall report to the Committees on Appropriations of the
10 House of Representatives and the Senate within 5 cal-
11 endar days any failures to comply with this requirement.

12 SEC. 416. None of the funds appropriated or other-
13 wise made available by this Act may be used to pay award
14 or incentive fees for contractors whose performance has
15 been judged to be below satisfactory, behind schedule, over
16 budget, or has failed to meet the basic requirements of
17 a contract, unless the Agency determines that any such
18 deviations are due to unforeseeable events, government-
19 driven scope changes, or are not significant within the
20 overall scope of the project and/or program unless such
21 awards or incentive fees are consistent with 16.401(e)(2)
22 of the Federal Acquisition Regulations.

23 SEC. 417. No part of any appropriation contained in
24 this Act shall be available to pay the salary for any person
25 filling a position, other than a temporary position, for-

1 merly held by an employee who has left to enter the Armed
2 Forces of the United States and has satisfactorily com-
3 pleted his or her period of active military or naval service,
4 and has within 90 days after his or her release from such
5 service or from hospitalization continuing after discharge
6 for a period of not more than 1 year, made application
7 for restoration to his or her former position and has been
8 certified by the Office of Personnel Management as still
9 qualified to perform the duties of his or her former posi-
10 tion and has not been restored thereto.

11 SEC. 418. (a) None of the funds made available by
12 this Act may be used to approve a new foreign air carrier
13 permit under sections 41301 through 41305 of title 49,
14 United States Code, or exemption application under sec-
15 tion 40109 of that title of an air carrier already holding
16 an air operators certificate issued by a country that is
17 party to the U.S.-E.U.-Iceland-Norway Air Transport
18 Agreement where such approval would contravene United
19 States law or Article 17 bis of the U.S.-E.U.-Iceland-Nor-
20 way Air Transport Agreement.

21 (b) Nothing in this section shall prohibit, restrict or
22 otherwise preclude the Secretary of Transportation from
23 granting a foreign air carrier permit or an exemption to
24 such an air carrier where such authorization is consistent

1 with the U.S.-E.U.-Iceland-Norway Air Transport Agree-
2 ment and United States law.

3 SEC. 419. None of the funds made available by this
4 Act to the Department of Transportation may be used in
5 contravention of section 306108 of title 54, United States
6 Code.

7 SEC. 420. (a) Funds previously made available in
8 chapter 9 of title X of the Disaster Relief Appropriations
9 Act, 2013 (Public Law 113–2, division A; 127 Stat. 36)
10 under the heading “Department of Housing and Urban
11 Development—Community Planning and Development—
12 Community Development Fund” that were available for
13 obligation through fiscal year 2017 are to remain available
14 until expended for the liquidation of valid obligations in-
15 curred in fiscal years 2013 through 2017.

16 (b) Amounts repurposed pursuant to this section that
17 were previously designated by the Congress as an emer-
18 gency requirement pursuant to the Balanced Budget and
19 Emergency Deficit Control Act of 1985 or a concurrent
20 resolution on the budget are designated as an emergency
21 requirement pursuant to section 4001(a)(1) of S. Con.
22 Res. 14 (117th Congress), the concurrent resolution on
23 the budget for fiscal year 2022, and section 1(e) of H.
24 Res. 1151 (117th Congress) as engrossed in the House
25 of Representatives on June 8, 2022.

1 SEC. 421. In the table of projects in the explanatory
2 statement referenced in section 417 of the Transportation,
3 Housing and Urban Development, and Related Agencies
4 Appropriations Act, 2022 (division L of Public Law 117–
5 103)—

6 (1) the item relating to “Greensboro Judy Cen-
7 ter Early Learning Hub Facility” is deemed to be
8 amended by striking “Greensboro Judy Center Early
9 Learning Hub Facility” and inserting “Building
10 maintenance for Greensboro Judy Center Early
11 Learning Hub Facility”;

12 (2) the item relating to “Constructing commer-
13 cial kitchen to increase access to healthy food” is
14 deemed to be amended by striking recipient “Cross
15 Street Partners” and inserting “The Good Stuff”;

16 (3) the item relating to “Covenant House PA
17 Transition Housing” is deemed to be amended by
18 striking recipient “Covenant House Pennsylvania”
19 and inserting “Covenant House Pennsylvania Under
20 21”;

21 (4) the item relating to “Long Island Green-
22 way” is deemed to be amended by striking “Long Is-
23 land Greenway” and inserting “For the planning
24 and design of the Long Island Greenway”;

1 (5) the item relating to “Acquisition of property
2 for permanent Veterans’ homeless shelter” is
3 deemed to be amended by striking “Acquisition of
4 property for permanent Veterans’ homeless shelter”
5 and inserting “Acquisition or rehabilitation of prop-
6 erty for permanent veterans’ homeless shelter”;

7 (6) the item relating to “Gourdy Ampitheater
8 Project” is deemed to be amended by striking
9 “Gourdy Ampitheater Project” and inserting
10 “Goudy Park”;

11 (7) the item relating to “Community Bike
12 Works: Easton” is deemed to be amended by strik-
13 ing “Easton” and inserting “Easton and Allen-
14 town”;

15 (8) the item relating to “Barrington Town Of-
16 fices and Emergency Operations Center Construc-
17 tion” is deemed to be amended by striking “Bar-
18 rington Town Offices and Emergency Operations
19 Center Construction” and inserting “For activities
20 of the Town of Barrington”;

21 (9) the item relating to “Holladay Community
22 Center Public Facility” is deemed to be amended by
23 striking recipient “Housing Authority of Salt Lake
24 City (HASLC)” and inserting “Salt Lake County”;

1 (10) the item relating to “Somersworth Fire
2 Training Tower” is deemed to be amended by strik-
3 ing “Tower” and inserting “and Equipment”;

4 (11) the item relating to “Generator and struc-
5 ture to house generator for Guma Esperansa” is
6 deemed to be amended by striking “Generator and
7 structure to house generator for Guma Esperansa”
8 and inserting “For the installation and ongoing
9 maintenance of the generator and its structure at
10 Guma Esperansa”;

11 (12) the item relating to “Facility Improve-
12 ments” is deemed to be amended by striking recipi-
13 ent “Sterling House Community Center Inc.” and
14 inserting “Town of Stratford”;

15 (13) the item relating to “Stateline Boys &
16 Girls Club—Beloit, WI Facility Construction” is
17 deemed to be amended by striking “Facility Con-
18 struction”;

19 (14) the item relating to “The MEWS at Spen-
20 cer Road, Affordable Housing and Mixed Use Devel-
21 opment” is deemed to be amended by striking recipi-
22 ent “Will County Development Corporation” and in-
23 serting “Will County Housing Development Corpora-
24 tion”;

1 (15) the item relating to “Bluefield Historic
2 District Restoration” is deemed to be amended by
3 striking “Historic District”; and

4 (16) the item relating to “Port of West Virginia
5 Railroad Bridge Improvements” is deemed to be
6 amended by striking “Bridge”.

7 SEC. 422. None of the funds made available to the
8 Department of Housing and Urban Development in this
9 or prior Acts may be used to issue a solicitation or accept
10 bids on any solicitation that is substantially equivalent to
11 the draft solicitation entitled “Housing Assistance Pay-
12 ments (HAP) Contract Support Services (HAPSS)” post-
13 ed to www.Sam.gov on July 27, 2022.

14 SEC. 423. Section 1105(e)(5)(C)(i) of the Intermodal
15 Surface Transportation Efficiency Act of 1991 (Public
16 Law 102–240; 109 Stat. 598; 133 Stat. 3018) is amended
17 by striking the seventh, eighth, and ninth sentences.

18 This division may be cited as the “Transportation,
19 Housing and Urban Development, and Related Agencies
20 Appropriations Act, 2023”.

1834

1 **DIVISION M—ADDITIONAL UKRAINE SUP-**
2 **PLEMENTAL APPROPRIATIONS ACT,**
3 **2023**

4 TITLE I

5 DEPARTMENT OF AGRICULTURE

6 FOREIGN ASSISTANCE AND RELATED

7 PROGRAMS

8 FOREIGN AGRICULTURAL SERVICE

9 FOOD FOR PEACE TITLE II GRANTS

10 For an additional amount for “Food for Peace Title
11 II Grants”, \$50,000,000, to remain available until ex-
12 pended.

13 MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION
14 AND CHILD NUTRITION PROGRAM GRANTS

15 For an additional amount for “McGovern-Dole Food
16 for Education and Child Nutrition Program Grants”,
17 \$5,000,000, to remain available until expended.

18 TITLE II

19 DEPARTMENT OF DEFENSE

20 MILITARY PERSONNEL

21 MILITARY PERSONNEL, ARMY

22 For an additional amount for “Military Personnel,
23 Army”, \$54,252,000, to remain available until September
24 30, 2023, to respond to the situation in Ukraine and for
25 related expenses, including for hardship duty pay.

1835

1 MILITARY PERSONNEL, NAVY

2 For an additional amount for “Military Personnel,
3 Navy”, \$1,386,000, to remain available until September
4 30, 2023, to respond to the situation in Ukraine and for
5 related 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
15 and 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
20 and 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 Main-
24 tenance, Army”, \$3,020,741,000, to remain available until

1836

1 September 30, 2023, to respond to the situation in
2 Ukraine and for related expenses.

3 OPERATION AND MAINTENANCE, NAVY

4 For an additional amount for “Operation and Main-
5 tenance, Navy”, \$871,410,000, to remain available until
6 September 30, 2023, to respond to the situation in
7 Ukraine and for related expenses.

8 OPERATION AND MAINTENANCE, MARINE CORPS

9 For an additional amount for “Operation and Main-
10 tenance, 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 Main-
15 tenance, Air Force”, \$580,266,000, to remain available
16 until September 30, 2023, to respond to the situation in
17 Ukraine and for related expenses.

18 OPERATION AND MAINTENANCE, SPACE FORCE

19 For an additional amount for “Operation and Main-
20 tenance, Space Force”, \$8,742,000, to remain available
21 until September 30, 2023, to respond to the situation in
22 Ukraine and for related expenses.

1837

1 OPERATION AND MAINTENANCE, DEFENSE-WIDE

2 (INCLUDING TRANSFER OF FUNDS)

3 For an additional amount for “Operation and Main-
4 tenance, Defense-Wide”, \$21,160,737,000, to remain
5 available until September 30, 2023, to respond to the situ-
6 ation in Ukraine and for related expenses: *Provided*, That
7 of the total amount provided under this heading in this
8 Act, \$9,000,000,000, to remain available until September
9 30, 2024, shall be for the Ukraine Security Assistance Ini-
10 tiative: *Provided further*, That such funds for the Ukraine
11 Security Assistance Initiative shall be available to the Sec-
12 retary of Defense under the same terms and conditions
13 as are provided for in section 8110 of the Department of
14 Defense Appropriations Act, 2023: *Provided further*, That
15 the Secretary of Defense may accept and retain contribu-
16 tions, including money, personal property, and services,
17 from foreign governments and other entities, to carry out
18 assistance authorized for the Ukraine Security Assistance
19 Initiative under this heading in this Act: *Provided further*,
20 That the Secretary of Defense shall notify the congres-
21 sional defense committees in writing upon the receipt and
22 upon the obligation of any contribution, delineating the
23 sources and amounts of the funds received and the specific
24 use of such contributions: *Provided further*, That contribu-
25 tions of money for the purposes provided herein from any

1838

1 foreign government or other entity may be credited to this
2 account, to remain available until September 30, 2024,
3 and used for such purposes: *Provided further*, That of the
4 total amount provided under this heading in this Act, up
5 to \$11,880,000,000, to remain available until September
6 30, 2024, may be transferred to accounts under the head-
7 ings “Operation and Maintenance” and “Procurement”
8 for replacement of defense articles from the stocks of the
9 Department of Defense, and for reimbursement for de-
10 fense services of the Department of Defense and military
11 education and training, provided to the Government of
12 Ukraine or to foreign countries that have provided support
13 to Ukraine at the request of the United States: *Provided*
14 *further*, That funds transferred pursuant to the preceding
15 proviso shall be merged with and available for the same
16 purposes and for the same time period as the appropria-
17 tions to which the funds are transferred: *Provided further*,
18 That the Secretary of Defense shall notify the congres-
19 sional defense committees of the details of such transfers
20 not less than 15 days before any such transfer: *Provided*
21 *further*, That upon a determination that all or part of the
22 funds transferred from this appropriation are not nec-
23 essary for the purposes provided herein, such amounts
24 may be transferred back and merged with this appropria-
25 tion: *Provided further*, That the transfer authority pro-

1839

1 vided herein is in addition to any other transfer authority
2 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 Sep-
7 tember 30, 2025, to respond to the situation in Ukraine
8 and for 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
16 production of critical munitions to replace defense articles
17 provided to the Government of Ukraine or foreign coun-
18 tries that have provided support to Ukraine at the request
19 of the 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.

1840

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
5 and for related expenses.

6 PROCUREMENT, DEFENSE-WIDE

7 For an additional amount for “Procurement, De-
8 fense-Wide”, \$3,326,000, to remain available until Sep-
9 tember 30, 2025, to respond to the situation in Ukraine
10 and for related expenses.

11 RESEARCH, DEVELOPMENT, TEST AND
12 EVALUATION13 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
14 ARMY

15 For an additional amount for “Research, Develop-
16 ment, Test and Evaluation, Army”, \$5,800,000, to remain
17 available until September 30, 2024, to respond to the situ-
18 ation in Ukraine and for related expenses.

19 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
20 NAVY

21 For an additional amount for “Research, Develop-
22 ment, Test and Evaluation, Navy”, \$38,500,000, to re-
23 main available until September 30, 2024, to respond to
24 the situation in Ukraine and for related expenses.

1841

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 AIR 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,
11 to remain available until September 30, 2024, to respond
12 to 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
25 of Defense to execute funds appropriated in this title, in-

1 cluding assistance provided to Ukraine: *Provided*, That the
2 Inspector General of the Department of Defense shall pro-
3 vide to the congressional defense committees a briefing not
4 later 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 coordi-
14 nation with the Secretary of State, shall submit a report
15 to the Committees on Appropriations, Armed Services,
16 and Foreign Affairs of the House of Representatives and
17 the Committees on Appropriations, Armed Services, and
18 Foreign Relations of the Senate on measures being taken
19 to account for United States defense articles designated
20 for Ukraine since the February 24, 2022, Russian inva-
21 sion of Ukraine, particularly measures with regard to such
22 articles that require enhanced end-use monitoring; meas-
23 ures to ensure that such articles reach their intended re-
24 cipients and are used for their intended purposes; and any
25 other measures to promote accountability for the use of

1 such articles: *Provided*, That such report shall include a
2 description of any occurrences of articles not reaching
3 their intended recipients or used for their intended pur-
4 poses and a description of any remedies taken: *Provided*
5 *further*, That such report shall be submitted in unclassified
6 form, but may be 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
9 through fiscal year 2024, the Secretary of Defense, in co-
10 ordination with the Secretary of State, shall provide a
11 written report to the Committees on Appropriations,
12 Armed Services, and Foreign Affairs of the House of Rep-
13 resentatives and the Committees on Appropriations,
14 Armed Services, and Foreign Relations of the Senate de-
15 scribing United States security assistance provided to
16 Ukraine since the February 24, 2022, Russian invasion
17 of Ukraine, including a comprehensive list of the defense
18 articles and services provided to Ukraine and the associ-
19 ated authority and funding used to provide such articles
20 and services: *Provided*, That such report shall be sub-
21 mitted in unclassified form, but may be accompanied by
22 a classified annex.

1844

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
8 in this Act, \$100,000,000 shall be for Advanced Nuclear
9 Fuel Availability: *Provided further*, That of the amount
10 provided under this heading in this Act, \$60,000,000 shall
11 be to carry out the demonstrations of the Advanced Reac-
12 tor Demonstration Program: *Provided further*, That of the
13 amount provided under this heading in this Act,
14 \$20,000,000 shall be to carry about activities for the Na-
15 tional Reactor Innovation Center: *Provided further*, That
16 of the amount provided under this heading in this Act,
17 \$120,000,000 shall be to carry about activities for the
18 Risk Reduction for Future Demonstrations.

19 ATOMIC ENERGY DEFENSE ACTIVITIES
20 NATIONAL NUCLEAR SECURITY
21 ADMINISTRATION
22 DEFENSE NUCLEAR NONPROLIFERATION

23 For an additional amount for “Defense Nuclear Non-
24 proliferation”, \$126,300,000, to remain available until ex-

1 pending, to respond to the situation in Ukraine and for
2 related expenses.

3 **GENERAL PROVISION—THIS TITLE**

4 **SEC. 1301.** (a) Of the unobligated balances from
5 amounts deposited in the SPR Petroleum Account pursu-
6 ant to section 167(b)(3) of the Energy Policy and Con-
7 servation Act (42 U.S.C. 6247(b)(3)), \$10,395,000,000 is
8 hereby permanently rescinded not later than September
9 30, 2023.

10 (b) Section 403(a) of the Bipartisan Budget Act of
11 2015 (Public Law 114–74) is amended by adding “and”
12 after the semicolon in paragraph (5), striking the semi-
13 colon in paragraph (6) and inserting a period, and striking
14 paragraphs (7) and (8).

15 (c) Section 32204(a)(1) of the FAST Act (Public
16 Law 114–94) is amended by adding “and” after the semi-
17 colon in subparagraph (A), striking the semicolon in sub-
18 paragraph (B) and inserting a period, and striking sub-
19 paragraphs (C) and (D).

20 (d) Section 30204(a)(1) of the Bipartisan Budget Act
21 of 2018 (Public Law 115–123) is amended by striking the
22 word “Reserve” and everything that follows and adding
23 the following: “Reserve 30,000,000 barrels of crude oil
24 during the period of fiscal years 2022 through 2027.”.

1846

1 TITLE IV
2 EXECUTIVE OFFICE OF THE PRESIDENT AND
3 FUNDS APPROPRIATED TO THE PRESIDENT
4 NATIONAL SECURITY COUNCIL AND HOMELAND
5 SECURITY COUNCIL
6 SALARIES AND EXPENSES

7 For an additional amount for “Salaries and Ex-
8 penses”, \$1,000,000, to remain available until expended,
9 for 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
17 September 30, 2024: *Provided*, That amounts made avail-
18 able under this heading in this Act may be used for grants
19 or contracts with qualified organizations, including non-
20 profit entities, to provide culturally and linguistically ap-
21 propriate services, including wraparound services, housing
22 assistance, medical assistance, legal assistance, and case
23 management assistance: *Provided further*, That amounts
24 made available under this heading in this Act may be used
25 by the Director of the Office of Refugee Resettlement (Di-

1847

1 rector) to issue awards or supplement awards previously
2 made by the Director: *Provided further*, That the Director,
3 in carrying out section 412(c)(1)(A) of the Immigration
4 and Nationality Act (8 U.S.C. 1522(c)(1)(A)) with
5 amounts made available under this heading in this Act,
6 may allocate such amounts among the States in a manner
7 that accounts for the most current data available.

8 GENERAL PROVISION—THIS TITLE

9 SEC. 1501. Subsection (a)(1)(A) of section 2502 of
10 the Afghanistan Supplemental Appropriations Act, 2022
11 (division C of Public Law 117–43) is amended by striking
12 “September 30, 2022” and inserting “September 30,
13 2023”.

14 TITLE VI

15 LEGISLATIVE BRANCH

16 GOVERNMENT ACCOUNTABILITY OFFICE

17 SALARIES AND EXPENSES

18 For an additional amount for “Salaries and Ex-
19 penses”, \$7,500,000, to remain available until expended,
20 for oversight of the amounts provided in division N of
21 Public Law 117–103, Public Law 117–128, division B of
22 Public Law 117–180, and this Act.

1848

1 TITLE VII
2 DEPARTMENT OF STATE AND RELATED
3 AGENCY
4 DEPARTMENT OF STATE
5 ADMINISTRATION OF FOREIGN AFFAIRS
6 DIPLOMATIC PROGRAMS

7 For an additional amount for “Diplomatic Pro-
8 grams”, \$147,054,000, to remain available until Sep-
9 tember 30, 2024, of which not less than \$60,000,000 shall
10 be made available to respond to the situation in Ukraine
11 and in countries impacted by the situation in Ukraine.

12 OFFICE OF INSPECTOR GENERAL

13 For an additional amount for “Office of Inspector
14 General”, \$5,500,000, to remain available until September
15 30, 2024.

16 UNITED STATES AGENCY FOR INTERNATIONAL
17 DEVELOPMENT

18 FUNDS APPROPRIATED TO THE PRESIDENT

19 OPERATING EXPENSES

20 For an additional amount for “Operating Expenses”,
21 \$5,000,000, to remain available until September 30, 2024,
22 to respond to the situation in Ukraine and in countries
23 impacted by the situation in Ukraine.

1849

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
11 made available to respond to humanitarian needs in
12 Ukraine and in countries impacted by the situation in
13 Ukraine, including the provision of emergency food and
14 shelter, and for assistance for other vulnerable populations
15 and communities, including through local and inter-
16 national nongovernmental organizations.

17 TRANSITION INITIATIVES

18 For an additional amount for “Transition Initia-
19 tives”, \$50,000,000, to remain available until expended,
20 for assistance for Ukraine and countries impacted by the
21 situation 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

1850

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 assist-
5 ance to foreign countries and may be made available as
6 contributions.

7 ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

8 For an additional amount for “Assistance for Eu-
9 rope, Eurasia and Central Asia”, \$350,000,000, to remain
10 available until September 30, 2024, for assistance and re-
11 lated programs for Ukraine and other countries identified
12 in section 3 of the FREEDOM Support Act (22 U.S.C.
13 5801) and section 3(c) of the Support for East European
14 Democracy (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 Ref-
18 ugee Assistance”, \$1,535,048,000, to remain available
19 until expended, of which not less than \$620,000,000 shall
20 be made available to address humanitarian needs in, and
21 to assist refugees from, Ukraine, and for additional sup-
22 port for other vulnerable populations and communities.

1851

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
7 remain available until September 30, 2024, of which not
8 less than \$300,000,000 shall be for assistance for Ukraine
9 and 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
16 by 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

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
5 gross principal balance of guaranteed loans shall not ex-
6 ceed \$2,000,000,000: *Provided further*, That the Secretary
7 of State may use amounts charged to the borrower as
8 origination 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
12 506(a)(1) of the Foreign Assistance Act of 1961 (22
13 U.S.C. 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
21 552(c)(2) of the Foreign Assistance Act of 1961 (22
22 U.S.C. 2348a(c)(2)) shall be applied by substituting
23 “\$50,000,000” for “\$25,000,000”.

24 SEC. 1704. (a) Funds appropriated by this title under
25 the heading “Diplomatic Programs” may be transferred

1 to, and merged with, funds available under the heading
2 “Capital 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
8 merged with, funds appropriated by this title under such
9 headings to respond to humanitarian needs in Ukraine
10 and in countries impacted by the situation in Ukraine and
11 for assistance for other vulnerable populations and com-
12 munities.

13 (c) Funds appropriated by this title under the head-
14 ing “Economic Support Fund” may be transferred to, and
15 merged with, funds available under the headings “United
16 States International Development Finance Corporation—
17 Corporate Capital Account”, “United States International
18 Development Finance Corporation—Program Account”,
19 “Export-Import Bank of the United States—Program Ac-
20 count”, and “Trade and Development Agency” to respond
21 to the situation in Ukraine and in countries impacted by
22 the situation in Ukraine.

23 (d) Funds appropriated by this title under the head-
24 ings “International Narcotics Control and Law Enforce-
25 ment”, “Nonproliferation, Anti-terrorism, Demining and

1 Related Programs”, and “Foreign Military Financing
2 Program” may be transferred to, and merged with, funds
3 appropriated by this title under such headings to respond
4 to the situation in Ukraine and in countries impacted by
5 the situation in Ukraine.

6 (e) The transfer authorities provided by this section
7 are in addition to any other transfer authority provided
8 by law.

9 (f) The exercise of the transfer authorities provided
10 by this section shall be subject to prior consultation with,
11 and the regular notification procedures of, the Committees
12 on Appropriations.

13 (g) Upon a determination that all or part of the funds
14 transferred pursuant to the authorities provided by this
15 section are not necessary for such purposes, such amounts
16 may be transferred back to such appropriations.

17 SEC. 1705. (a) Funds appropriated by this title may
18 be made available for direct financial support for the Gov-
19 ernment of Ukraine, including for Ukrainian first re-
20 sponders, and may be made available as a cash transfer
21 subject to the requirements of subsection (b): *Provided*,
22 That such funds shall be provided on a reimbursable basis
23 and matched by sources other than the United States Gov-
24 ernment, to the maximum extent practicable: *Provided fur-*
25 *ther*, That the Secretary of State or the Administrator of

1855

1 the United States Agency for International Development,
2 as appropriate, shall ensure third-party monitoring of such
3 funds: *Provided further*, That at least 15 days prior to the
4 initial obligation of such funds, the Secretary of State, fol-
5 lowing consultation with the Administrator of the United
6 States Agency for International Development, shall certify
7 and report to the appropriate congressional committees
8 that mechanisms for monitoring and oversight of such
9 funds are in place and functioning and that the Govern-
10 ment of Ukraine has in place substantial safeguards to
11 prevent corruption and ensure accountability of such
12 funds: *Provided further*, That not less than 45 days after
13 the initial obligation of such funds, the Inspectors General
14 of the Department of State and the United States Agency
15 for International Development shall submit a report to the
16 appropriate congressional committees detailing and as-
17 sessing the mechanisms for monitoring and safeguards de-
18 scribed in the previous proviso.

19 (b) Funds made available to the Government of
20 Ukraine as a cash transfer under subsection (a) shall be
21 subject to a memorandum of understanding between the
22 governments of the United States and Ukraine that de-
23 scribes how the funds proposed to be made available will
24 be used and the appropriate safeguards to ensure trans-
25 parency and accountability: *Provided*, That such assist-

1 ance shall be maintained in a separate, auditable account
2 and may not be commingled with any other funds.

3 (c) The Secretary of State or the Administrator of
4 the United States Agency for International Development,
5 as appropriate, shall report to the appropriate congres-
6 sional committees on the uses of funds provided for direct
7 financial support to the Government of Ukraine pursuant
8 to subsection (a) not later than 45 days after the date
9 of enactment of this Act and every 45 days thereafter until
10 all such funds have been expended: *Provided*, That such
11 reports shall include a detailed description of the use of
12 such funds, including categories and amounts, the in-
13 tended results and the results achieved, a summary of
14 other donor contributions, and a description of the efforts
15 undertaken by the Secretary and Administrator to in-
16 crease other donor contributions for direct financial sup-
17 port: *Provided further*, That such reports shall also include
18 the metrics established to measure such results.

19 SEC. 1706. Funds appropriated by this title under
20 the headings “Diplomatic Programs”, “Operating Ex-
21 penses”, “Economic Support Fund”, “International Nar-
22 cotics Control and Law Enforcement”, “Nonproliferation,
23 Anti-Terrorism, Demining and Related Programs”, and
24 “Foreign Military Financing Program” shall be subject to
25 the regular notification procedures of the Committees on

1 Appropriations: *Provided*, That notifications submitted
2 pursuant to this section shall include for each program
3 notified—(1) total funding made available for such pro-
4 gram, by account and fiscal year; (2) funding that remains
5 unobligated for such program; (3) funding that is obli-
6 gated but unexpended for such program; and (4) funding
7 committed, but not yet 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 Gen-
12 eral for fiscal year 2023 and are made available to provide
13 oversight of funds appropriated by this title and funds ap-
14 propriated in title VI of division N of Public Law 117–
15 103, title V of Public Law 117–128, and title III of divi-
16 sion B of Public Law 117–180: *Provided*, That the Inspec-
17 tors General shall coordinate with the Inspectors General
18 of the Department of Defense and Inspectors General of
19 other relevant Federal agencies in conducting such over-
20 sight: *Provided further*, That not later than 90 days after
21 the date of enactment of this Act, the Inspectors General
22 shall provide a report on oversight plans and initial find-
23 ings to the appropriate congressional committees.

1858

1 TITLE VIII

2 GENERAL PROVISIONS—THIS ACT

3 SEC. 1801. Funds appropriated by this Act for intel-
4 ligence or intelligence related activities are deemed to be
5 specifically authorized by the Congress for purposes of sec-
6 tion 504(a)(1) of the National Security Act of 1947 (50
7 U.S.C. 3094(a)(1)).

8 SEC. 1802. Each amount appropriated or made avail-
9 able by this Act is in addition to amounts otherwise appro-
10 priated for the fiscal year involved.

11 SEC. 1803. No part of any appropriation contained
12 in this Act shall remain available for obligation beyond
13 the current fiscal year unless expressly so provided herein.

14 SEC. 1804. Unless otherwise provided for by this Act,
15 the additional amounts appropriated by this Act to appro-
16 priations accounts shall be available under the authorities
17 and conditions applicable to such appropriations accounts
18 for fiscal year 2023.

19 SEC. 1805. Each amount provided by this division is
20 designated by the Congress as being for an emergency re-
21 quirement pursuant to section 4001(a)(1) of S. Con. Res.
22 14 (117th Congress), the concurrent resolution on the
23 budget for fiscal year 2022, and section 1(e) of H. Res.
24 1151 (117th Congress), as engrossed in the House of Rep-
25 resentatives on June 8, 2022.

1859

- 1 This division may be cited as the “Additional Ukraine
- 2 Supplemental Appropriations Act, 2023”.

1860

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 rev-
11 enue, quality or production losses of crops (including milk,
12 on-farm stored commodities, crops prevented from plant-
13 ing in 2022, and harvested adulterated wine grapes),
14 trees, bushes, and vines, as a consequence of droughts,
15 wildfires, hurricanes, floods, derechos, excessive heat, tor-
16 nadoes, winter storms, freeze, including a polar vortex,
17 smoke exposure, and excessive moisture occurring in cal-
18 endar year 2022 under such terms and conditions as de-
19 termined by the Secretary: *Provided*, That of the amounts
20 provided under this heading in this Act, the Secretary
21 shall use up to \$494,500,000 to provide assistance to pro-
22 ducers of livestock, as determined by the Secretary of Ag-
23 riculture, for losses incurred during calendar year 2022
24 due to drought or wildfires: *Provided further*, That the
25 amount provided under this heading in this Act shall be

1861

1 subject to the terms and conditions set forth in the first,
2 second, and fourth through twelfth provisos under this
3 heading in title I of the Disaster Relief Supplemental Ap-
4 propriations Act, 2022 (division B of Public Law 117-
5 43), except that each reference to 2020 or 2021 in such
6 provisos in such Act shall be deemed to be a reference
7 instead to 2022.

8 AGRICULTURAL RESEARCH SERVICE

9 BUILDINGS AND FACILITIES

10 For an additional amount for “Buildings and Facili-
11 ties”, \$58,000,000, to remain available until expended.

12 FOOD SAFETY AND INSPECTION SERVICE

13 For an additional amount for “Food Safety and In-
14 spection Service”, \$29,700,000, to remain available until
15 expended.

16 FARM PRODUCTION AND CONSERVATION

17 PROGRAMS

18 FARM SERVICE AGENCY

19 EMERGENCY FOREST RESTORATION PROGRAM

20 For an additional amount for “Emergency Forest
21 Restoration Program”, \$27,000,000, to remain available
22 until expended.

1862

1 NATURAL RESOURCES CONSERVATION SERVICE

2 WATERSHED AND FLOOD PREVENTION OPERATIONS

3 For an additional amount for “Watershed and Flood
4 Prevention Operations” for necessary expenses for the
5 Emergency Watershed Protection Program,
6 \$925,000,000, to remain available until expended.

7 RURAL DEVELOPMENT PROGRAMS

8 RURAL HOUSING SERVICE

9 RURAL HOUSING ASSISTANCE GRANTS

10 For an additional amount for “Rural Housing Assist-
11 ance Grants”, \$60,000,000, to remain available until ex-
12 pended, for necessary expenses related to homes damaged
13 by Presidentially declared disasters in calendar year 2022:
14 *Provided*, That 42 U.S.C. 1471(b)(3) shall not apply: *Pro-*
15 *vided further*, That the income limit shall be capped at
16 80 percent of the area median income: *Provided further*,
17 That, notwithstanding section 1490m(c)(2) of such title,
18 a grant made under 42 U.S.C. 1490m of such title using
19 funds made available under this heading in this Act, may
20 not exceed \$50,000.

21 RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

22 For an additional amount for “Rural Community Fa-
23 cilities Program Account”, \$75,300,000, to remain avail-
24 able until expended: *Provided*, That of the amounts pro-
25 vided under this heading in this Act, \$50,000,000 shall

1863

1 be for necessary expenses for grants to repair essential
2 community facilities damaged by Presidentially declared
3 disasters in calendar year 2022: *Provided further*, That the
4 percentage of the cost of the facility that may be covered
5 by a grant pursuant to the preceding proviso shall be 75
6 percent.

7 RURAL UTILITIES SERVICE

8 RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

9 For an additional amount for “Rural Water and
10 Waste Disposal Program Account”, \$325,000,000, to re-
11 main available until expended: *Provided*, That of the
12 amounts provided under this heading in this Act,
13 \$265,000,000 shall be for necessary expenses related to
14 water systems damaged by Presidentially declared disas-
15 ters in calendar year 2022: *Provided further*, That, not-
16 withstanding section 343(a)(13)(B) of the Consolidated
17 Farm and Rural Development Act, a grant using funds
18 made available pursuant to the preceding proviso may not
19 be awarded to a community with a population of more
20 than 35,000 people: *Provided further*, That not to exceed
21 \$8,000,000 of the amount made available pursuant to the
22 first proviso shall be for technical assistance grants for
23 rural water and waste systems pursuant to section
24 306(a)(22) of the Consolidated Farm and Rural Develop-
25 ment Act.

1 GENERAL PROVISIONS—THIS TITLE

2 SEC. 2101. In addition to other funds available for
3 such purposes, not more than three percent of the
4 amounts provided in each account under the “Rural De-
5 velopment Programs” heading in this title shall be paid
6 to the appropriation for “Rural Development, Salaries and
7 Expenses” for administrative costs to carry out the emer-
8 gency rural development programs in this title.

9 SEC. 2102. For necessary expenses for salary and re-
10 lated costs associated with Agriculture Quarantine and In-
11 spection Services activities pursuant to 21 U.S.C. 136a(6),
12 and in addition to any other funds made available for this
13 purpose, there is appropriated, out of any money in the
14 Treasury not otherwise appropriated, \$125,000,000, to re-
15 main available until September 30, 2024, to offset the loss
16 of quarantine and inspection fees collected pursuant to
17 sections 2508 and 2509 of the Food, Agriculture, Con-
18 servation, and Trade Act of 1990 (21 U.S.C. 136, 136a):
19 *Provided*, That amounts made available in this section
20 shall be treated as funds collected by fees authorized
21 under sections 2508 and 2509 of the Food, Agriculture,
22 Conservation, and Trade Act of 1990 (21 U.S.C. 136,
23 136a) for purposes of section 421(f) of the Homeland Se-
24 curity Act of 2002 (6 U.S.C. 231(f)).

1865

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
7 Economic Development Act (42 U.S.C. 3233), for an addi-
8 tional amount for “Economic Development Assistance
9 Programs” for necessary expenses related to flood mitiga-
10 tion, disaster relief, long-term recovery, and restoration of
11 infrastructure in areas that received a major disaster des-
12 ignation as a result of Hurricanes Ian and Fiona, and of
13 wildfires, flooding, and other natural disasters occurring
14 in calendar years 2021 and 2022 under the Robert T.
15 Stafford Disaster Relief and Emergency Assistance Act
16 (42 U.S.C. 5121 et seq.), \$500,000,000, to remain avail-
17 able until expended: *Provided*, That within the amount ap-
18 propriated under this heading in this Act, up to 3 percent
19 of funds may be transferred to the “Salaries and Ex-
20 penses” account for administration and oversight activi-
21 ties: *Provided further*, That the Secretary of Commerce is
22 authorized to appoint and fix the compensation of such
23 temporary personnel as may be necessary to implement
24 the requirements under this heading in this Act, without
25 regard to the provisions of title 5, United States Code,

1866

1 governing appointments in competitive service: *Provided*
2 *further*, That within the amount appropriated under this
3 heading in this Act, \$2,000,000 shall be transferred to the
4 “Office of Inspector General” account for carrying out in-
5 vestigations and audits related to the funding provided
6 under this heading in this Act.

7 For an additional amount for “Economic Develop-
8 ment Assistance Programs” for grants authorized by sec-
9 tions 28 and 29 of the Stevenson-Wydler Technology Inno-
10 vation Act of 1980 (15 U.S.C. 3722a and 3722b),
11 \$618,000,000, to remain available until expended, of
12 which \$459,000,000 shall be for grants under section 28
13 and \$159,000,000 shall be for grants under section 29 in
14 amounts determined by the Secretary.

15 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
16 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

17 For an additional amount for “Scientific and Tech-
18 nical Research and Services” to investigate the impacts
19 of hurricanes, typhoons, and wildfires in calendar year
20 2022 to support the development of resilience standards
21 with regard to weather and climate disasters, in addition
22 to the underlying research to support those standards, and
23 for necessary expenses to carry out investigations of build-
24 ing failures pursuant to the National Construction Safety

1867

1 Team Act of 2002 (15 U.S.C. 7301), \$40,000,000, to re-
2 main available until expended.

3 INDUSTRIAL TECHNOLOGY SERVICES

4 For an additional amount for “Industrial Technology
5 Services”, \$27,000,000, to remain available until ex-
6 pended, to implement the Research and Development,
7 Competition, and Innovation Act (division B of Public
8 Law 117–167), of which \$13,000,000 shall be for the Hol-
9 lings Manufacturing Extension Partnership, and of which
10 \$14,000,000 shall be for the Manufacturing USA Pro-
11 gram.

12 NATIONAL OCEANIC AND ATMOSPHERIC

13 ADMINISTRATION

14 OPERATIONS, RESEARCH, AND FACILITIES

15 For an additional amount for “Operations, Research,
16 and Facilities” for necessary expenses related to the con-
17 sequences of hurricanes, typhoons, flooding, and wildfires
18 in calendar year 2022, \$29,000,000, to remain available
19 until September 30, 2024, for repair and replacement of
20 observing assets, real property, and equipment; for marine
21 debris assessment and removal; and for mapping, chart-
22 ing, and geodesy services.

23 For an additional amount for “Operations, Research,
24 and Facilities”, \$62,000,000, to remain available until
25 September 30, 2024, of which \$20,000,000, to remain

1868

1 available until expended, shall be to carry out activities
2 described in title II of division JJ of the Consolidated Ap-
3 propriations Act, 2023 to support the adoption of innova-
4 tive fishing gear deployment and fishing techniques to re-
5 duce entanglement risk to North Atlantic right whales, in-
6 cluding through cooperative agreements pursuant to the
7 National Fish and Wildlife Foundation Establishment Act
8 (16 U.S.C. 3701).

9 PROCUREMENT, ACQUISITION AND CONSTRUCTION

10 For an additional amount for “Procurement, Acquisi-
11 tion and Construction” for the acquisition of hurricane
12 hunter aircraft and related expenses as authorized under
13 section 413(a) of the Weather Research and Forecasting
14 Innovation Act of 2017 (Public Law 115–25),
15 \$327,701,000, to remain available until expended.

16 For an additional amount for “Procurement, Acquisi-
17 tion and Construction”, \$108,838,000, to remain available
18 until September 30, 2025.

19 FISHERIES DISASTER ASSISTANCE

20 For an additional amount for “Fisheries Disaster As-
21 sistance” for necessary expenses associated with the miti-
22 gation of fishery disasters, \$300,000,000, to remain avail-
23 able until expended: *Provided*, That such funds shall be
24 used for mitigating the effects of commercial fishery fail-

1869

1 ures and fishery resource disasters declared by the Sec-
2 retary of Commerce.

3 DEPARTMENT OF JUSTICE

4 FEDERAL PRISON SYSTEM

5 BUILDINGS AND FACILITIES

6 For an additional amount for “Buildings and Facili-
7 ties”, \$182,000,000, to remain available until expended.

8 SCIENCE

9 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

10 CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND

11 RESTORATION

12 For an additional amount for “Construction and En-
13 vironmental Compliance and Restoration” for repair and
14 replacement of National Aeronautics and Space Adminis-
15 tration facilities damaged by Hurricanes Ian and Nicole
16 or scheduled for derating due to deterioration,
17 \$189,400,000, to remain available until expended.

18 For an additional amount for “Construction and En-
19 vironmental Compliance and Restoration”, \$367,000,000,
20 to remain available until September 30, 2028.

21 NATIONAL SCIENCE FOUNDATION

22 RESEARCH AND RELATED ACTIVITIES

23 For an additional amount for “Research and Related
24 Activities” for necessary expenses related to damage to re-
25 search facilities and scientific equipment in calendar year

1870

1 2022, including related to the consequences of wildfires,
2 \$2,500,000, to remain available until September 30, 2024.

3 For an additional amount for “Research and Related
4 Activities”, \$818,162,000, to remain available until Sep-
5 tember 30, 2024, of which \$210,000,000 shall be to imple-
6 ment the Research and Development, Competition, and
7 Innovation Act (division B of Public Law 117–167).

8 STEM EDUCATION

9 For an additional amount for “STEM Education”,
10 \$217,000,000, to remain available until September 30,
11 2024, of which \$125,000,000 shall be to implement the
12 Research and Development, Competition, and Innovation
13 Act (division B of Public Law 117–167).

14 RELATED AGENCIES

15 LEGAL SERVICES CORPORATION

16 PAYMENT TO THE LEGAL SERVICES CORPORATION

17 For an additional amount for “Payment to the Legal
18 Services Corporation” to carry out the purposes of the
19 Legal Services Corporation Act by providing for necessary
20 expenses related to the consequences of hurricanes, flood-
21 ing, wildfires, and other extreme weather that occurred
22 during calendar year 2022, \$20,000,000, to remain avail-
23 able until September 30, 2023: *Provided*, That none of the
24 funds appropriated in this Act to the Legal Services Cor-
25 poration shall be expended for any purpose prohibited or

1871

1 limited by, or contrary to any of the provisions of, sections
2 501, 502, 503, 504, 505, and 506 of Public Law 105–
3 119, and all funds appropriated in this Act to the Legal
4 Services Corporation shall be subject to the same terms
5 and conditions set forth in such sections, except that all
6 references in sections 502 and 503 to 1997 and 1998 shall
7 be deemed to refer instead to 2022 and 2023, respectively,
8 and except that sections 501 and 503 of Public Law 104–
9 134 (referenced by Public Law 105–119) shall not apply
10 to the amount made available under this heading in this
11 Act: *Provided further*, That, for the purposes of this Act,
12 the Legal Services Corporation shall be considered an
13 agency of the United States.

14 GENERAL PROVISION—THIS TITLE

15 SEC. 2201. Unobligated balances from amounts made
16 available in paragraph (1) under the heading “Procure-
17 ment, Acquisition and Construction” in the Disaster Re-
18 lief Supplemental Appropriations Act, 2022 (division B of
19 Public Law 117–43) may be used for necessary expenses
20 related to the consequences of hurricanes and of wildfires
21 in calendar year 2022: *Provided*, That amounts
22 repurposed pursuant to this section that were previously
23 designated by the Congress as an emergency requirement
24 pursuant to section 4001(a)(1) and section 4001(b) of S.
25 Con. Res. 14 (117th Congress), the concurrent resolution

1872

1 on the budget for fiscal year 2022, are designated by the
2 Congress as an emergency requirement pursuant to sec-
3 tion 4001(a)(1) of such concurrent resolution and section
4 1(e) of H. Res. 1151 (117th Congress), as engrossed in
5 the House of Representatives on June 8, 2022.

6

TITLE III

7

DEPARTMENT OF DEFENSE

8

DEPARTMENT OF DEFENSE—MILITARY

9

OPERATION AND MAINTENANCE

10

OPERATION AND MAINTENANCE, NAVY

11 For an additional amount for “Operation and Main-
12 tenance, Navy”, \$82,875,000, to remain available until
13 September 30, 2023, for necessary expenses related to the
14 consequences of Hurricanes Ian and Fiona.

15

OPERATION AND MAINTENANCE, ARMY RESERVE

16 For an additional amount for “Operation and Main-
17 tenance, Army Reserve”, \$6,786,000, to remain available
18 until September 30, 2023, for necessary expenses related
19 to the consequences of Hurricanes Ian and Fiona.

20

OPERATION AND MAINTENANCE, ARMY NATIONAL

21

GUARD

22 For an additional amount for “Operation and Main-
23 tenance, Army National Guard”, \$16,572,000, to remain
24 available until September 30, 2023, for necessary expenses
25 related to the consequences of Hurricanes Ian and Fiona.

1873

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 au-
9 thorized or that are authorized after the date of enactment
10 of this Act, to reduce risks from future floods and hurri-
11 canes, at full Federal expense, \$5,000,000, to remain
12 available until expended: *Provided*, That funds made avail-
13 able under this heading in this Act shall be for high-pri-
14 ority studies of projects in States and insular areas that
15 were impacted by Hurricanes Ian, Fiona, and Nicole: *Pro-*
16 *vided further*, That within 60 days of enactment of this
17 Act, the Chief of Engineers shall submit directly to the
18 House and Senate Committees on Appropriations a de-
19 tailed work plan for the funds provided under this heading
20 in this Act, including a list of study locations, new studies
21 selected to be initiated, the total cost for all studies, the
22 remaining cost for all ongoing studies, and a schedule by
23 fiscal year of proposed use of such funds: *Provided further*,
24 That the Secretary shall not deviate from the work plan,
25 once the plan has been submitted to the Committees on

1874

1 Appropriations of both Houses of Congress: *Provided fur-*
2 *ther*, That beginning not later than 60 days after the en-
3 actment of this Act, the Assistant Secretary of the Army
4 for Civil Works shall provide a quarterly report directly
5 to the Committees on Appropriations of the House of Rep-
6 resentatives and the Senate detailing the allocation and
7 obligation of the funds provided under this heading in this
8 Act.

9
10 CONSTRUCTION

11 For an additional amount for “Construction” for nec-
12 essary expenses to address emergency situations at Corps
13 of Engineers projects, construct Corps of Engineers
14 projects, and rehabilitate and repair damages caused by
15 natural disasters to Corps of Engineers projects,
16 \$261,300,000, to remain available until expended: *Pro-*
17 *vided*, That funds made available in this paragraph in this
18 Act are available to construct flood and storm damage re-
19 duction, including shore protection, projects which are
20 currently authorized or which are authorized after the
21 date of enactment of this Act, and flood and storm damage
22 reduction, including shore protection, projects which have
23 signed Chief’s Reports as of the date of enactment of this
24 Act or which are studied using funds provided under the
25 heading “Investigations” of this Act if the Secretary de-
termines such projects to be technically feasible, economi-

1 cally justified, and environmentally acceptable, in States
2 and insular areas that were impacted by Hurricanes Ian,
3 Fiona, and Nicole: *Provided further*, That to the extent
4 that ongoing construction projects are constructed using
5 funding pursuant to the first proviso in this paragraph
6 in this Act, such construction shall be at full Federal ex-
7 pense: *Provided further*, That the Secretary may initiate
8 additional new construction starts with funds provided
9 pursuant to the first proviso in this paragraph in this Act:
10 *Provided further*, That using funds provided in this para-
11 graph in this Act, the non-Federal cash contribution for
12 projects eligible for funding pursuant to the first proviso
13 in this paragraph in this Act shall be financed in accord-
14 ance with the provisions of section 103(k) of Public Law
15 99–662 over a period of 30 years from the date of comple-
16 tion of the project or separable element: *Provided further*,
17 That funds made available in this paragraph in this Act
18 may be for ongoing projects that have previously received
19 funds under this heading in the Disaster Relief Appropria-
20 tions Act of 2013 (Public Law 113–2) and for which non-
21 Federal interests have entered into binding agreements
22 with the Secretary at the time of enactment of this Act:
23 *Provided further*, That projects receiving funds pursuant
24 to the preceding proviso, shall be subject to the terms and
25 conditions of Disaster Relief Appropriations Act of 2013

1876

1 (Public Law 113–2): *Provided further*, That funds made
2 available in this paragraph in this Act may be for projects
3 that have previously received funds under this heading in
4 the Bipartisan Budget Act of 2018 (Public Law 115–123)
5 and for which non-Federal interests have entered into
6 binding agreements with the Secretary at the time of en-
7 actment of this Act: *Provided further*, That projects receiv-
8 ing funds pursuant to the preceding proviso, shall be sub-
9 ject to the terms and conditions of Bipartisan Budget Act
10 of 2018 (Public Law 115–123): *Provided further*, That
11 funds made available in this paragraph in this Act may
12 be used for projects that have previously received funds
13 under this heading in the Disaster Relief Supplemental
14 Appropriations Act of 2022 (Public Law 117–43) and for
15 which non-Federal interests have entered into binding
16 agreements with the Secretary at the time of enactment
17 of this Act: *Provided further*, That projects receiving funds
18 pursuant to the preceding proviso, shall be subject to the
19 terms and conditions of Disaster Relief Supplemental Ap-
20 propriations Act of 2022 (Public Law 117–43): *Provided*
21 *further*, That construction of ongoing projects that have
22 previously received funds under this heading from the Dis-
23 aster Relief Supplemental Appropriations Act of 2022
24 (Public Law 117–43) to complete certain features, useful
25 increments of work, or components of the project shall be

1877

1 at full Federal expense with respect to funds provided to
2 the project under this heading in such Act or in this para-
3 graph in this Act: *Provided further*, That of the sums ap-
4 propriated in this paragraph in this Act, any sums as are
5 necessary to cover the Federal share of eligible construc-
6 tion costs for coastal harbors and channels, and for inland
7 harbors eligible to be derived from the Harbor Mainte-
8 nance Trust Fund under section 101 or section 104 of
9 the Water Resources and Development Act of 2020 shall
10 be derived from the general fund of the Treasury: *Pro-*
11 *vided further*, That for projects receiving funding in this
12 paragraph in this Act, the limitation concerning total
13 project costs in section 902 of the Water Resources Devel-
14 opment Act of 1986 (Public Law 99–662), as amended,
15 shall not apply to funds provided in this paragraph in this
16 Act: *Provided further*, That any projects using funds ap-
17 propriated in this paragraph in this Act shall be initiated
18 only after non-Federal interests have entered into binding
19 agreements with the Secretary requiring, where applicable,
20 the non-Federal interests to pay 100 percent of the oper-
21 ation, maintenance, repair, replacement, and rehabilita-
22 tion costs of the project and to hold and save the United
23 States free from damages due to the construction or oper-
24 ation and maintenance of the project, except for damages
25 due to the fault or negligence of the United States or its

1 contractors: *Provided further*, That within 60 days of en-
2 actment of this Act, the Chief of Engineers shall submit
3 directly to the House and Senate Committees on Appro-
4 priations a detailed work plan for the funds provided in
5 this paragraph in this Act, including a list of project loca-
6 tions, new construction projects selected to be initiated,
7 the total cost for all projects, and a schedule by fiscal year
8 of proposed use of such funds: *Provided further*, That the
9 Secretary shall not deviate from the work plan, once the
10 plan has been submitted to the Committees on Appropria-
11 tions of both Houses of Congress: *Provided further*, That
12 beginning not later than 60 days after the enactment of
13 this Act, the Assistant Secretary of the Army for Civil
14 Works shall provide a quarterly report directly to the
15 Committees on Appropriations of the House of Represent-
16 atives and the Senate detailing the allocation and obliga-
17 tion of the funds provided in this paragraph in this Act:
18 *Provided further*, That amounts repurposed pursuant to
19 this paragraph that were previously designated by the
20 Congress as an emergency requirement pursuant to sec-
21 tion 4001(a)(1) and section 4001(b) of S. Con. Res. 14
22 (117th Congress), the concurrent resolution on the budget
23 for fiscal year 2022, are designated by the Congress as
24 an emergency requirement pursuant to section 4001(a)(1)
25 of such concurrent resolution and section 1(e) of H. Res.

1879

1 1151 (117th Congress), as engrossed in the House of Rep-
2 resentatives on June 8, 2022.

3 For an additional amount for “Construction”,
4 \$297,200,000, to remain available until expended: *Pro-*
5 *vided*, That of the funds made available in this paragraph
6 in this Act, \$45,000,000 shall be for flood and storm dam-
7 age reduction: *Provided further*, That of the funds made
8 available in this paragraph in this Act, \$36,575,000 shall
9 be for flood control: *Provided further*, That of the funds
10 made available in this paragraph in this Act, for flood and
11 storm damage reduction and flood control, \$43,650,000
12 shall be to continue construction of projects that prin-
13 cipally address drainage in urban areas: *Provided further*,
14 That of the funds made available in this paragraph in this
15 Act, \$36,575,000 shall be for shore protection: *Provided*
16 *further*, That of the funds made available in this para-
17 graph in this Act, \$113,550,000 shall be for major reha-
18 bilitation, construction, and related activities for rivers
19 and harbors navigation projects, of which \$10,000,000
20 shall be for authorized reimbursements: *Provided further*,
21 That of the sums appropriated in this paragraph in this
22 Act, any sums as are necessary to cover the Federal share
23 of eligible construction costs for coastal harbors and chan-
24 nels, and for inland harbors eligible to be derived from
25 the Harbor Maintenance Trust Fund under section 101

1 or section 104 of the Water Resources and Development
2 Act of 2020 shall be derived from the general fund of the
3 Treasury: *Provided further*, That of the funds made avail-
4 able in this paragraph in this Act, \$19,000,000 shall be
5 for other authorized project purposes, of which up to
6 \$11,900,000 shall be for the execution of comprehensive
7 restoration plans developed by the Corps for major bodies
8 of water: *Provided further*, That of the funds made avail-
9 able in this paragraph in this Act, \$28,500,000 shall be
10 for environmental restoration or compliance: *Provided fur-*
11 *ther*, That of the funds made available in this paragraph
12 in this Act, \$18,000,000 shall be for water-related envi-
13 ronmental infrastructure assistance to make environ-
14 mentally sound repairs and upgrades to water infrastruc-
15 ture: *Provided further*, That within 60 days of enactment
16 of this Act, the Chief of Engineers shall submit directly
17 to the House and Senate Committees on Appropriations
18 a detailed work plan for the funds provided in this para-
19 graph in this Act, including a list of project locations, the
20 total cost for all projects, and a schedule by fiscal year
21 of proposed use of such funds: *Provided further*, That the
22 Secretary shall not deviate from the work plan, once the
23 plan has been submitted to the Committees on Appropria-
24 tions of both Houses of Congress.

1881

1 MISSISSIPPI RIVER AND TRIBUTARIES

2 For an additional amount for “Mississippi River and
3 Tributaries” for necessary expenses to address emergency
4 situations at Corps of Engineers projects in response to,
5 and rehabilitate and repair damages caused by natural
6 disasters to Corps of Engineers projects, \$15,500,000, to
7 remain available until expended: *Provided*, That of the
8 amount provided under this heading in this Act, such
9 sums as are necessary to cover the Federal share of eligi-
10 ble operation and maintenance costs for coastal harbors
11 and channels, and for inland harbors shall be derived from
12 the general fund of the Treasury: *Provided further*, That
13 within 60 days of enactment of this Act, the Chief of Engi-
14 neers shall submit directly to the House and Senate Com-
15 mittees on Appropriations a detailed work plan for the
16 funds provided under this heading in this Act: *Provided*
17 *further*, That beginning not later than 60 days after the
18 enactment of this Act, the Assistant Secretary of the Army
19 for Civil Works shall provide a quarterly report directly
20 to the Committees on Appropriations of the House of Rep-
21 resentatives and the Senate detailing the allocation and
22 obligation of the funds provided under this heading in this
23 Act.

1882

1 OPERATION AND MAINTENANCE

2 For an additional amount for “Operation and Main-
3 tenance” for necessary expenses to dredge Federal naviga-
4 tion projects in response to, and repair damages to Corps
5 of Engineers Federal projects caused by natural disasters,
6 \$324,000,000, to remain available until expended: *Pro-*
7 *vided*, That of the amount provided in this paragraph in
8 this Act, such sums as are necessary to cover the Federal
9 share of eligible operation and maintenance costs for
10 coastal harbors and channels, and for inland harbors shall
11 be derived from the general fund of the Treasury: *Pro-*
12 *vided further*, That within 60 days of enactment of this
13 Act, the Chief of Engineers shall submit directly to the
14 House and Senate Committees on Appropriations a de-
15 tailed work plan for the funds provided in this paragraph
16 in this Act: *Provided further*, That beginning not later
17 than 60 days after the enactment of this Act, the Assist-
18 ant Secretary of the Army for Civil Works shall provide
19 a quarterly report directly to the Committees on Appro-
20 priations of the House of Representatives and the Senate
21 detailing the allocation and obligation of the funds pro-
22 vided in this paragraph in this Act.

23 For an additional amount for “Operation and Main-
24 tenance”, \$52,800,000, to remain available until ex-
25 pended: *Provided*, That of the amount provided in this

1883

1 paragraph in this Act, \$36,000,000 shall be for necessary
2 expenses at inland waterways projects: *Provided further*,
3 That of the amount provided in this paragraph in this Act,
4 \$16,800,000 shall be for other authorized project pur-
5 poses: *Provided further*, That within 60 days of enactment
6 of this Act, the Chief of Engineers shall submit directly
7 to the House and Senate Committees on Appropriations
8 a detailed work plan for the funds provided in this para-
9 graph in this Act, including a list of project locations, the
10 total cost for all projects, and a schedule by fiscal year
11 of proposed use of such funds: *Provided further*, That the
12 Secretary shall not deviate from the work plan, once the
13 plan has been submitted to the Committees on Appropria-
14 tions of both Houses of Congress.

15 FLOOD CONTROL AND COASTAL EMERGENCIES

16 For an additional amount for “Flood Control and
17 Coastal Emergencies”, as authorized by section 5 of the
18 Act of August 18, 1941 (33 U.S.C. 701n), for necessary
19 expenses to prepare for flood, hurricane, and other natural
20 disasters and support emergency operations, repairs, and
21 other activities in response to such disasters, as authorized
22 by law, \$519,200,000, to remain available until expended:
23 *Provided*, That funding provided under this heading in
24 this Act and utilized for authorized shore protection
25 projects shall restore such projects to the full project pro-

1884

1 file at full Federal expense: *Provided further*, That begin-
2 ning not later than 60 days after the enactment of this
3 Act, the Chief of Engineers shall provide a quarterly re-
4 port directly to the Committees on Appropriations of the
5 House of Representatives and the Senate detailing the al-
6 location and obligation of these fund provided under this
7 heading in this Act.

8 EXPENSES

9 For an additional amount for “Expenses” for nec-
10 essary expenses to administer and oversee the obligation
11 and expenditure of amounts provided in this Act for the
12 Corps of Engineers, \$5,000,000, to remain available until
13 expended: *Provided*, That beginning not later than 60 days
14 after the enactment of this Act, the Chief of Engineers
15 shall provide a quarterly report directly to the Committees
16 on Appropriations of the House of Representatives and the
17 Senate detailing the allocation and obligation of these fund
18 provided under this heading in this Act.

19 DEPARTMENT OF ENERGY

20 ENERGY PROGRAMS

21 ELECTRICITY

22 For an additional amount for “Electricity”,
23 \$1,000,000,000, to remain available until expended, to
24 carry out activities to improve the resilience of the Puerto
25 Rican electric grid, including grants for low and moderate

1885

1 income households and households that include individuals
2 with disabilities for the purchase and installation of renew-
3 able energy, energy storage, and other grid technologies:
4 *Provided*, That the Department of Energy shall coordinate
5 with the Federal Emergency Management Agency and the
6 Department of Housing and Urban Development on these
7 activities.

8 POWER MARKETING ADMINISTRATIONS
9 CONSTRUCTION, REHABILITATION, OPERATION AND
10 MAINTENANCE, WESTERN AREA POWER ADMINIS-
11 TRATION

12 For an additional amount for “Construction, Reha-
13 bilitation, Operation and Maintenance, Western Area
14 Power Administration”, \$520,000,000, to remain avail-
15 able until expended, for the purchase of power and trans-
16 mission services: *Provided*, That the amount made avail-
17 able under this heading in this Act shall be derived from
18 the general fund of the Treasury and shall be reimbursable
19 from amounts collected by the Western Area Power Ad-
20 ministration pursuant to the Flood Control Act of 1944
21 and the Reclamation Project Act of 1939 to recover pur-
22 chase power and wheeling expenses: *Provided further*, That
23 of the amount made available under this heading in this
24 Act, up to \$100,000,000 may be transferred to Western
25 Area Power Administration’s Colorado River Basins

1886

1 Power Marketing Fund account to be used for the same
2 purposes as outlined under this heading.

3

TITLE V

4

INDEPENDENT AGENCIES

5

GENERAL SERVICES ADMINISTRATION

6

REAL PROPERTY ACTIVITIES

7

FEDERAL BUILDINGS FUND

8 For an additional amount to be deposited in the
9 “Federal Buildings Fund”, \$36,788,390, to remain avail-
10 able until expended, for necessary expenses related to the
11 consequences of Hurricane Ian, for repair and alteration
12 of buildings under the jurisdiction, custody and control of
13 the Administrator of General Services, and real property
14 management and related activities not otherwise provided
15 for: *Provided*, That the amount provided under this head-
16 ing in this Act may be used to reimburse the Fund for
17 obligations incurred for this purpose prior to the date of
18 the enactment of this Act.

19

SMALL BUSINESS ADMINISTRATION

20

DISASTER LOANS PROGRAM ACCOUNT

21

(INCLUDING TRANSFERS OF FUNDS)

22 For an additional amount for “Disaster Loans Pro-
23 gram Account” for the cost of direct loans authorized by
24 section 7(b) of the Small Business Act, \$858,000,000, to
25 remain available until expended, of which \$8,000,000 shall

1887

1 be transferred to and merged with “Office of Inspector
2 General” for audits and reviews of disaster loans and the
3 disaster loans programs; and of which \$850,000,000 may
4 be transferred to and merged with “Salaries and Ex-
5 penses” for administrative expenses to carry out the dis-
6 aster loan program or any disaster loan authorized by sec-
7 tion 7(b) of the Small Business Act.

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

14 For an additional amount for “Operations and Sup-
15 port”, \$39,250,000, to remain available until September
16 30, 2024, for necessary expenses related to the con-
17 sequences of Hurricanes Fiona and Ian.

18 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS
19 For an additional amount for “Procurement, Con-
20 struction, and Improvements”, \$115,500,000, to remain
21 available until September 30, 2027, for necessary expenses
22 related to the consequences of Hurricanes Fiona and Ian.

1888

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
7 Fund”, \$5,000,000,000, to remain available until ex-
8 pended, for major disasters declared pursuant to the Rob-
9 ert T. Stafford Disaster Relief and Emergency Assistance
10 Act (42 U.S.C. 5121 et seq.), of which \$13,000,000 shall
11 be transferred to “Office of the Inspector General—Oper-
12 ations and Support” for audits and investigations of ac-
13 tivities funded under this heading.

14 HERMIT’S PEAK/CALF CANYON FIRE ASSISTANCE

15 ACCOUNT

16 (INCLUDING TRANSFER OF FUNDS)

17 For an additional amount for “Hermit’s Peak/Calf
18 Canyon Fire Assistance Account”, \$1,450,000,000, to re-
19 main available until expended, to carry out the Hermit’s
20 Peak/Calf Canyon Fire Assistance Act, of which
21 \$1,000,000 shall be transferred to “Office of the Inspector
22 General—Operations and Support” for oversight of activi-
23 ties authorized by the Hermit’s Peak/Calf Canyon Fire
24 Assistance Act: *Provided*, That the amounts provided
25 under this heading in this Act shall be subject to the re-

1889

1 porting requirement in the third proviso of section 136
2 of the Continuing Appropriations Act, 2023 (division A
3 of Public Law 117–180).

4 GENERAL PROVISIONS—THIS TITLE

5 SEC. 2601. Notwithstanding sections 104(c) and (d)
6 of the Hermit’s Peak/Calf Canyon Fire Assistance Act (di-
7 vision G of Public Law 117–180), the Federal Emergency
8 Management Agency may compensate for the replacement
9 of water treatment facilities, to the extent necessitated by
10 the Hermit’s Peak/Calf Canyon Fire, in lieu of compen-
11 sating for temporary injury, in an amount not to exceed
12 \$140,000,000 from funds made available under the head-
13 ing “Hermit’s Peak/Calf Canyon Fire Assistance Ac-
14 count” in this Act or in section 136 of the Continuing
15 Appropriations Act, 2023 (division A of Public Law 117–
16 180).

17 SEC. 2602. For necessary expenses related to pro-
18 viding customs and immigration inspection and pre-in-
19 spection services at, or in support of ports of entry, pursu-
20 ant to section 1356 of title 8, United States Code, and
21 section 58c(f) of title 19, United States Code, and in addi-
22 tion to any other funds made available for this purpose,
23 there is appropriated, out of any money in the Treasury
24 not otherwise appropriated, \$309,000,000, to offset the
25 loss of Immigration User Fee receipts collected pursuant

1890

1 to section 286(h) of the Immigration and Nationality Act
2 (8 U.S.C. 1356(h)), and fees for certain customs services
3 collected pursuant to paragraphs (1) through (8) and
4 paragraph (10) of subsection (a) of section 13031 of the
5 Consolidated Omnibus Budget Reconciliation Act of 1985
6 (19 U.S.C. 58c(a)(1)–(8) and (a)(10)).

7 TITLE VII

8 DEPARTMENT OF THE INTERIOR

9 UNITED STATES FISH AND WILDLIFE SERVICE

10 CONSTRUCTION

11 For an additional amount for “Construction”,
12 \$247,000,000, to remain available until expended, for nec-
13 essary expenses related to the consequences of wildfires,
14 hurricanes, and other natural disasters occurring in and
15 prior to calendar year 2023, including winter storm dam-
16 ages at Midway Atoll National Wildlife Refuge.

17 NATIONAL PARK SERVICE

18 CONSTRUCTION

19 For an additional amount for “Construction”,
20 \$1,500,000,000, to remain available until expended, for
21 necessary expenses related to the consequences of
22 wildfires, hurricanes, and other natural disasters occur-
23 ring in and prior to calendar year 2023.

1891

1 UNITED STATES GEOLOGICAL SURVEY

2 SURVEYS, INVESTIGATIONS, AND RESEARCH

3 For an additional amount for “Surveys, Investiga-
4 tions, and Research”, \$41,040,000, to remain available
5 until expended, for necessary expenses related to the con-
6 sequences of wildfires, hurricanes, and other natural disas-
7 ters occurring in and prior to calendar year 2023.

8 INDIAN AFFAIRS

9 BUREAU OF INDIAN AFFAIRS

10 OPERATION OF INDIAN PROGRAMS

11 For an additional amount for “Operation of Indian
12 Programs”, \$44,500,000, to remain available until ex-
13 pended, for necessary expenses related to the consequences
14 of wildfires, hurricanes, and other natural disasters occur-
15 ring in and prior to calendar year 2023.

16 CONSTRUCTION

17 For an additional amount for “Construction”,
18 \$2,500,000, to remain available until expended, for nec-
19 essary expenses related to the consequences of wildfires,
20 hurricanes, and other natural disasters occurring in and
21 prior to calendar year 2023.

22 BUREAU OF INDIAN EDUCATION

23 EDUCATION CONSTRUCTION

24 For an additional amount for “Education Construc-
25 tion”, \$90,465,000, to remain available until expended,

1892

1 for necessary expenses related to the consequences of
2 flooding at the To'Hajiilee Community School.

3 DEPARTMENTAL OFFICES

4 DEPARTMENT-WIDE PROGRAMS

5 WILDLAND FIRE MANAGEMENT

6 For an additional amount for “Wildland Fire Man-
7 agement”, \$75,000,000, to remain available until ex-
8 pended, for wildland fire suppression activities.

9 For an additional amount for “Wildland Fire Man-
10 agement”, \$429,000,000, to remain available until ex-
11 pended: *Provided*, That of the funds provided under this
12 paragraph in this Act, \$383,657,000 shall be available for
13 wildfire suppression operations, and is provided to meet
14 the terms of section 4004(b)(5)(B) of S. Con. Res. 14
15 (117th Congress), the concurrent resolution on the budget
16 for fiscal year 2022, and section 1(g)(2) of H. Res. 1151
17 (117th Congress), as engrossed in the House of Rep-
18 resentatives on June 8, 2022: *Provided further*, That of
19 the funds provided under this paragraph in this Act,
20 \$45,343,000 shall be available for fire preparedness.

21 ENVIRONMENTAL PROTECTION AGENCY

22 LEAKING UNDERGROUND STORAGE TANK TRUST FUND

23 PROGRAM

24 For an additional amount for “Leaking Underground
25 Storage Tank Trust Fund Program”, \$1,000,000, to re-

1893

1 main available until expended, for necessary expenses re-
2 lated to the consequences of Hurricanes Fiona and Ian.

3 STATE AND TRIBAL ASSISTANCE GRANTS

4 For an additional amount for “State and Tribal As-
5 sistance Grants”, \$1,067,210,000, to remain available
6 until expended, of which \$665,210,000 shall be for capital-
7 ization grants for the Clean Water State Revolving Funds
8 under title VI of the Federal Water Pollution Control Act,
9 and of which \$402,000,000 shall be for capitalization
10 grants under section 1452 of the Safe Drinking Water
11 Act: *Provided*, That notwithstanding section 604(a) of the
12 Federal Water Pollution Control Act and section
13 1452(a)(1)(D) of the Safe Drinking Water Act, funds ap-
14 propriated under this paragraph in this Act shall be pro-
15 vided to States or Territories in EPA Regions 2 and 4
16 in amounts determined by the Administrator for waste-
17 water treatment works and drinking water facilities im-
18 pacted by Hurricanes Fiona and Ian: *Provided further*,
19 That States or Territories shall prioritize funds, as appro-
20 priate, to Tribes and disadvantaged communities: *Pro-*
21 *vided further*, That notwithstanding the requirements of
22 section 603(i) of the Federal Water Pollution Control Act
23 and section 1452(d) of the Safe Drinking Water Act, for
24 the funds appropriated under this paragraph in this Act,
25 each State shall use 100 percent of the amount of its cap-

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

1895

1 For an additional amount for “State and Tribal As-
2 sistance Grants”, \$150,000,000, to remain available until
3 expended, for technical assistance and grants under sec-
4 tion 1442(b) of the Safe Drinking Water Act (42 U.S.C.
5 300j–1(b)) in areas where the President declared an emer-
6 gency in August of fiscal year 2022 pursuant to the Rob-
7 ert T. Stafford Disaster Relief and Emergency Assistance
8 Act (42 U.S.C. 5121 et seq.): *Provided*, That the Adminis-
9 trator of the Environmental Protection Agency may retain
10 up to three percent of the amounts made available under
11 this paragraph in this Act for salaries, expenses, and ad-
12 ministration: *Provided further*, That the agency shall sub-
13 mit an annual report to the Committees on Appropriations
14 until all funds have been obligated, with a status on the
15 use of funds for this effort.

16 For an additional amount for “State and Tribal As-
17 sistance Grants”, \$450,000,000, to remain available until
18 expended, for capitalization grants under section 1452 of
19 the Safe Drinking Water Act (42 U.S.C. 300j–12): *Pro-*
20 *vided*, That notwithstanding section 1452(a)(1)(D) of the
21 Safe Drinking Water Act, funds appropriated under this
22 paragraph in this Act shall be provided to States or Terri-
23 tories in EPA Region 4 in amounts determined by the Ad-
24 ministrator in areas where there the President declared
25 an emergency in August of fiscal year 2022 pursuant to

1896

1 the Robert T. Stafford Disaster Relief and Emergency As-
2 sistance Act (42 U.S.C. 5121 et seq.): *Provided further*,
3 That notwithstanding the requirements of section 1452(d)
4 of the Safe Drinking Water Act, for the funds appro-
5 priated under this paragraph in this Act, each State shall
6 use 100 percent of the amount of its capitalization grants
7 to provide additional subsidization to eligible recipients in
8 the form of forgiveness of principal, grants, negative inter-
9 est loans, other loan forgiveness, and through buying, refi-
10 nancing, or restructuring debt or any combination thereof:
11 *Provided further*, That the funds provided under this para-
12 graph in this Act shall not be subject to the matching or
13 cost share requirements of section 1452(e) of the Safe
14 Drinking Water Act: *Provided further*, That the Adminis-
15 trator of the Environmental Protection Agency may retain
16 up to \$1,000,000 of the funds appropriated under this
17 paragraph in this Act for management and oversight.

18 RELATED AGENCIES

19 DEPARTMENT OF AGRICULTURE

20 FOREST SERVICE

21 FOREST AND RANGELAND RESEARCH

22 For an additional amount for “Forest and Rangeland
23 Research”, \$2,000,000, to remain available until ex-
24 pended, for necessary expenses related to the consequences

1897

1 of calendar year 2020, 2021, and 2022 wildfires, hurri-
2 canes, and other natural disasters.

3 STATE AND PRIVATE FORESTRY

4 For an additional amount for “State and Private
5 Forestry”, \$148,000,000, to remain available until ex-
6 pended, for necessary expenses related to the consequences
7 of calendar year 2020, 2021, and 2022 wildfires, hurri-
8 canes, and other natural disasters: *Provided*, That of the
9 amounts made available under this heading in this Act,
10 up to \$20,000,000 is for grants to states to support eco-
11 nomic recovery activities in communities damaged by wild-
12 fire: *Provided further*, That of the amounts made available
13 under this heading in this Act, no less than \$100,000,000
14 is for cooperative lands forest management activities.

15 NATIONAL FOREST SYSTEM

16 For an additional amount for “National Forest Sys-
17 tem”, \$210,000,000, to remain available until expended,
18 for necessary expenses related to the consequences of cal-
19 endar year 2020, 2021, and 2022 wildfires, hurricanes,
20 and other natural disasters, including for high priority
21 post-wildfire restoration for watershed protection, public
22 access and critical habitat, hazardous fuels mitigation for
23 community protection, and burned area recovery.

1898

1 CAPITAL IMPROVEMENT AND MAINTENANCE

2 For an additional amount for “Capital Improvement
3 and Maintenance”, \$150,000,000, to remain available
4 until expended, for necessary expenses related to the con-
5 sequences of calendar year 2020, 2021, and 2022
6 wildfires, hurricanes, and other natural disasters.

7 WILDLAND FIRE MANAGEMENT

8 For an additional amount for “Wildland Fire Man-
9 agement”, \$375,000,000, to remain available until ex-
10 pended, for wildland fire suppression activities.

11 For an additional amount for “Wildland Fire Man-
12 agement”, \$1,171,000,000, to remain available until ex-
13 pended: *Provided*, That of the funds provided under this
14 paragraph in this Act, \$1,011,000,000 shall be available
15 for wildfire suppression operations, and is provided to
16 meet the terms of section 4004(b)(5)(B) of S. Con. Res.
17 14 (117th Congress), the concurrent resolution on the
18 budget for fiscal year 2022, and section 1(g)(2) of H. Res.
19 1151 (117th Congress), as engrossed in the House of Rep-
20 resentatives on June 8, 2022: *Provided further*, That of
21 the funds provided under this paragraph in this Act,
22 \$160,000,000 shall be available for forest fire
23 presuppression.

1899

1 TITLE VIII
2 DEPARTMENT OF HEALTH AND HUMAN
3 SERVICES
4 CENTERS FOR DISEASE CONTROL AND PREVENTION
5 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

6 For an additional amount for “CDC-Wide Activities
7 and Program Support”, \$86,000,000, to remain available
8 until September 30, 2024, for necessary expenses directly
9 related to the consequences of Hurricanes Fiona and Ian:
10 *Provided*, That funds appropriated under this heading in
11 this Act may be made available to restore amounts, either
12 directly or through reimbursement, for obligations in-
13 curred for such purposes, prior to the date of enactment
14 of this Act.

15 NATIONAL INSTITUTES OF HEALTH
16 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
17 SCIENCES
18 For an additional amount for “National Institute of
19 Environmental Health Sciences”, \$2,500,000, to remain
20 available until expended, for necessary expenses in car-
21 rying out activities set forth in section 311(a) of the Com-
22 prehensive Environmental Response, Compensation, and
23 Liability Act of 1980 (42 U.S.C. 9660(a)) and section
24 126(g) of the Superfund Amendments and Reauthoriza-
25 tion Act of 1986 related to the consequences of major dis-

1900

1 asters declared pursuant to the Robert T. Stafford Dis-
2 aster Relief and Emergency Assistance Act (42 U.S.C.
3 5121 et seq.) in 2022.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

4
5
6 For an additional amount for “Office of the Direc-
7 tor”, \$25,000,000, to remain available until September
8 30, 2024, for necessary expenses directly related to the
9 consequences of Hurricanes Fiona and Ian: *Provided*,
10 That funds appropriated under this heading in this Act
11 may be made available to restore amounts, either directly
12 or through reimbursement, for obligations incurred for
13 such purposes, prior to the date of enactment of this Act:
14 *Provided further*, That funds appropriated under this
15 heading in this Act may be transferred to the accounts
16 of Institutes and Centers of the National Institutes of
17 Health (NIH): *Provided further*, That this transfer au-
18 thority is in addition to any other transfer authority avail-
19 able to the NIH.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE

20
21
22 For an additional amount for “Low Income Home
23 Energy Assistance”, \$1,000,000,000, to remain available
24 until September 30, 2023, for making payments under
25 subsection (b) of section 2602 of the Low-Income Home

1901

1 Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.):
2 *Provided*, That of the funds made available under this
3 heading in this Act, \$500,000,000 shall be allocated as
4 though the total appropriation for such payments for fiscal
5 year 2023 was less than \$1,975,000,000.

6 For an additional amount for “Low Income Home
7 Energy Assistance”, \$2,500,000,000, to remain available
8 until September 30, 2023, for making payments under
9 subsection (b) of section 2602 of the Low-Income Home
10 Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

11 PAYMENTS TO STATES FOR THE CHILD CARE AND
12 DEVELOPMENT BLOCK GRANT

13 For an additional amount for “Payments to States
14 for the Child Care and Development Block Grant”,
15 \$100,000,000, to remain available through September 30,
16 2024, for necessary expenses directly related to the con-
17 sequences of Hurricanes Fiona and Ian, including activi-
18 ties authorized under section 319(a) of the Public Health
19 Service Act: *Provided*, That the Secretary shall allocate
20 such funds to States, Territories, and tribes based on as-
21 sessed need notwithstanding sections 658J and 658O of
22 the Child Care and Development Block Grant Act of 1990:
23 *Provided further*, That not to exceed 2 percent of funds
24 appropriated under this heading in this Act may be re-
25 served, to remain available until expended, for Federal ad-

1902

1 ministration costs: *Provided further*, That such funds may
2 be used for alteration, renovation, construction, equip-
3 ment, and other capital improvement costs, including for
4 child care facilities without regard to section 658F(b) of
5 such Act, and for other expenditures related to child care,
6 as necessary to meet the needs of areas affected by Hurri-
7 canes Fiona and Ian: *Provided further*, That funds made
8 available under this heading in this Act may be used with-
9 out regard to section 658G of such Act and with amounts
10 allocated for such purposes excluded from the calculation
11 of percentages under subsection 658E(c)(3) of such Act:
12 *Provided further*, That notwithstanding section 658J(e) of
13 such Act, funds allotted to a State may be obligated by
14 the State in that fiscal year or the succeeding three fiscal
15 years: *Provided further*, That Federal interest provisions
16 will not apply to the renovation or construction of pri-
17 vately-owned family child care homes, and the Secretary
18 shall develop parameters on the use of funds for family
19 child care homes: *Provided further*, That the Secretary
20 shall not retain Federal interest after a period of 10 years
21 (from the date on which the funds are made available to
22 purchase or improve the property) in any facility ren-
23 ovated or constructed with funds made available under
24 this heading in this Act: *Provided further*, That funds
25 made available under this heading in this Act shall not

1903

1 be available for costs that are reimbursed by the Federal
2 Emergency Management Agency, under a contract for in-
3 surance, or by self-insurance: *Provided further*, That funds
4 appropriated under this heading in this Act may be made
5 available to restore amounts, either directly or through re-
6 imbursement, for obligations incurred for such purposes,
7 prior to the date of enactment of this Act.

8 CHILDREN AND FAMILIES SERVICES PROGRAMS

9 For an additional amount for “Children and Families
10 Services Programs”, \$408,000,000, to remain available
11 until September 30, 2027, for necessary expenses directly
12 related to the consequences of Hurricanes Fiona and Ian,
13 including activities authorized under section 319(a) of the
14 Public Health Service Act: *Provided*, That \$345,000,000
15 of the amount provided under this heading in this Act
16 shall be for Head Start programs, including making pay-
17 ments under the Head Start Act: *Provided further*, That
18 none of funds made available in the preceding proviso shall
19 be included in the calculation of the “base grant” in subse-
20 quent fiscal years, as such term is defined in sections
21 640(a)(7)(A) of the Head Start Act: *Provided further*,
22 That funds made available in first proviso are not subject
23 to the allocation requirements of section 640(a) of the
24 Head Start Act or the matching requirements of section
25 640(b) of such Act: *Provided further*, That \$10,000,000

1904

1 of the amount provided under this heading in this Act
2 shall be for payments to States, Territories, and tribes for
3 activities authorized under subpart 1 of part B of title
4 IV of the Social Security Act, with such funds allocated
5 based on assessed need notwithstanding section 423 of
6 such Act and paid without regard to percentage limita-
7 tions in subsections (a), (c), or (e) in section 424 of such
8 Act: *Provided further*, That \$10,000,000 of the amount
9 provided under this heading in this Act shall be for pay-
10 ments to States, Territories, tribes, and coalitions for car-
11 rying out sections 303(a) and 303(b) of the Family Vio-
12 lence Prevention and Services Act, notwithstanding the
13 matching requirements in section 306(c)(4) of such Act
14 and allocated based on assessed need, notwithstanding
15 section 303(a)(2) of such Act: *Provided further*, That the
16 Secretary may make funds made available under the pre-
17 ceding proviso available for providing temporary housing
18 and assistance to victims of family, domestic, and dating
19 violence: *Provided further*, That funds made available by
20 the fifth proviso shall be available for expenditure, by a
21 State, Territory, tribe, coalition, or any recipient of funds
22 from a grant, through the end of fiscal year 2027: *Pro-*
23 *vided further*, That \$25,000,000 of the amount made
24 available under this heading in this Act shall be for pay-
25 ments to States, territories, and tribes authorized under

1905

1 the Community Services Block Grant Act, with such funds
2 allocated based on assessed need, notwithstanding sections
3 674(b), 675A, and 675B of such Act: *Provided further*,
4 That notwithstanding section 676(b)(8) of the Community
5 Services Block Grant Act, each State, Territory, or tribe
6 receiving funds made available under the preceding pro-
7 viso may allocate funds to eligible entities based on as-
8 sessed need: *Provided further*, That for services furnished
9 under the CSBG Act with funds appropriated under this
10 heading in this Act, a State, territory or tribe that receives
11 a supplemental grant award may apply the last sentence
12 of section 673(2) of the CSBG Act by substituting “200
13 percent” for “125 percent”: *Provided further*, That funds
14 made available under this heading in this Act may be used
15 for alteration, renovation, construction, equipment, and
16 other capital improvement costs as necessary to meet the
17 needs of areas affected by Hurricanes Fiona and Ian: *Pro-*
18 *vided further*, That the Secretary shall not retain Federal
19 interest after a period of 10 years (from the date on which
20 the funds are made available to purchase or improve the
21 property) in any facility renovated, repaired, or rebuilt
22 with funds appropriated under this heading in this Act,
23 with the exception of funds appropriated for Head Start
24 programs: *Provided further*, That funds made available
25 under this heading in this Act shall not be available for

1906

1 costs that are reimbursed by the Federal Emergency Man-
2 agement Agency, under a contract for insurance, or by
3 self-insurance: *Provided further*, That up to \$18,000,000,
4 to remain available until expended, shall be available for
5 Federal administrative expenses: *Provided further*, That
6 funds appropriated under this heading in this Act may be
7 made available to restore amounts, either directly or
8 through reimbursement, for obligations incurred for such
9 purposes, prior to the date of enactment of this Act.

10 OFFICE OF THE SECRETARY
11 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
12 FUND
13 (INCLUDING TRANSFERS OF FUNDS)

14 For an additional amount for “Public Health and So-
15 cial Services Emergency Fund”, \$128,792,000, to remain
16 available until September 30, 2024, for necessary expenses
17 directly related to the consequences of Hurricanes Fiona
18 and Ian, including activities authorized under section
19 319(a) of the Public Health Service Act (referred to under
20 this heading as the “PHS Act”): *Provided*, That funds
21 made available under this heading in this Act may be used
22 for alteration, renovation, construction, equipment, and
23 other capital improvement costs as necessary to meet the
24 needs of areas affected by Hurricanes Fiona and Ian: *Pro-*
25 *vided further*, That funds made available under this head-

1907

1 ing in this Act may be used for the purchase or hire of
2 vehicles: *Provided further*, That of the amount made avail-
3 able under this heading in this Act, \$65,000,000 shall be
4 transferred to “Health Resources and Services Adminis-
5 tration—Primary Health Care” for expenses directly re-
6 lated to a disaster or emergency for disaster response and
7 recovery, for the Health Centers Program under section
8 330 of the PHS Act, including alteration, renovation, con-
9 struction, equipment, and other capital improvement costs
10 as necessary to meet the needs of areas affected by a dis-
11 aster or emergency: *Provided further*, That the time limita-
12 tion in section 330(e)(3) of the PHS Act shall not apply
13 to funds made available under the preceding proviso: *Pro-*
14 *vided further*, That of the amount made available under
15 this heading in this Act, not less than \$22,000,000 shall
16 be transferred to “Substance Abuse and Mental Health
17 Services Administration—Health Surveillance and Pro-
18 gram Support” for grants, contracts, and cooperative
19 agreements for behavioral health treatment (including
20 screening and diagnosis), treatment of substance use dis-
21 orders (including screening and diagnosis), crisis coun-
22 seling, and other related helplines, and for other similar
23 programs to provide support to individuals impacted by
24 a disaster or emergency: *Provided further*, That of the
25 amount made available under this heading in this Act, not

1908

1 less than \$15,000,000 shall be transferred to “Adminis-
2 tration for Community Living—Aging and Disability
3 Services Programs” for necessary expenses directly related
4 to the consequences of Hurricanes Fiona and Ian: *Pro-*
5 *vided further*, That funds made available under the pre-
6 ceding proviso are not subject to the allotment, reserva-
7 tion, matching, or application and State and area require-
8 ments of the Older Americans Act of 1965 and Rehabilita-
9 tion Act of 1973: *Provided further*, That of the amount
10 made available under this heading in this Act, not less
11 than \$392,000 shall be transferred to “Food and Drug
12 Administration—Buildings and Facilities” for costs re-
13 lated to repair of facilities, for replacement of equipment,
14 and for other increases in facility-related costs due to the
15 consequences of Hurricanes Fiona and Ian: *Provided fur-*
16 *ther*, That of the amount made available under this head-
17 ing in this Act, up to \$2,000,000, to remain available until
18 expended, shall be transferred to “Office of the Sec-
19 retary—Office of Inspector General” for oversight of ac-
20 tivities responding to such disasters or emergencies.

21 GENERAL PROVISIONS—THIS TITLE

22 SEC. 2801. (a) IN GENERAL.—As the Secretary of
23 Health and Human Services determines necessary to re-
24 spond to a critical hiring need for emergency response po-
25 sitions, after providing public notice and without regard

1909

1 to the provisions of sections 3309 through 3319 of title
2 5, United States Code, the Secretary may appoint can-
3 didates directly to the following positions, consistent with
4 subsection (b), to perform critical work directly relating
5 to the consequences of Hurricanes Fiona and Ian:

6 (1) Intermittent disaster-response personnel in
7 the National Disaster Medical System, under section
8 2812 of the Public Health Service Act (42 U.S.C.
9 300hh-11).

10 (2) Term or temporary related positions in the
11 Centers for Disease Control and Prevention and the
12 Office of the Assistant Secretary for Preparedness
13 and Response.

14 (b) EXPIRATION.—The authority under subsection
15 (a) shall expire 270 days after the date of enactment of
16 this section.

17 SEC. 2802. Not later than 45 days after the date of
18 enactment of this Act, the agencies receiving funds appro-
19 priated by this title shall provide a detailed operating plan
20 of anticipated uses of funds made available in this title
21 by State and Territory, and by program, project, and ac-
22 tivity, to the Committees on Appropriations: *Provided*,
23 That no such funds shall be obligated before the operating
24 plans are provided to the Committees: *Provided further*,
25 That such plans shall be updated, including obligations to

1910

1 date and anticipated use of funds made available in this
2 title, and submitted to the Committees on Appropriations
3 biweekly until all such funds are expended.

4 TITLE IX

5 DEPARTMENT OF DEFENSE

6 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

7 For an additional amount for “Military Construction,
8 Navy and Marine Corps”, \$41,040,000, to remain avail-
9 able until September 30, 2025, for necessary expenses re-
10 lated to the consequences of Hurricanes Ian and Fiona:
11 *Provided*, That, not later than 60 days after the date of
12 enactment of this Act, the Secretary of the Navy, or their
13 designee, shall submit to the Committees on Appropria-
14 tions of the House of Representatives and the Senate an
15 expenditure plan for funds provided under this heading
16 in this Act: *Provided further*, That such funds may be obli-
17 gated or expended for planning and design and military
18 construction projects not otherwise authorized by law.

19 TITLE X

20 DEPARTMENT OF TRANSPORTATION

21 FEDERAL HIGHWAY ADMINISTRATION

22 EMERGENCY RELIEF PROGRAM

23 For an additional amount for the “Emergency Relief
24 Program” as authorized under section 125 of title 23,
25 United States Code, \$803,000,000, to remain available

1911

1 until expended: *Provided*, That notwithstanding subsection
2 (e) of section 120 of title 23, United States Code, for this
3 fiscal year and hereafter, the Federal share for Emergency
4 Relief funds made available under section 125 of such title
5 to respond to damage caused by Hurricane Fiona, shall
6 be 100 percent.

7 FEDERAL TRANSIT ADMINISTRATION
8 PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM
9 For an additional amount for “Public Transportation
10 Emergency Relief Program” as authorized under section
11 5324 of title 49, United States Code, \$213,905,338, to
12 remain available until expended, for transit systems af-
13 fected by major declared disasters occurring in calendar
14 years 2017, 2020, 2021, and 2022: *Provided*, That not
15 more than three-quarters of 1 percent of the funds for
16 public transportation emergency relief shall be available
17 for administrative expenses and ongoing program manage-
18 ment oversight as authorized under sections 5334 and
19 5338(c)(2) of such title and shall be in addition to any
20 other appropriations for such purpose.

1912

1 DEPARTMENT OF HOUSING AND URBAN
2 DEVELOPMENT

3 PUBLIC AND INDIAN HOUSING

4 TENANT-BASED RENTAL ASSISTANCE

5 For an additional amount for “Tenant-Based Rental
6 Assistance”, \$2,653,580,000, to remain available until ex-
7 pended, for activities specified in paragraph (1) (excluding
8 any set-asides) of such heading in title II of division L
9 of this consolidated Act.

10 COMMUNITY PLANNING AND DEVELOPMENT

11 COMMUNITY DEVELOPMENT FUND

12 (INCLUDING TRANSFERS OF FUNDS)

13 For an additional amount for “Community Develop-
14 ment Fund”, \$3,000,000,000, to remain available until
15 expended, for the same purposes and under the same
16 terms and conditions as funds appropriated under such
17 heading in title VIII of the Disaster Relief Supplemental
18 Appropriations Act, 2022 (division B of Public Law 117–
19 43), except that such amounts shall be for major disasters
20 that occurred in 2022 or later until such funds are fully
21 allocated and the fourth, twentieth, and twenty-first pro-
22 visos under such heading in such Act shall not apply: *Pro-*
23 *vided*, That amounts made available under this heading
24 in this Act and under such heading in such Act may be
25 used by a grantee to assist utilities as part of a disaster-

1913

1 related eligible activity under section 105(a) of the Hous-
2 ing and Community Development Act of 1974 (42 U.S.C.
3 5305(a)): *Provided further*, That of the amounts made
4 available under this heading in this Act, up to
5 \$10,000,000 shall be made available for capacity building
6 and technical assistance, including assistance on con-
7 tracting and procurement processes, to support States,
8 units of general local government, or Indian tribes (and
9 their subrecipients) that receive allocations related to
10 major disasters under this heading in this, prior, or future
11 Acts: *Provided further*, That of the amounts made avail-
12 able under this heading in this Act, up to \$5,000,000 shall
13 be transferred to “Department of Housing and Urban De-
14 velopment—Program Office Salaries and Expenses—
15 Community Planning and Development” for necessary
16 costs, including information technology costs, of admin-
17 istering and overseeing the obligation and expenditure of
18 amounts made available under this heading in this Act or
19 any prior or future Act that makes amounts available for
20 purposes related to major disasters under such heading:
21 *Provided further*, That the amount specified in the pre-
22 ceding proviso shall be combined with funds appropriated
23 under this same heading for this same purpose in any
24 prior Acts and the aggregate of such amounts shall be
25 available for the costs of administering and overseeing any

1914

1 funds appropriated to the Department related to major
2 disasters in this, prior, or future Acts, notwithstanding the
3 purposes for which such funds were appropriated: *Pro-*
4 *vided further*, That of the amounts made available under
5 this heading in this Act, up to \$5,000,000 shall be trans-
6 ferred to “Department of Housing and Urban Develop-
7 ment—Office of the Inspector General” for necessary
8 costs of overseeing and auditing amounts made available
9 under this heading in this Act or any prior or future Act
10 that makes amounts available for purposes related to
11 major disasters under such heading: *Provided further*,
12 That amounts repurposed under this heading that were
13 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 resolu-
16 tion on the budget are designated by the Congress as an
17 emergency requirement pursuant to section 4001(a)(1) of
18 S. Con. Res. 14 (117th Congress), the concurrent resolu-
19 tion on the budget for fiscal year 2022, and section 1(e)
20 of H. Res. 1151 (117th Congress), as engrossed in the
21 House of Representatives on June 8, 2022.

1915

1 HOUSING PROGRAMS

2 PROJECT-BASED RENTAL ASSISTANCE

3 For an additional amount for “Project-Based Rental
4 Assistance”, \$969,420,000, to remain available until ex-
5 pended.

6 TITLE XI

7 GENERAL PROVISIONS—THIS ACT

8 SEC. 21101. Each amount appropriated or made
9 available by this Act is in addition to amounts otherwise
10 appropriated for the fiscal year involved.

11 SEC. 21102. No part of any appropriation contained
12 in this Act shall remain available for obligation beyond
13 the current fiscal year unless expressly so provided herein.

14 SEC. 21103. Unless otherwise provided for by this
15 Act, the additional amounts appropriated by this Act to
16 appropriations accounts shall be available under the au-
17 thorities and conditions applicable to such appropriations
18 accounts for fiscal year 2023.

19 SEC. 21104. Each amount provided by this division
20 is designated by the Congress as being for an emergency
21 requirement pursuant to section 4001(a)(1) of S. Con.
22 Res. 14 (117th Congress), the concurrent resolution on
23 the budget for fiscal year 2022, and section 1(e) of H.
24 Res. 1151 (117th Congress), as engrossed in the House
25 of Representatives on June 8, 2022.

1916

1 This division may be cited as the “Disaster Relief
2 Supplemental Appropriations Act, 2023”.

1917

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 En-
8 hancement Act of 2015 (6 U.S.C. 1525(a)) is amended
9 by striking “the date that is 7 years after the date of en-
10 actment of this 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
16 the James M. Inhofe National Defense Authorization Act
17 for 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 insert-
25 ing ‘150 percent’;

1918

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
8 did not exceed an amount equal to 200 percent of
9 the Federal poverty guidelines of the Department of
10 Health and Human Services for the location of the
11 member and the number of individuals in the house-
12 hold of the member for such year; 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
17 of a member described in subsection (b)(2)(B), 200
18 percent)’.”.

19 (b) EFFECTIVE DATE.—The amendments made by
20 this section shall take effect as if included in the enact-
21 ment of such Act.

1919

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.
7 Inhofe National Defense Authorization Act for Fiscal Year
8 2023 is amended by adding at the end the following new
9 subsection:

10 “(d) APPLICABILITY.—The amendments made by
11 this section shall only apply with respect to a cadet or
12 midshipman who first enrolls in the United States Military
13 Academy, the United States Naval Academy, or the
14 United States Air Force Academy on or after June 1,
15 2021.”.

16 (b) EFFECTIVE DATE.—The amendment made by
17 subsection (a) shall take effect on the date of the enact-
18 ment of the James M. Inhofe National Defense Authoriza-
19 tion Act for Fiscal Year 2023 and apply as if originally
20 included in the enactment of such Act.

21 **TITLE III—IMMIGRATION**
22 **EXTENSIONS**

23 **SEC. 301. E-VERIFY.**

24 Section 401(b) of the Illegal Immigration Reform and
25 Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a

1920

1 note) shall be applied by substituting “September 30,
2 2023” for “September 30, 2015”.

3 **SEC. 302. NON-MINISTER RELIGIOUS WORKERS.**

4 Subclauses (II) and (III) of section 101(a)(27)(C)(ii)
5 of the Immigration and Nationality Act (8 U.S.C.
6 1101(a)(27)(C)(ii)) shall be applied by substituting “Sep-
7 tember 30, 2023” for “September 30, 2015”.

8 **SEC. 303. H-2B SUPPLEMENTAL VISAS EXEMPTION.**

9 Notwithstanding the numerical limitation set forth in
10 section 214(g)(1)(B) of the Immigration and Nationality
11 Act (8 U.S.C. 1184(g)(1)(B)), the Secretary of Homeland
12 Security, after consultation with the Secretary of Labor,
13 and upon determining that the needs of American busi-
14 nesses cannot be satisfied during fiscal year 2023 with
15 United States workers who are willing, qualified, and able
16 to perform temporary nonagricultural labor, may increase
17 the total number of aliens who may receive a visa under
18 section 101(a)(15)(H)(ii)(b) of such Act (8 U.S.C.
19 1101(a)(15)(H)(ii)(b)) in such fiscal year above such limi-
20 tation by not more than the highest number of H-2B non-
21 immigrants who participated in the H-2B returning work-
22 er program in any fiscal year in which returning workers
23 were exempt from such numerical limitation.

1921

1 SEC. 304. RURAL HEALTHCARE WORKERS.

2 Section 220(c) of the Immigration and Nationality
3 Technical Corrections Act of 1994 (8 U.S.C. 1182 note)
4 shall be applied by substituting “September 30, 2023” for
5 “September 30, 2015”.

**6 TITLE IV—ENVIRONMENT AND
7 PUBLIC WORKS MATTERS****8 SEC. 401. ESTABLISHMENT OF REGIONAL COMMISSION FOR
9 THE GREAT LAKES.****10 (a) ESTABLISHMENT.—**

11 (1) IN GENERAL.—Section 15301(a) of title 40,
12 United States Code, is amended by adding at the
13 end the following:

14 “(4) The Great Lakes Authority.”.

15 (2) CONFORMING AMENDMENT.—Section
16 15101(1) of title 40, United States Code, is amend-
17 ed by inserting “or Authority” after “a Commis-
18 sion”.

19 (b) DESIGNATION OF REGION.—

20 (1) IN GENERAL.—Subchapter II of chapter
21 157 of title 40, United States Code, is amended by
22 adding at the end the following:

23 “§ 15734. Great Lakes Authority

24 “The region of the Great Lakes Authority shall con-
25 sist of areas in the watershed of the Great Lakes and the
26 Great Lakes System (as such terms are defined in section

1922

1 118(a)(3) of the Federal Water Pollution Control Act (33
2 U.S.C. 1268(a)(3))), in each of the following States:

3 “(1) Illinois.

4 “(2) Indiana.

5 “(3) Michigan.

6 “(4) Minnesota.

7 “(5) New York.

8 “(6) Ohio.

9 “(7) Pennsylvania.

10 “(8) Wisconsin.”.

11 (2) CLERICAL AMENDMENT.—The analysis for
12 subchapter II of chapter 157 of title 40, United
13 States Code, is amended by adding at the end the
14 following:

“15734. Great Lakes Authority.”.

15 **SEC. 402. REAUTHORIZATION OF NATIONAL WILDLIFE REF-**
16 **UGE SYSTEM VOLUNTEER SERVICES, COMMU-**
17 **NITY PARTNERSHIP, AND REFUGE EDU-**
18 **CATION PROGRAMS.**

19 Section 7(g) of the Fish and Wildlife Act of 1956
20 (16 U.S.C. 742f) is amended by striking “2018 through
21 2022” and inserting “2023 through 2027”.

22 **SEC. 403. NUMBERING OF SEGMENT.**

23 Section 1105(e)(5)(C)(i) of the Intermodal Surface
24 Transportation Efficiency Act of 1991 (Public Law 102–

1923

1 240; 109 Stat. 598; 133 Stat. 3018) is amended by strik-
2 ing the seventh, eighth, and ninth sentences.

3 **SEC. 404. PATRICK LEAHY LAKE CHAMPLAIN BASIN PRO-**
4 **GRAM.**

5 (a) IN GENERAL.—Section 120 of the Federal Water
6 Pollution Control Act (33 U.S.C. 1270) is amended—

7 (1) in the section heading, by inserting “**PAT-**
8 **RICK LEAHY**” before “**LAKE**”;

9 (2) by inserting “Patrick Leahy” before “Lake
10 Champlain Basin Program” each place it appears;

11 (3) in subsection (g)(1), in the paragraph head-
12 ing, by striking “**LAKE**” and inserting “**PATRICK**
13 **LEAHY LAKE**”; and

14 (4) by amending subsection (i) to read as fol-
15 lows:

16 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to the Administrator to
18 carry out this section \$35,000,000 for each of fiscal years
19 2023 through 2027, to remain available until expended.”.

20 (b) CONFORMING AMENDMENT.—Section 1201(c) of
21 the Nonindigenous Aquatic Nuisance Prevention and Con-
22 trol Act of 1990 (16 U.S.C. 4721) is amended by inserting
23 “Patrick Leahy” before “Lake Champlain Basin Pro-
24 gram”.

1924

1 (c) REFERENCES.—Any reference in law, regulation,
2 map, document, paper, or other record of the United
3 States to the “Lake Champlain Basin Program” shall be
4 deemed to be a reference to the Patrick Leahy Lake
5 Champlain Basin Program.

6 **SEC. 405. CLEAN SCHOOL BUS PROGRAM.**

7 Section 741 of the Energy Policy Act of 2005 (42
8 U.S.C. 16091) is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (4)—

11 (i) in subparagraph (A)—

12 (I) by inserting “, lease, license,
13 or contract for service” after “to sell”;
14 and

15 (II) by inserting “, lease, license,
16 or contract for service” after “that
17 own”; and

18 (ii) in subparagraph (B), by inserting
19 “, lease, license, or contract for service”
20 before the period at the end; and

21 (B) in paragraph (5)(A)—

22 (i) in clause (i)(II), by inserting “,
23 lease, license, or contract for service” after
24 “purchase”;

1925

1 (ii) in clause (iii), by striking “or” at
2 the end;

3 (iii) by redesignating clause (iv) as
4 clause (v);

5 (iv) by inserting after clause (iii) the
6 following:

7 “(iv) a charter school (as defined in
8 section 4310 of the Elementary and Sec-
9 ondary Education Act of 1965 (20 U.S.C.
10 7221i)) responsible for the purchase, lease,
11 license, or contract for service of school
12 buses for that charter school; or”; and

13 (v) in subclause (II) of clause (v) (as
14 so redesignated), by inserting “, lease, li-
15 cense, or contract for service” after “pur-
16 chase”; and

17 (2) in subsection (b)(5)(A), by inserting “, ex-
18 cept that, if the award is to an eligible contractor
19 and the contract with the local educational agency
20 (including charter schools operating as local edu-
21 cational agencies under State law) ends before the
22 end of the 5-year period, those school buses may be
23 operated as part of another local educational agency
24 eligible for the same or higher priority consideration
25 under paragraph (4), subject to the limitations

1926

1 under paragraph (7)” before the semicolon at the
2 end.

3 **TITLE V—SAFETY**
4 **ENHANCEMENTS**

5 **SEC. 501. AMENDMENTS TO THE FLIGHT CREW ALERTING**
6 **REQUIREMENTS.**

7 (a) IN GENERAL.—Chapter 447 of title 49, United
8 States Code, is amended by inserting after section 44743
9 the following:

10 **“§ 44744. Flight crew alerting**

11 “(a) IN GENERAL.—Beginning on December 27,
12 2022, the Administrator may not issue a type certificate
13 for a transport category airplane unless such airplane in-
14 corporates a flight crew alerting system that, at a min-
15 imum—

16 “(1) displays and differentiates among warn-
17 ings, cautions, and advisories; and

18 “(2) includes functions to assist the flight crew
19 in prioritizing corrective actions and responding to
20 systems failures.

21 “(b) LIMITATION.—The prohibition in subsection (a)
22 shall not apply to any application for an original or
23 amended type certificate that was submitted to the Admin-
24 istrator prior to December 27, 2020.

25 “(c) SAFETY ENHANCEMENTS.—

1927

1 “(1) RESTRICTION ON AIRWORTHINESS CER-
2 TIFICATE ISSUANCE.—Beginning on the date that is
3 1 year after the date on which the Administrator
4 issues a type certificate for the Boeing 737-10, the
5 Administrator may not issue an original airworthi-
6 ness certificate for any Boeing 737 MAX aircraft
7 unless the Administrator finds that the type design
8 for the aircraft includes safety enhancements that
9 have been approved by the Administrator.

10 “(2) RESTRICTION ON OPERATION.—Beginning
11 on the date that is 3 years after the date on which
12 the Administrator issues a type certificate for the
13 Boeing 737-10, no person may operate a Boeing 737
14 MAX aircraft unless—

15 “(A) the type design for the aircraft in-
16 cludes safety enhancements approved by the
17 Administrator; and

18 “(B) the aircraft was—

19 “(i) produced in conformance with
20 such type design; or

21 “(ii) altered in accordance with such
22 type design.

23 “(d) DEFINITIONS.—In this section:

24 “(1) BOEING 737 MAX AIRCRAFT.—The term
25 ‘Boeing 737 MAX aircraft’ means any—

1928

1 “(A) Model 737 series aircraft designated
2 as a 737-7, 737-8, 737-8200, 737-9, or 737-10;
3 or

4 “(B) other variant of a model described in
5 subparagraph (A).

6 “(2) SAFETY ENHANCEMENT.—The term ‘safe-
7 ty enhancement’ means any design change to the
8 flight crew alerting system approved by the Adminis-
9 trator for the Boeing 737-10, including—

10 “(A) a—

11 “(i) synthetic enhanced angle-of-at-
12 tack system; and

13 “(ii) means to shut off stall warning
14 and overspeed alerts; or

15 “(B) any design changes equivalent to sub-
16 paragraph (A) determined appropriate by the
17 Administrator.”.

18 (b) REPEAL OF ACSAA SECTION 116(B)(1).—Sec-
19 tion 116 of the Aircraft Certification, Safety, and Ac-
20 countability Act (49 U.S.C. 44704 note) is amended by
21 striking subsection (b) and inserting the following:

22 “(b) PROHIBITION.—Beginning on December 27,
23 2022, the Administrator may not issue a type certificate
24 for a transport category aircraft unless, in the case of a
25 transport category aircraft other than a transport air-

1 plane, the type certificate applicant provides a means ac-
2 ceptable to the Administrator to assist the flight crew in
3 prioritizing corrective actions and responding to systems
4 failures (including by cockpit or flight manual proce-
5 dures).”.

6 (c) COSTS.—Any costs associated with the safety en-
7 hancements required by section 44744 of title 49, United
8 States Code, as added by subsection (a), shall be borne
9 by the holder of the type certificate.

10 (d) CONGRESSIONAL BRIEFINGS.—Not later than
11 March 1, 2023, and on a quarterly basis thereafter, the
12 Administrator shall brief Congress on the status of—

13 (1) the issuance of a type certificate for the
14 Boeing 737-7 and 737-10, including any design en-
15 hancements, pilot procedures, or training require-
16 ments resulting from system safety assessments; and

17 (2) the implementation of safety enhancements
18 for Boeing 737 MAX aircraft, as required by section
19 44744 of title 49, United States Code, as added by
20 subsection (a).

21 (e) CLERICAL AMENDMENT.—The chapter analysis
22 for chapter 447 of title 49, United States Code, is amend-
23 ed by inserting after the item relating to section 44743
24 the following:

“44744. Flight Crew Alerting.”.

1930

1 **TITLE VI—EXTENSION OF TEM-**
2 **PORARY ORDER FOR**
3 **FENTANYL-RELATED SUB-**
4 **STANCES**

5 **SEC. 601. EXTENSION OF TEMPORARY ORDER FOR**
6 **FENTANYL-RELATED SUBSTANCES.**

7 Effective as if included in the enactment of the Tem-
8 porary Reauthorization and Study of the Emergency
9 Scheduling of Fentanyl Analogues Act (Public Law 116–
10 114), section 2 of such Act is amended by striking “De-
11 cember 31, 2022” and inserting “December 31, 2024”.

12 **TITLE VII—FEDERAL TRADE**
13 **COMMISSION OVERSIGHT OF**
14 **HORSERACING INTEGRITY**
15 **AND SAFETY AUTHORITY**

16 **SEC. 701. FEDERAL TRADE COMMISSION OVERSIGHT OF**
17 **HORSERACING INTEGRITY AND SAFETY AU-**
18 **THORITY.**

19 Section 1204(e) of the Horseracing Integrity and
20 Safety Act of 2020 (15 U.S.C. 3053(e)) is amended to
21 read as follows:

22 “(e) AMENDMENT BY COMMISSION OF RULES OF AU-
23 THORITY.—The Commission, by rule in accordance with
24 section 553 of title 5, United States Code, may abrogate,
25 add to, and modify the rules of the Authority promulgated

1931

1 in accordance with this Act as the Commission finds nec-
2 essary or appropriate to ensure the fair administration of
3 the Authority, to conform the rules of the Authority to
4 requirements of this Act and applicable rules approved by
5 the Commission, or otherwise in furtherance of the pur-
6 poses of this Act.”.

7 **TITLE VIII—UNITED STATES PA-**
8 **ROLE COMMISSION EXTEN-**
9 **SION**

10 **SEC. 801. UNITED STATES PAROLE COMMISSION EXTEN-**
11 **SION.**

12 (a) **SHORT TITLE.**—This section may be cited as the
13 “United States Parole Commission Additional Extension
14 Act of 2022”.

15 (b) **AMENDMENT OF SENTENCING REFORM ACT OF**
16 **1984.**—For purposes of section 235(b) of the Sentencing
17 Reform Act of 1984 (18 U.S.C. 3551 note; Public Law
18 98–473; 98 Stat. 2032), as such section relates to chapter
19 311 of title 18, United States Code, and the United States
20 Parole Commission, each reference in such section to “35
21 years and 46 days” or “35-year and 46-day period” shall
22 be deemed a reference to “36 years” or “36-year period”,
23 respectively.

1932

1 (c) EFFECTIVE DATE.—Subsection (b) shall take ef-
2 fect as though enacted as part of the Further Continuing
3 Appropriations and Extensions Act, 2023.

4 (d) SUPERSEDED PROVISION.—Section 103 of divi-
5 sion B of the Further Continuing Appropriations and Ex-
6 tensions Act, 2023 shall have no force or effect.

7 **TITLE IX—EXTENSION OF FCC**
8 **AUCTION AUTHORITY**

9 **SEC. 901. EXTENSION OF FCC AUCTION AUTHORITY.**

10 Section 309(j)(11) of the Communications Act of
11 1934 (47 U.S.C. 309(j)(11)) is amended by striking “De-
12 cember 23, 2022” and inserting “March 9, 2023”.

13 **TITLE X—BUDGETARY EFFECTS**

14 **SEC. 1001. BUDGETARY EFFECTS.**

15 (a) STATUTORY PAYGO SCORECARDS.—The budg-
16 etary effects of this division and each succeeding division
17 shall not be entered on either PAYGO scorecard main-
18 tained pursuant to section 4(d) of the Statutory Pay-As-
19 You-Go Act of 2010.

20 (b) SENATE PAYGO SCORECARDS.—The budgetary
21 effects of this division and each succeeding division shall
22 not be entered on any PAYGO scorecard maintained for
23 purposes of section 4106 of H. Con. Res. 71 (115th Con-
24 gress).

1933

1 (c) CLASSIFICATION OF BUDGETARY EFFECTS.—
2 Notwithstanding Rule 3 of the Budget Scorekeeping
3 Guidelines set forth in the joint explanatory statement of
4 the committee of conference accompanying Conference Re-
5 port 105–217 and section 250(c)(8) of the Balanced
6 Budget and Emergency Deficit Control Act of 1985, the
7 budgetary effects of this division and each succeeding divi-
8 sion shall not be estimated—

9 (1) for purposes of section 251 of such Act;

10 (2) for purposes of an allocation to the Com-
11 mittee on Appropriations pursuant to section 302(a)
12 of the Congressional Budget Act of 1974; and

13 (3) for purposes of paragraph (4)(C) of section
14 3 of the Statutory Pay-As-You-Go Act of 2010 as
15 being included in an appropriation Act.

16 (d) BALANCES ON THE PAYGO SCORECARDS.—

17 (1) FISCAL YEAR 2023.—For the purposes of
18 the annual report issued pursuant to section 5 of the
19 Statutory Pay-As-You-Go Act of 2010 (2 U.S.C.
20 934) after adjournment of the second session of the
21 117th Congress, and for determining whether a se-
22 questration order is necessary under such section,
23 the debit for the budget year on the 5-year score-
24 card, if any, and the 10-year scorecard, if any, shall

1934

1 be deducted from such scorecards in 2023 and
2 added to such scorecards in 2025.

3 (2) FISCAL YEAR 2024.—For the purposes of
4 the annual report issued pursuant to section 5 of the
5 Statutory Pay-As-You-Go Act of 2010 (2 U.S.C.
6 934) after adjournment of the first session of the
7 118th Congress, and for determining whether a se-
8 questration order is necessary under such section,
9 the debit for the budget year on the 5-year score-
10 card, if any, and the 10-year scorecard, if any, shall
11 be deducted from such scorecards in 2024 and
12 added to such scorecards in 2025.

13 **DIVISION P—ELECTORAL COUNT**
14 **REFORM AND PRESIDENTIAL**
15 **TRANSITION IMPROVEMENT**

16 **SEC. 1. SHORT TITLE, ETC.**

17 This division may be cited as the “Electoral Count
18 Reform and Presidential Transition Improvement Act of
19 2022”.

20 **TITLE I—ELECTORAL COUNT**
21 **REFORM ACT**

22 **SEC. 101. SHORT TITLE.**

23 This title may be cited as the “Electoral Count Re-
24 form Act of 2022”.

1935

1 **SEC. 102. TIME FOR APPOINTING ELECTORS.**

2 (a) IN GENERAL.—Title 3, United States Code, is
3 amended by striking sections 1 and 2 and inserting the
4 following:

5 **“§ 1. Time of appointing electors**

6 “The electors of President and Vice President shall
7 be appointed, in each State, on election day, in accordance
8 with the laws of the State enacted prior to election day.”.

9 (b) ELECTION DAY.—Section 21 of title 3, United
10 States Code, is amended by redesignating subsections (a)
11 and (b) as paragraphs (2) and (3), respectively, and by
12 inserting before paragraph (2) (as so redesignated) the
13 following:

14 “(1) ‘election day’ means the Tuesday next
15 after the first Monday in November, in every fourth
16 year succeeding every election of a President and
17 Vice President held in each State, except, in the case
18 of a State that appoints electors by popular vote, if
19 the State modifies the period of voting, as neces-
20 sitated by force majeure events that are extraor-
21 dinary and catastrophic, as provided under laws of
22 the State enacted prior to such day, ‘election day’
23 shall include the modified period of voting.”.

24 (c) CONFORMING AMENDMENT.—The table of con-
25 tents for chapter 1 of title 3, United States Code, is

1936

1 amended by striking the item relating to section 1 and
2 inserting the following:

“1. Time of appointing electors.”.

3 **SEC. 103. CLARIFICATION WITH RESPECT TO VACANCIES IN**
4 **ELECTORAL COLLEGE.**

5 Section 4 of title 3, United States Code, is amended
6 by inserting “enacted prior to election day” after “by
7 law”.

8 **SEC. 104. CERTIFICATE OF ASCERTAINMENT OF APPOINT-**
9 **MENT OF ELECTORS.**

10 (a) DETERMINATION.—Section 5 of title 3, United
11 States Code, is amended to read as follows:

12 **“§ 5. Certificate of ascertainment of appointment of**
13 **electors**

14 “(a) IN GENERAL.—

15 “(1) CERTIFICATION.—Not later than the date
16 that is 6 days before the time fixed for the meeting
17 of the electors, the executive of each State shall
18 issue a certificate of ascertainment of appointment
19 of electors, under and in pursuance of the laws of
20 such State providing for such appointment and as-
21 certainment enacted prior to election day.

22 “(2) FORM OF CERTIFICATE.—Each certificate
23 of ascertainment of appointment of electors shall—

24 “(A) set forth the names of the electors
25 appointed and the canvass or other determina-

1937

1 tion under the laws of such State of the number
2 of votes given or cast for each person for whose
3 appointment any and all votes have been given
4 or cast;

5 “(B) bear the seal of the State; and

6 “(C) contain at least one security feature,
7 as determined by the State, for purposes of
8 verifying the authenticity of such certificate.

9 “(b) TRANSMISSION.—It shall be the duty of the ex-
10 ecutive of each State—

11 “(1) to transmit to the Archivist of the United
12 States, immediately after the issuance of a certifi-
13 cate of ascertainment of appointment of electors and
14 by the most expeditious method available, such cer-
15 tificate of ascertainment of appointment of electors;
16 and

17 “(2) to transmit to the electors of such State,
18 on or before the day on which the electors are re-
19 quired to meet under section 7, six duplicate-origi-
20 nals of the same certificate.

21 “(c) TREATMENT OF CERTIFICATE AS CONCLU-
22 SIVE.—For purposes of section 15:

23 “(1) IN GENERAL.—

24 “(A) CERTIFICATE ISSUED BY EXECU-
25 TIVE.—Except as provided in subparagraph

1938

1 (B), a certificate of ascertainment of appoint-
2 ment of electors issued pursuant to subsection
3 (a)(1) shall be treated as conclusive in Congress
4 with respect to the determination of electors ap-
5 pointed by the State.

6 “(B) CERTIFICATES ISSUED PURSUANT TO
7 COURT ORDERS.—Any certificate of ascertain-
8 ment of appointment of electors required to be
9 issued or revised by any State or Federal judi-
10 cial relief granted prior to the date of the meet-
11 ing of electors shall replace and supersede any
12 other certificates submitted pursuant to this
13 section.

14 “(2) DETERMINATION OF FEDERAL QUES-
15 TIONS.—The determination of Federal courts on
16 questions arising under the Constitution or laws of
17 the United States with respect to a certificate of as-
18 certainment of appointment of electors shall be con-
19 clusive in Congress.

20 “(d) VENUE AND EXPEDITED PROCEDURE.—

21 “(1) IN GENERAL.—Any action brought by an
22 aggrieved candidate for President or Vice President
23 that arises under the Constitution or laws of the
24 United States with respect to the issuance of the
25 certification required under section (a)(1), or the

1939

1 transmission of such certification as required under
2 subsection (b), shall be subject to the following
3 rules:

4 “(A) VENUE.—The venue for such action
5 shall be the Federal district court of the Fed-
6 eral district in which the State capital is lo-
7 cated.

8 “(B) 3-JUDGE PANEL.—Such action shall
9 be heard by a district court of three judges,
10 convened pursuant to section 2284 of title 28,
11 United States Code, except that—

12 “(i) the court shall be comprised of
13 two judges of the circuit court of appeals
14 in which the district court lies and one
15 judge of the district court in which the ac-
16 tion is brought; and

17 “(ii) section 2284(b)(2) of such title
18 shall not apply.

19 “(C) EXPEDITED PROCEDURE.—It shall be
20 the duty of the court to advance on the docket
21 and to expedite to the greatest possible extent
22 the disposition of the action, consistent with all
23 other relevant deadlines established by this
24 chapter and the laws of the United States.

1 “(D) APPEALS.—Notwithstanding section
2 1253 of title 28, United States Code, the final
3 judgment of the panel convened under subpara-
4 graph (B) may be reviewed directly by the Su-
5 preme Court, by writ of certiorari granted upon
6 petition of any party to the case, on an expe-
7 dited basis, so that a final order of the court on
8 remand of the Supreme Court may occur on or
9 before the day before the time fixed for the
10 meeting of electors.

11 “(2) RULE OF CONSTRUCTION.—This sub-
12 section—

13 “(A) shall be construed solely to establish
14 venue and expedited procedures in any action
15 brought by an aggrieved candidate for Presi-
16 dent or Vice President as specified in this sub-
17 section that arises under the Constitution or
18 laws of the United States; and

19 “(B) shall not be construed to preempt or
20 displace any existing State or Federal cause of
21 action.”.

22 (b) EXECUTIVE OF A STATE.—Section 21 of title 3,
23 United States Code, as amended by section 102(b), is
24 amended by striking paragraph (3) and inserting the fol-
25 lowing:

1941

1 “(3) ‘executive’ means, with respect to any
2 State, the Governor of the State (or, in the case of
3 the District of Columbia, the Mayor of the District
4 of Columbia), except when the laws or constitution
5 of a State in effect as of election day expressly re-
6 quire a different State executive to perform the du-
7 ties identified under this chapter.”.

8 (c) CONFORMING AMENDMENTS.—

9 (1) Section 9 of title 3, United States Code, is
10 amended by striking “annex to each of the certifi-
11 cates one of the lists of the electors” and inserting
12 “annex to each of the certificates of votes one of the
13 certificates of ascertainment of appointment of elec-
14 tors”.

15 (2) The table of contents for chapter 1 of title
16 3, United States Code, is amended by striking the
17 items relating to sections 5 inserting the following:

“5. Certificate of ascertainment of appointment of electors.”.

18 **SEC. 105. DUTIES OF THE ARCHIVIST.**

19 (a) IN GENERAL.—Section 6 of title 3, United States
20 Code, is amended to read as follows:

21 **“§ 6. Duties of Archivist**

22 “The certificates of ascertainment of appointment of
23 electors received by the Archivist of the United States
24 under section 5 shall—

25 “(1) be preserved for one year;

1942

1 “(2) be a part of the public records of such of-
2 fice; and

3 “(3) be open to public inspection.”.

4 (b) CONFORMING AMENDMENT.—The table of con-
5 tents for chapter 1 of title 3, United States Code, is
6 amended by striking the items relating to section 6 and
7 inserting the following:

 “6. Duties of Archivist.”.

8 **SEC. 106. MEETING OF ELECTORS.**

9 (a) TIME FOR MEETING.—Section 7 of title 3, United
10 States Code, is amended—

11 (1) by striking “Monday” and inserting “Tues-
12 day”; and

13 (2) by striking “as the legislature of such State
14 shall direct” and inserting “in accordance with the
15 laws of the State enacted prior to election day”.

16 (b) CLARIFICATION ON SEALING OF CERTIFICATES
17 OF VOTES.—Section 10 of such title is amended by strik-
18 ing “the certificates so made by them” and inserting “the
19 certificates of votes so made by them, together with the
20 annexed certificates of ascertainment of appointment of
21 electors”.

22 **SEC. 107. TRANSMISSION OF CERTIFICATES OF VOTES.**

23 (a) IN GENERAL.—Section 11 of title 3, United
24 States Code, is amended to read as follows:

1943

1 **“§ 11. Transmission of certificates by electors**

2 “The electors shall immediately transmit at the same
3 time and by the most expeditious method available the cer-
4 tificates of votes so made by them, together with the an-
5 nexed certificates of ascertainment of appointment of elec-
6 tors, as follows:

7 “(1) One set shall be sent to the President of
8 the Senate at the seat of government.

9 “(2) Two sets shall be sent to the chief election
10 officer of the State, one of which shall be held sub-
11 ject to the order of the President of the Senate, the
12 other to be preserved by such official for one year
13 and shall be a part of the public records of such of-
14 fice and shall be open to public inspection.

15 “(3) Two sets shall be sent to the Archivist of
16 the United States at the seat of government, one of
17 which shall be held subject to the order of the Presi-
18 dent of the Senate and the other of which shall be
19 preserved by the Archivist of the United States for
20 one year and shall be a part of the public records
21 of such office and shall be open to public inspection.

22 “(4) One set shall be sent to the judge of the
23 district in which the electors shall have assembled.”.

24 (b) CONFORMING AMENDMENT.—The table of con-
25 tents for chapter 1 of title 3, United States Code, is

1944

1 amended by striking the item relating to section 11 and
2 inserting the following:

“11. Transmission of certificates by electors.”.

3 **SEC. 108. FAILURE OF CERTIFICATE OF VOTES TO REACH**
4 **RECIPIENTS.**

5 (a) IN GENERAL.—Section 12 of title 3, United
6 States Code, is amended—

7 (1) by inserting “, after the meeting of the elec-
8 tors shall have been held,” after “When”;

9 (2) by striking “and list” each place it appears;

10 (3) by striking “in December, after the meeting
11 of the electors shall have been held,” and inserting
12 “in December,”;

13 (4) by striking “or, if he be absent” and insert-
14 ing “or, if the President of the Senate be absent”;

15 (5) by striking “secretary of State” and insert
16 “chief election officer”;

17 (6) by striking “lodged with him” and inserting
18 “lodged with such officer”;

19 (7) by striking “his duty” and inserting “the
20 duty of such chief election officer of the State”; and

21 (8) by striking “by registered mail” and insert-
22 ing “by the most expeditious method available”.

23 (b) CONTINUED FAILURE.—Section 13 of title 3,
24 United States Code, is amended—

1945

1 (1) by inserting “, after the meeting of the elec-
2 tors shall have been held,” after “When”;

3 (2) by striking “in December, after the meeting
4 of the electors shall have been held,” and inserting
5 “in December,”;

6 (3) by striking “or, if he be absent” and insert-
7 ing “or, if the President of the Senate be absent”;
8 and

9 (4) by striking “that list” and inserting “that
10 certificate”.

11 (c) **ELIMINATION OF MESSENGER’S PENALTY.—**

12 (1) **IN GENERAL.—**Title 3, United States Code,
13 is amended by striking section 14.

14 (2) **CONFORMING AMENDMENT.—**The table of
15 contents for chapter 1 of title 3, United States Code,
16 is amended by striking the item relating to section
17 14.

18 **SEC. 109. CLARIFICATIONS RELATING TO COUNTING ELEC-**

19 **TORAL VOTES.**

20 (a) **IN GENERAL.—**Section 15 of title 3, United
21 States Code, is amended to read as follows:

22 **“§ 15. Counting electoral votes in Congress**

23 **“(a) IN GENERAL.—**Congress shall be in session on
24 the sixth day of January succeeding every meeting of the
25 electors. The Senate and House of Representatives shall

1946

1 meet in the Hall of the House of Representatives at the
2 hour of 1 o'clock in the afternoon on that day, and the
3 President of the Senate shall be their presiding officer.

4 “(b) POWERS OF THE PRESIDENT OF SENATE.—

5 “(1) MINISTERIAL IN NATURE.—Except as oth-
6 erwise provided in this chapter, the role of the Presi-
7 dent of the Senate while presiding over the joint ses-
8 sion shall be limited to performing solely ministerial
9 duties.

10 “(2) POWERS EXPLICITLY DENIED.—The Presi-
11 dent of the Senate shall have no power to solely de-
12 termine, accept, reject, or otherwise adjudicate or re-
13 solve disputes over the proper certificate of ascer-
14 tainment of appointment of electors, the validity of
15 electors, or the votes of electors.

16 “(c) APPOINTMENT OF TELLERS.—At the joint ses-
17 sion of the Senate and House of Representatives described
18 in subsection (a), there shall be present two tellers pre-
19 viously appointed on the part of the Senate and two tellers
20 previously appointed on the part of the House of Rep-
21 resentatives by the presiding officers of the respective
22 chambers.

23 “(d) PROCEDURE AT JOINT SESSION GENERALLY.—

24 “(1) IN GENERAL.—The President of the Sen-
25 ate shall—

1947

1 “(A) open the certificates and papers pur-
2 porting to be certificates of the votes of electors
3 appointed pursuant to a certificate of ascertain-
4 ment of appointment of electors issued pursu-
5 ant to section 5, in the alphabetical order of the
6 States, beginning with the letter A; and

7 “(B) upon opening any certificate, hand
8 the certificate and any accompanying papers to
9 the tellers, who shall read the same in the pres-
10 ence and hearing of the two Houses.

11 “(2) ACTION ON CERTIFICATE.—

12 “(A) IN GENERAL.—Upon the reading of
13 each certificate or paper, the President of the
14 Senate shall call for objections, if any.

15 “(B) REQUIREMENTS FOR OBJECTIONS OR
16 QUESTIONS.—

17 “(i) OBJECTIONS.—No objection or
18 other question arising in the matter shall
19 be in order unless the objection or ques-
20 tion—

21 “(I) is made in writing;

22 “(II) is signed by at least one-
23 fifth of the Senators duly chosen and
24 sworn and one-fifth of the Members of

1948

1 the House of Representatives duly
2 chosen and sworn; and

3 “(III) in the case of an objection,
4 states clearly and concisely, without
5 argument, one of the grounds listed
6 under clause (ii).

7 “(ii) GROUNDS FOR OBJECTIONS.—
8 The only grounds for objections shall be as
9 follows:

10 “(I) The electors of the State
11 were not lawfully certified under a
12 certificate of ascertainment of ap-
13 pointment of electors according to sec-
14 tion 5(a)(1).

15 “(II) The vote of one or more
16 electors has not been regularly given.

17 “(C) CONSIDERATION OF OBJECTIONS AND
18 QUESTIONS.—

19 “(i) IN GENERAL.—When all objec-
20 tions so made to any vote or paper from a
21 State, or other question arising in the mat-
22 ter, shall have been received and read, the
23 Senate shall thereupon withdraw, and such
24 objections and questions shall be submitted
25 to the Senate for its decision; and the

1949

1 Speaker of the House of Representatives
2 shall, in like manner, submit such objec-
3 tions and questions to the House of Rep-
4 resentatives for its decision.

5 “(ii) DETERMINATION.—No objection
6 or any other question arising in the matter
7 may be sustained unless such objection or
8 question is sustained by separate concur-
9 ring votes of each House.

10 “(D) RECONVENING.—When the two
11 Houses have voted, they shall immediately
12 again meet, and the presiding officer shall then
13 announce the decision of the questions sub-
14 mitted. No vote or paper from any other State
15 shall be acted upon until the objections pre-
16 viously made to any vote or paper from any
17 State , and other questions arising in the mat-
18 ter, shall have been finally disposed of.

19 “(e) RULES FOR TABULATING VOTES.—

20 “(1) COUNTING OF VOTES.—

21 “(A) IN GENERAL.—Except as provided in
22 subparagraph (B)—

23 “(i) only the votes of electors who
24 have been appointed under a certificate of
25 ascertainment of appointment of electors

1950

1 issued pursuant to section 5, or who have
2 legally been appointed to fill a vacancy of
3 any such elector pursuant to section 4,
4 may be counted; and

5 “(ii) no vote of an elector described in
6 clause (i) which has been regularly given
7 shall be rejected.

8 “(B) EXCEPTION.—The vote of an elector
9 who has been appointed under a certificate of
10 ascertainment of appointment of electors issued
11 pursuant to section 5 shall not be counted if—

12 “(i) there is an objection which meets
13 the requirements of subsection
14 (d)(2)(B)(i); and

15 “(ii) each House affirmatively sus-
16 tains the objection as valid.

17 “(2) DETERMINATION OF MAJORITY.—If the
18 number of electors lawfully appointed by any State
19 pursuant to a certificate of ascertainment of ap-
20 pointment of electors that is issued under section 5
21 is fewer than the number of electors to which the
22 State is entitled under section 3, or if an objection
23 the grounds for which are described in subsection
24 (d)(2)(B)(ii)(I) has been sustained, the total number
25 of electors appointed for the purpose of determining

1951

1 a majority of the whole number of electors appointed
2 as required by the Twelfth Amendment to the Con-
3 stitution shall be reduced by the number of electors
4 whom the State has failed to appoint or as to whom
5 the objection was sustained.

6 “(3) LIST OF VOTES BY TELLERS; DECLARA-
7 TION OF WINNER.—The tellers shall make a list of
8 the votes as they shall appear from the said certifi-
9 cates; and the votes having been ascertained and
10 counted according to the rules in this subchapter
11 provided, the result of the same shall be delivered to
12 the President of the Senate, who shall thereupon an-
13 nounce the state of the vote, which announcement
14 shall be deemed a sufficient declaration of the per-
15 sons, if any, elected President and Vice President of
16 the United States, and, together with a list of the
17 votes, be entered on the Journals of the two
18 Houses.”.

19 (b) CONFORMING AMENDMENT.—The table of con-
20 tents for chapter 1 of title 3, United States Code, is
21 amended by striking the item relating to section 15 and
22 inserting the following:

“15. Counting electoral votes in Congress.”.

1952

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 fol-
4 lows:

5 **“§ 17. Same; limit of debate in each House**

6 “When the two Houses separate to decide upon an
7 objection pursuant to section 15(d)(2)(C)(i) that may have
8 been made to the counting of any electoral vote or votes
9 from any State, or other question arising in the matter—

10 “(1) all such objections and questions permitted
11 with respect to such State shall be considered at
12 such time;

13 “(2) each Senator and Representative may
14 speak to such objections or questions for up to five
15 minutes, and not more than once;

16 “(3) the total time for debate for all such objec-
17 tions and questions with respect to such State shall
18 not exceed two hours in each House, equally divided
19 and controlled by the Majority Leader and Minority
20 Leader, or their respective designees; and

21 “(4) at the close of such debate, it shall be the
22 duty of the presiding officer of each House to put
23 each of the objections and questions to a vote with-
24 out further debate.”.

25 (b) **PARLIAMENTARY PROCEDURE.**—Section 18 of
26 title 3, United States Code, is amended by inserting

1953

1 “under section 15(d)(2)(C)(i)” after “motion to with-
2 draw”.

3 (c) CONFORMING AMENDMENTS.—

4 (1) Sections 16 of title 3, United States Code,
5 is amended by striking “meeting” each place it ap-
6 pears in the text and in the heading and inserting
7 “session”.

8 (2) Sections 18 of title 3, United States Code,
9 is amended by striking “meeting” each place it ap-
10 pears in the text and in the heading and inserting
11 “session”.

12 (3) The table of contents for chapter 1 of title
13 3, United States Code, is amended—

14 (A) by striking “meeting” in the item re-
15 lating to section 16 and inserting “session”;
16 and

17 (B) by striking “meeting” in the item re-
18 lating to section 18 and inserting “session”.

19 **SEC. 111. SEVERABILITY.**

20 (a) IN GENERAL.—Title 3, United States Code, is
21 amended by inserting after section 21 the following new
22 section:

23 **“§ 22. Severability**

24 “If any provision of this chapter, or the applica-
25 tion of a provision to any person or circumstance, is

1954

1 held to be unconstitutional, the remainder of this
2 chapter, and the application of the provisions to any
3 person or circumstance, shall not be affected by the
4 holding.”.

5 (b) CONFORMING AMENDMENT.—The table of con-
6 tents for chapter 1 of title 3, United States Code, is
7 amended by adding at the end the following:

“22. Severability.”.

8 **TITLE II—PRESIDENTIAL**
9 **TRANSITION IMPROVEMENT ACT**

10 **SEC. 201. SHORT TITLE.**

11 This title may be cited as the “Presidential Transi-
12 tion Improvement Act”.

13 **SEC. 202. MODIFICATIONS TO PRESIDENTIAL TRANSITION**
14 **ACT OF 1963.**

15 (a) IN GENERAL.—Section 3 of the Presidential
16 Transition Act of 1963 (3 U.S.C. 102 note) is amended
17 by striking subsection (c) and inserting the following:

18 “(c)(1) APPARENT SUCCESSFUL CANDIDATES.—

19 “(A) IN GENERAL.—For purposes of this Act,
20 the ‘apparent successful candidate’ for the office of
21 President and Vice President, respectively, shall be
22 determined as follows:

23 “(i) If all but one eligible candidate for the
24 office of President and one eligible candidate
25 for the office of Vice President, respectively,

1955

1 concede the election, then the candidate for
2 each such office who has not conceded shall be
3 the apparent successful candidate for each such
4 office.

5 “(ii) If, on the date that is 5 days after the
6 date of the election, more than one eligible can-
7 didate for the office of President has not con-
8 ceded the election, then each of the remaining
9 eligible candidates for such office and the office
10 of Vice President who have not conceded shall
11 be treated as the apparent successful candidates
12 until such time as a single candidate for the of-
13 fice of President is treated as the apparent suc-
14 cessful candidate pursuant to clause (iii) or
15 clause (iv).

16 “(iii) If a single candidate for the office of
17 President or Vice President is determined by
18 the Administrator to meet the qualifications
19 under subparagraph (B), the Administrator
20 may determine that such candidate shall solely
21 be treated as the apparent successful candidate
22 for that office until such time as a single can-
23 didate for the office of President is treated as
24 the apparent successful candidate pursuant to
25 clause (iv).

1956

1 “(iv) If a single candidate for the office of
2 President or Vice President is the apparent suc-
3 cessful candidate for such office under subpara-
4 graph (C), that candidate shall solely be treated
5 as the apparent successful candidate for that
6 office.

7 “(B) INTERIM DISCRETIONARY QUALIFICA-
8 TIONS.—On or after the date that is 5 days after
9 the date of the election, the Administrator may de-
10 termine that a single candidate for the office of
11 President or Vice President shall be treated as the
12 sole apparent successful candidate for that office
13 pursuant to subparagraph (A)(iii) if it is substan-
14 tially certain the candidate will receive a majority of
15 the pledged votes of electors, based on consideration
16 of the following factors:

17 “(i) The results of the election for such of-
18 fice in States in which significant legal chal-
19 lenges that could alter the outcome of the elec-
20 tion in the State have been substantially re-
21 solved, such that the outcome is substantially
22 certain.

23 “(ii) The certified results of the election
24 for such office in States in which the certifi-
25 cation is complete.

1957

1 “(iii) The results of the election for such
2 office in States in which there is substantial
3 certainty of an apparent successful candidate
4 based on the totality of the circumstances.

5 “(C) MANDATORY QUALIFICATIONS.—

6 “(i) IN GENERAL.—Notwithstanding sub-
7 paragraph (A) or (B), a candidate shall be the
8 sole apparent successful candidate for the office
9 of President or Vice President pursuant to sub-
10 paragraph (A)(iv) for purposes of this Act if—

11 “(I) the candidate receives a majority
12 of pledged votes of electors of such office
13 based on certifications by States of their
14 final canvass, and the conclusion of any re-
15 counts, legal actions, or administrative ac-
16 tions pertaining to the results of the elec-
17 tion for such office;

18 “(II) in the case where subclause (I)
19 is not met, the candidate receives a major-
20 ity of votes of electors of such office at the
21 meeting and vote of electors under section
22 7 of title 3, United States Code; or

23 “(III) in the case where neither sub-
24 clause (I) or (II) is met, the candidate is
25 declared as the person elected to such of-

1958

1 fice at the joint session of Congress under
2 section 15 of title 3, United States Code.

3 “(ii) CLARIFICATION IF STATE UNABLE TO
4 CERTIFY ELECTION RESULTS OR APPOINTS
5 MORE THAN ONE SLATE OF ELECTORS.—For
6 purposes of subclauses (I) and (II) of clause (i),
7 if a State is unable to certify its election results
8 or a State appoints more than one slate of elec-
9 tors, the votes of the electors of such State
10 shall not count towards meeting the qualifica-
11 tions under such subclauses.

12 “(2) PERIOD OF MULTIPLE POSSIBLE APPARENT
13 SUCCESSFUL CANDIDATES.—During any period in which
14 there is more than one possible apparent successful can-
15 didate for the office of President—

16 “(A) the Administrator is authorized to provide,
17 upon request, to each remaining eligible candidate
18 for such office and the office of Vice President de-
19 scribed in paragraph (1)(A)(ii) access to services
20 and facilities pursuant to this Act;

21 “(B) the Administrator, in conjunction with the
22 Federal Transition Coordinator designated under
23 section 4(c) and the senior career employee of each
24 agency and senior career employee of each major
25 component and subcomponent of each agency des-

1959

1 ignated under subsection (f)(1) to oversee and imple-
2 ment the activities of the agency, component, or sub-
3 component relating to the Presidential transition,
4 shall make efforts to ensure that each such can-
5 didate is provided equal access to agency informa-
6 tion and spaces as requested pursuant to this Act;

7 “(C) the Administrator shall provide weekly re-
8 ports to Congress containing a brief summary of the
9 status of funds being distributed to such candidates
10 under this Act, the level of access to agency informa-
11 tion and spaces provided to such candidates, and the
12 status of such candidates with respect to meeting
13 the qualifications to be the apparent successful can-
14 didate for the office of President or Vice President
15 under subparagraph (B) or (C) of paragraph (1);
16 and

17 “(D) if a single candidate for the office of
18 President or Vice President is treated as the appar-
19 ent successful candidate for such office pursuant to
20 subparagraph (A)(iii) or (A)(iv) of paragraph (1),
21 not later than 24 hours after such treatment is ef-
22 fective, the Administrator shall make available to the
23 public a written statement that such candidate is
24 treated as the sole apparent successful candidate for
25 such office for purposes of this Act, including a de-

1960

1 scription of the legal basis and reasons for such
2 treatment based on the qualifications under subpara-
3 graph (B) or (C) of paragraph (1), as applicable.

4 “(3) DEFINITION.—In this subsection, the term ‘eli-
5 gible candidate’ has the meaning given that term in sub-
6 section (h)(4).”.

7 (b) CONFORMING AMENDMENTS.—The Presidential
8 Transition Act of 1963 (3 U.S.C. 102 note) is amended—

9 (1) in section 3—

10 (A) in the heading, by striking “**PRESI-**
11 **DENTS-ELECT AND VICE-PRESIDENTS-**
12 **ELECT**” and inserting “**APPARENT SUCCESS-**
13 **FUL CANDIDATES**”;

14 (B) in subsection (a)—

15 (i) in the matter preceding paragraph

16 (1)—

17 (I) by striking “each President-
18 elect, each Vice-President-elect” and
19 inserting “each apparent successful
20 candidate for the office of President
21 and Vice President (as determined by
22 subsection (c))”; and

23 (II) by striking “the President-
24 elect and Vice-President-elect” and in-
25 serting “each such candidate”;

1961

1 (ii) in paragraph (1)—

2 (I) by striking “the President-
3 elect, the Vice-President-elect” and in-
4 sserting “the apparent successful can-
5 didate”; and

6 (II) by striking “the President-
7 elect or Vice-President-elect” and in-
8 sserting “the apparent successful can-
9 didate”;

10 (iii) in paragraphs (2), (3), (4), and
11 (5), by striking “the President-elect or
12 Vice-President-elect” each place it appears
13 and inserting “the apparent successful
14 candidate”;

15 (iv) in paragraph (4)(B), by striking
16 “the President-elect, the Vice-President-
17 elect, or the designee of the President-elect
18 or Vice-President-elect” and inserting “the
19 apparent successful candidate or their des-
20 ignee”;

21 (v) in paragraph (8), in subparagraph
22 (A)(v) and (B), by striking “the President-
23 elect” and inserting “the apparent success-
24 ful candidate for the office of President”;
25 and

1962

1 (vi) in paragraph (10)—

2 (I) by striking “any President-
3 elect, Vice-President-elect, or eligible
4 candidate” and inserting “any appar-
5 ent successful candidate or eligible
6 candidate”; and

7 (II) by striking “the President-
8 elect and Vice President-elect” and in-
9 serting “the apparent successful can-
10 didates”;

11 (C) in subsection (b)—

12 (i) in paragraph (1), by striking “the
13 President-elect or Vice-President-elect, or
14 after the inauguration of the President-
15 elect as President and the inauguration of
16 the Vice-President-elect as Vice President”
17 and inserting “the apparent successful
18 candidates, or after the inauguration of the
19 apparent successful candidate for the office
20 of President as President and the inau-
21 guration of the apparent successful can-
22 didate for the office of Vice President as
23 Vice President”; and

24 (ii) in paragraph (2), by striking “the
25 President-elect, Vice-President-elect” and

1963

1 inserting “the apparent successful can-
2 didate”;

3 (D) in subsection (d)—

4 (i) in the first sentence, by striking
5 “Each President-elect” and inserting
6 “Each apparent successful candidate for
7 the office of President”; and

8 (ii) in the second sentence, by striking
9 “Each Vice-President-elect” and inserting
10 “Each apparent successful candidate for
11 the office of Vice-President”;

12 (E) in subsection (e)—

13 (i) in the first sentence, by striking
14 “Each President-elect and Vice-President-
15 elect” and inserting “Each apparent suc-
16 cessful candidate”; and

17 (ii) in the second sentence, by striking
18 “any President-elect or Vice-President-
19 elect may be made upon the basis of a cer-
20 tificate by him or the assistant designated
21 by him” and inserting “any apparent suc-
22 cessful candidate may be made upon the
23 basis of a certificate by the candidate or
24 their designee”;

25 (F) in subsection (f)—

1964

1 (i) in paragraph (1), by striking “The
2 President-elect” and inserting “Any appar-
3 ent successful candidate for the office of
4 President”; and

5 (ii) in paragraph (2), by striking “in-
6 auguration of the President-elect as Presi-
7 dent and the inauguration of the Vice-
8 President-elect as Vice President” and in-
9 serting “inauguration of the apparent suc-
10 cessful candidate for the office of President
11 as President and the inauguration of the
12 apparent successful candidate for the office
13 of Vice President as Vice President”;

14 (G) in subsection (g), by striking “In the
15 case where the President-elect is the incumbent
16 President or in the case where the Vice-Presi-
17 dent-elect is the incumbent Vice President” and
18 inserting “In the case where an apparent suc-
19 cessful candidate for the office of President is
20 the incumbent President or in the case where
21 an apparent successful candidate for the office
22 of Vice President is the incumbent Vice Presi-
23 dent”;

24 (H) in subsection (h)—

1965

1 (i) in paragraph (2)(B)(iv), by strik-
2 ing “the President-elect or Vice-President-
3 elect” and inserting “an apparent success-
4 ful candidate”; and

5 (ii) in paragraph (3)(B)(iii), by strik-
6 ing “the President-elect or Vice-President-
7 elect” and inserting “an apparent success-
8 ful candidate”; and

9 (I) in subsection (i)(3)(C)—

10 (i) in clause (i), by striking “the inau-
11 guration of the President-elect as Presi-
12 dent and the inauguration of the Vice-
13 President-elect as Vice President” and in-
14 sserting “the inauguration of the apparent
15 successful candidate for the office of Presi-
16 dent as President and the inauguration of
17 the apparent successful candidate for the
18 office of Vice President as Vice President”;
19 and

20 (ii) in clause (ii), by striking “upon
21 request of the President-elect or the Vice-
22 President-elect” and inserting “upon re-
23 quest of the apparent successful can-
24 didate”;

25 (2) in section 4—

1966

1 (A) in subsection (e)—

2 (i) in paragraph (1)(B), by striking
3 “the President-elect and Vice-President-
4 elect” and inserting “the apparent success-
5 ful candidates (as determined by section
6 3(c))”; and

7 (ii) in paragraph (4)(B), by striking
8 “the President-elect is inaugurated” and
9 inserting “the apparent successful can-
10 didate for the office of President is inaugu-
11 rated”; and

12 (B) in subsection (g)—

13 (i) in paragraph (3)(A), by striking
14 “the President-elect” and inserting “the
15 apparent successful candidate for the office
16 of President”; and

17 (ii) in paragraph (3)(B)(ii)(III), by
18 striking “the President-elect” and insert-
19 ing “the apparent successful candidate for
20 the office of President”;

21 (3) in section 5, in the first sentence, by strik-
22 ing “Presidents-elect and Vice-Presidents-elect” and
23 inserting “apparent successful candidates (as deter-
24 mined by section 3(c))”;

25 (4) in section 6—

1967

1 (A) in subsection (a)—

2 (i) in paragraph (1)—

3 (I) by striking “The President-
4 elect and Vice-President-elect” and in-
5 serting “Each apparent successful
6 candidate (as determined by section
7 3(c))”; and

8 (II) by striking “the President-
9 elect or Vice-President-elect” and in-
10 serting “the apparent successful can-
11 didate”;

12 (ii) in paragraph (2), by striking “The
13 President-elect and Vice-President-elect”
14 and inserting “Each apparent successful
15 candidate”; and

16 (iii) in paragraph (3)(A), by striking
17 “inauguration of the President-elect as
18 President and the Vice-President-elect as
19 Vice President” and inserting “inaugura-
20 tion of the apparent successful candidate
21 for the office of President as President and
22 the apparent successful candidate for the
23 office of Vice-President as Vice President”;

24 (B) in subsection (b)(1)—

1968

1 (i) in the matter preceding subpara-
2 graph (A), by striking “The President-elect
3 and Vice-President-elect” and inserting
4 “Each apparent successful candidate”; and

5 (ii) in subparagraph (A), by striking
6 “the President-elect or Vice-President-
7 elect’s” and inserting “the apparent suc-
8 cessful candidate’s”; and

9 (C) in subsection (c), by striking “The
10 President-elect and Vice-President-elect” and
11 inserting “Each apparent successful candidate”;
12 and

13 (5) in section 7(a)(1), by striking “the Presi-
14 dent-elect and Vice President-elect” and inserting
15 “the apparent successful candidates”.

16 **DIVISION Q—AVIATION**
17 **RELATED MATTERS**

18 **SEC. 101. ADVANCED AIR MOBILITY INFRASTRUCTURE**
19 **PILOT PROGRAM.**

20 (a) ESTABLISHMENT.—Not later than 180 days after
21 the date of enactment of this section, the Secretary shall
22 establish a pilot program to provide grants that assist an
23 eligible entity to plan for the development and deployment
24 of infrastructure necessary to facilitate AAM operations,
25 locally and regionally, within the United States.

1969

1 (b) PLANNING GRANTS.—

2 (1) IN GENERAL.—The Secretary shall provide
3 grants to eligible entities to develop comprehensive
4 plans under paragraph (2) related to AAM infra-
5 structure.

6 (2) COMPREHENSIVE PLAN.—

7 (A) IN GENERAL.—Not later than 1 year
8 after receiving a grant under this subsection, an
9 eligible entity shall submit to the Secretary a
10 comprehensive plan, including the development
11 of potential public use or private-owned
12 vertiport infrastructure, in a format capable of
13 being published on the website of the Depart-
14 ment of Transportation.

15 (B) PLAN CONTENTS.—The Secretary
16 shall establish content requirements for com-
17 prehensive plans submitted under this sub-
18 section, which shall include as many of the fol-
19 lowing as possible:

20 (i) The identification of planned or
21 potential public use and private-owned
22 vertiport locations.

23 (ii) A description of infrastructure
24 necessary to support AAM operations.

1970

1 (iii) A description of types of planned
2 or potential AAM operations and a fore-
3 cast for proposed vertiport operations, in-
4 cluding estimates for initial operations and
5 future growth.

6 (iv) The identification of physical and
7 digital infrastructure required to meet any
8 standards for vertiport design and per-
9 formance characteristics established by the
10 Federal Aviation Administration (as in ef-
11 fect on the date on which the Secretary
12 issues a grant to an eligible entity), includ-
13 ing modifications to existing infrastructure
14 and ground sensors, electric charging or
15 other fueling requirements, electric utility
16 requirements, wireless and cybersecurity
17 requirements, fire safety, perimeter secu-
18 rity, and other necessary hardware or soft-
19 ware.

20 (v) A description of any hazard asso-
21 ciated with planned or potential vertiport
22 infrastructure, such as handling of haz-
23 ardous materials, batteries, or other fuel
24 cells, charging or fueling of aircraft, air-

1971

1 craft rescue and firefighting response, and
2 emergency planning.

3 (vi) A description of potential environ-
4 mental effects of planned or potential con-
5 struction or siting of vertiports, including
6 efforts to reduce potential aviation noise.

7 (vii) A description of how planned or
8 potential vertiport locations, including new
9 or repurposed infrastructure, fit into State
10 and local transportation systems and net-
11 works, including—

12 (I) connectivity to existing public
13 transportation hubs and intermodal
14 and multimodal facilities for AAM op-
15 erations;

16 (II) opportunities to create new
17 service to rural areas and areas un-
18 derserved by air transportation; or

19 (III) any potential conflict with
20 existing aviation infrastructure that
21 may arise from the planned or poten-
22 tial location of the vertiport.

23 (viii) A description of how vertiport
24 planning will be incorporated in State or
25 metropolitan planning documents.

1972

1 (ix) The identification of the process
2 an eligible entity will undertake to ensure
3 an adequate level of engagement with any
4 potentially impacted community for each
5 planned or potential vertiport location and
6 planned or potential AAM operations, such
7 as engagement with communities in rural
8 areas, underserved communities, Tribal
9 communities, individuals with disabilities,
10 or racial and ethnic minorities to address
11 equity of access.

12 (x) The identification of State, local,
13 or private sources of funding an eligible
14 entity may use to assist with the construc-
15 tion or operation of a vertiport.

16 (xi) The identification of existing Fed-
17 eral aeronautical and airspace require-
18 ments that must be met for the eligible en-
19 tity's planned or potential vertiport loca-
20 tion.

21 (xii) The identification of the actions
22 necessary for an eligible entity to under-
23 take the construction of a vertiport, such
24 as planning studies to assess existing in-
25 frastructure, environmental studies, studies

1973

1 of projected economic benefit to the com-
2 munity, lease or acquisition of an easement
3 or land for new infrastructure, and activi-
4 ties related to other capital costs.

5 (3) APPLICATION.—To apply for a grant under
6 this subsection, an eligible entity shall provide to the
7 Secretary an application in such form, at such time,
8 and containing such information as the Secretary
9 may require.

10 (4) SELECTION.—

11 (A) IN GENERAL.—In awarding grants
12 under this subsection, the Secretary shall con-
13 sider the following:

14 (i) Geographic diversity.

15 (ii) Diversity of the proposed models
16 of infrastructure financing and manage-
17 ment.

18 (iii) Diversity of proposed or planned
19 AAM operations.

20 (iv) The need for comprehensive plans
21 that—

22 (I) ensure the safe and efficient
23 integration of AAM operations into
24 the National Airspace System;

1974

1 (II) improve transportation safe-
2 ty, connectivity, access, and equity in
3 both rural and urban regions in the
4 United States;

5 (III) leverage existing public
6 transportation systems and intermodal
7 and multimodal facilities;

8 (IV) reduce surface congestion
9 and the environmental impacts of
10 transportation;

11 (V) grow the economy and create
12 jobs in the United States; and

13 (VI) encourage community en-
14 gagement when planning for AAM-re-
15 lated infrastructure.

16 (B) PRIORITY.—The Secretary shall
17 prioritize awarding grants under this subsection
18 to eligible entities that collaborate with com-
19 mercial AAM entities, institutions of higher
20 education, research institutions, or other rel-
21 evant stakeholders to develop and prepare a
22 comprehensive plan.

23 (C) MINIMUM ALLOCATION TO RURAL
24 AREAS.—The Secretary shall ensure that not
25 less than 20 percent of the amounts made avail-

1975

1 able under subsection (c) are used to award
2 grants to eligible entities that submit a com-
3 prehensive plan under paragraph (2) that is re-
4 lated to infrastructure located in a rural area.

5 (5) GRANT AMOUNT.—Each grant made under
6 this subsection shall be made in an amount that is
7 not more than \$1,000,000.

8 (6) BRIEFING.—

9 (A) IN GENERAL.—Not later than 180
10 days after the first comprehensive plan is sub-
11 mitted under paragraph (2), and every 180
12 days thereafter through September 30, 2025,
13 the Secretary shall provide a briefing to the ap-
14 propriate committees of Congress on the com-
15 prehensive plans submitted to the Secretary
16 under such paragraph.

17 (B) CONTENTS.—The briefing required
18 under subparagraph (A) shall include—

19 (i) an evaluation of all planned or po-
20 tential vertiport locations included in the
21 comprehensive plans submitted under
22 paragraph (2) and how such planned or
23 potential vertiport locations may fit into
24 the overall United States transportation
25 system and network; and

1976

1 (ii) a description of lessons or best
2 practices learned through the review of
3 comprehensive plans and how the Sec-
4 retary will incorporate any such lessons or
5 best practices into Federal standards or
6 guidance for the design and operation of
7 AAM infrastructure and facilities.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—

9 (1) AUTHORIZATION.—There are authorized to
10 be appropriated to the Secretary to carry out this
11 section \$12,500,000 for each of fiscal years 2023
12 and 2024, to remain available until expended.

13 (2) ADMINISTRATIVE EXPENSES.—Of the
14 amounts made available under paragraph (1), the
15 Secretary may retain up to 1 percent for personnel,
16 contracting, and other costs to establish and admin-
17 ister the pilot program under this section.

18 (d) TERMINATION.—

19 (1) IN GENERAL.—No grant may be awarded
20 under this section after September 30, 2024.

21 (2) CONTINUED FUNDING.—Funds authorized
22 to be appropriated pursuant to subsection (c) may
23 be expended after September 30, 2024—

24 (A) for grants awarded prior to September
25 30, 2024; and

1977

1 (B) for administrative expenses.

2 (e) DEFINITIONS.—In this section:

3 (1) ADVANCED AIR MOBILITY; AAM.—The terms
4 “advanced air mobility” and “AAM” have the mean-
5 ing given such terms in section 2(i) of the Advanced
6 Air Mobility Coordination and Leadership Act (49
7 U.S.C. 40101 note).

8 (2) APPROPRIATE COMMITTEES OF CON-
9 GRESS.—The term “appropriate committees of Con-
10 gress” means the Committee on Transportation and
11 Infrastructure of the House of Representatives and
12 the Committee on Commerce, Science, and Trans-
13 portation of the Senate.

14 (3) COMMERCIAL AAM ENTITIES.—The term
15 “commercial AAM entities” means—

16 (A) manufacturers of aircraft, avionics,
17 propulsion systems, and air traffic management
18 systems related to AAM;

19 (B) intended commercial operators of AAM
20 aircraft and systems; and

21 (C) intended commercial operators and de-
22 velopers of vertiports.

23 (4) ELIGIBLE ENTITY.—The term “eligible enti-
24 ty” means—

1978

1 (A) a State, local, or Tribal government,
2 including a political subdivision thereof;

3 (B) an airport sponsor;

4 (C) a transit agency;

5 (D) a port authority;

6 (E) a metropolitan planning organization;

7 or

8 (F) any combination or consortium of the
9 entities described in subparagraphs (A) through
10 (E).

11 (5) METROPOLITAN PLANNING ORGANIZA-
12 TION.—The term “metropolitan planning organiza-
13 tion” has the meaning given such term in section
14 5303(b) of title 49, United States Code.

15 (6) RURAL AREA.—The term “rural area”
16 means an area located outside a metropolitan statis-
17 tical area (as designated by the Office of Manage-
18 ment and Budget).

19 (7) SECRETARY.—The term “Secretary” means
20 the Secretary of Transportation.

21 (8) STATE.—The term “State” means a State
22 of the United States, the District of Columbia, Puer-
23 to Rico, the Virgin Islands, American Samoa, the
24 Northern Mariana Islands, and Guam.

1980

1 (1) IN GENERAL.—Section 131 of division V of
2 the Consolidated Appropriations Act of 2021 (49
3 U.S.C. 40101 note) is amended—

4 (A) in the section heading, by inserting
5 “**SAMYA ROSE STUMO**” before “**NATIONAL**
6 **AIR GRANT FELLOWSHIP PROGRAM**”;

7 (B) in the paragraph heading of subsection
8 (a)(4), by inserting “SAMYA ROSE STUMO” be-
9 fore “NATIONAL AIR GRANT FELLOWSHIP PRO-
10 GRAM”; and

11 (C) by inserting “Samya Rose Stumo” be-
12 fore “National Air Grant Fellowship Program”
13 each place it appears.

14 (2) CLERICAL AMENDMENT.—Section 101(b) of
15 division V of the Consolidated Appropriations Act of
16 2021 (Public Law 116–260) is amended by striking
17 the item relating to section 131 and by inserting the
18 following:

“Sec. 131. Samya Rose Stumo National Air Grant Fellowship Program.”.

19 (c) REFERENCES.—On and after the date of enact-
20 ment of this section, any reference in a law, regulation,
21 document, paper, or other record of the United States to
22 the “National Air Grant Fellowship Program” shall be
23 deemed to be a reference to the “Samya Rose Stumo Na-
24 tional Air Grant Fellowship Program”.

1981

1 (d) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that—

3 (1) the lives of 189 passengers and crew, who
4 died in the Lion Air Flight 610 crash on October
5 29, 2018, are commemorated and recognized, includ-
6 ing, but not limited to, Captain Bhavye Suneja,
7 First Officer Harvino, Permadi Anggrimulja, Liu
8 Chandra, Chairul Aswan, Resti Amelia, Reni
9 Ariyanti, Daniel Suhardja Wijaya, Mardiman,
10 Dadang, Diah Damayanti, Dolar, Dony, Dwinanto,
11 Eryant, Cici Ariska, Fendi Christanto, Dr. Ibnu
12 Fajariyadi Hantoro, Inayah Fatwa Kurnia Dewi,
13 Hendra, Hesti Nuraini, Henry Heuw, Khotijah,
14 Jannatun Cintya Dewi, Ammad Mughni, Sudibyo
15 Onggowardoyo, Shintia Melina, Citra Novita
16 Anggelia Putri, Alviani Hidayatul Solikha,
17 Damayanti Simarmata, Mery Yulyanda, Putri
18 Yuniarsi, Putty Fatikah Rani, Tan Toni, Tami Ju-
19 lian, Moedjiono, Deny Maula, Michelle Vergina
20 Bonkal, Mathew Darryl Bongkal, Adonia Magdiel
21 Bonkal, Fiona Ayu Zen S, Agil Nugroho Septian,
22 Wahyu Aldilla, Xherdan Fachredzi, Deryl Fida
23 Febrianto, Bambang Rosali Usman, Nikki Bagus
24 Santoso, Andrea Manfredi, Muhammad Luthfi
25 Nurrandhani, Shandy Johan Ramadhan, Muchtar

1982

1 Rasyid, Rebiyanti, Eka Suganda, Yulia Silvianti,
2 Syahrudin, Sekar Maulana, Fais Saleh Harharah,
3 Natalia Setiawan, Alfiani Hidayatul Solikah, Robert
4 Susanto, Rudolf Petrus Sayers, Muhammad Syafi,
5 Sian Sian, Arif Yustian, Vicky Ardian, Wanto, and
6 Verian Utama;

7 (2) the life of Samya Rose Stumo and the lives
8 of 156 passengers and crew who died in the Ethio-
9 pian Airlines Flight 302 crash on March 10, 2019,
10 are commemorated and recognized, including, but
11 not limited to, Abdishakur Shahad, Abdullahi Mo-
12 hammed, Adam Kornaski, Adam Mbicha, Professor
13 Agnes W. Gathumbi, Ahmednur Mohammed Omar,
14 Alexandra Wachtmeister, Ama Tesfamariam, Am-
15 bassador Abiodun Oluremi Bashua, Ameen Ismail
16 Noormohamed, Amina Ibrahim Odawaa, Amos
17 Namanya, Angela Rehorn, Ann Wangui Karanja,
18 Anne Mogoi Birundu, Anne (last name unknown),
19 Anne-Katrin Feigl, Anushka Dixit, Ashka Dixit,
20 Kosha Vaidya, Prerit Dixit, Bennett Riffel, Benson
21 Maina Gathu, Bernard Musembi Mutua, Captain
22 Yared Getachew, Carlyne Karanja, Ryan Njuguna,
23 Kerri Pauls, Rubi Pauls, Cedric Asiavugwa,
24 Chunming Jack Wang, Cosmas Kipngetich Rogony,
25 CP Christine Alalo, Danielle Moore, Darcy Belanger,

1983

1 Dawn Tanner, Djordje Vdovic, Doaa Atef Abdel
2 Salam, Dr. Ben Ahmed Chihab, Dr. Manisha
3 Nukavarapu, Ekta Adhikari, Elsabet Menwyelet, Fa-
4 ther George Mukua, First Officer Ahmednur Mo-
5 hammed, Ayantu Girma, Sara Gebre Michael, Carlo
6 Spini, Gabriella Viciani, George Kabau, George
7 Kabugi, George Kamau Thugge, Getnet Alemayehu,
8 GaoShuang, Ghislaine De Claremont, Harina Hafitz,
9 Siraje Hussein Abdi, Hussein Swaleh, Isaac
10 Mwangi, Isabella Beryl Achieng Jaboma, Jackson
11 Musoni, Jared Babu Mwazo, Mercy Ngami Ndivo,
12 Jessica Hyba, Joanna Toole, Jonathan Seex, Jordi
13 Dalmau Sayol, Josefin Ekermann, Joseph Kuria
14 Waithaka, Julia Mwashu, Karim Saafi, Karoline
15 Aadland, Kodjo Glato, Marcelino Rassul Tayob,
16 Marie Philipp, Maria Pilar Buzzetti, Matthew
17 Vecere, Max Thabiso Edkins, Mel Riffel, Micah
18 John Messent, Michael Ryan, Meraf Yirgalem
19 Areda, Juliet Otieno, Mulugeta Asfaw Shenkut,
20 Mulusew Alemu, Mwazo, Nadia Adam Abaker Ali,
21 Oliver Vick, Paolo Dieci, Peter DeMarsh, Professor
22 Adesanmi, Saad Khalaf Al-Mutairi, Sam Pegram,
23 Sara Chalachew, Sarah Auffret, Sebastiano Tusa,
24 Shikha Garg, Sintayehu Aymeku, Sintayehu Shafi
25 Balaker, Sofia Faisal Abdulkadir, Stéphanie

1984

1 Lacroix, Stella Mbicha Konarska, Tamirat Mulu
2 Demessie, Anthony Wanjohi Ngare, United States
3 Army Captain Antoine Lewis, Vaibhav Lahoti, Vic-
4 tor Tsang, Virginia Chimenit, WangHeo, Xavier
5 Fricaudet, Yekaterina Polyakova, Alexander
6 Polyako, Zhen Zhen Huang, ZhouYuan, Pannagesh
7 Vaidya, Hansini Vaidya, Joseph Waithaka, Blanka
8 Hrnko, Martin Hrnko, Michala Hrnko, Sergei
9 Vyalikov, Suzan Mohamed Abu-Farag, Nasser
10 Fatehy Al-Azab Douban, Asraf Mohamed Abdel
11 Halim Al-Turkim, Abdel-Hamid Farrag Mohamed
12 Magly, Essmat Abdel-Sattar Taha Aransa, Jin
13 Yetao, Derick Lwugi, Reverend Sister Florence
14 Wangari Yongi, Melvin Riffel, Mwazo Mercy Ngami,
15 Reverend Norman Tendis, and Pius Adesanmi;

16 (3) the life of Indonesian diver Syachrul Anto,
17 who died during search and rescue recovery oper-
18 ations in the aftermath of the Lion Air Flight 610
19 crash, is commemorated and recognized; and

20 (4) the Senate and the House of Representa-
21 tives express their condolences to the families,
22 friends, and loved ones of those who died on Lion
23 Air Flight 610 and Ethiopian Airlines Flight 302
24 and commend their ongoing advocacy to advance
25 aviation safety for the flying public at large.

1985

1 **SEC. 103. TEMPORARY INSURANCE FOR AIR CARRIERS FOR**
2 **CERTAIN TERMINATED COVERAGE.**

3 (a) IN GENERAL.—Chapter 443 of title 49, United
4 States Code, is amended by inserting after section 44302
5 the following:

6 **“§ 44302a. Temporary insurance**

7 “(a) IN GENERAL.—The Secretary may provide in-
8 surance or reinsurance under this section to or for an air
9 carrier for 1 coverage period not to exceed 90 days. Except
10 as otherwise provided in this section, such insurance or
11 reinsurance shall be subject to the requirements of this
12 chapter.

13 “(b) RESTRICTIONS.—A policy for insurance or rein-
14 surance issued under this section—

15 “(1) may not be issued unless the insurance
16 carrier of the air carrier has unilaterally terminated
17 the air carrier’s war risk liability coverage pursuant
18 to—

19 “(A) notice under the policy;

20 “(B) an endorsement to the policy; or

21 “(C) an automatic termination provision in
22 the policy or any endorsement thereto; and

23 “(2) may cover hull, comprehensive, and third
24 party liability risks.

25 “(c) PREMIUM.—A premium for insurance or rein-
26 surance provided under this section shall be calculated

1986

1 based on a prorated amount equivalent to the premium
2 that was in effect under the terminated insurance carrier
3 policy.

4 “(d) APPROVAL.—A policy for insurance or reinsur-
5 ance provided under this section—

6 “(1) shall be exempt from the requirements of
7 section 44302(c); and

8 “(2) may provide coverage to the extent allowed
9 under section 44303, as determined by the Sec-
10 retary, notwithstanding any determination by the
11 President in subsection (a)(1) of such section.”.

12 (b) CONFORMING AMENDMENTS.—

13 (1) GENERAL AUTHORITY.—Section 44303(a)
14 of title 49, United States Code, is amended by strik-
15 ing “section 44302” and inserting “sections 44302
16 and 44302a”.

17 (2) ENDING EFFECTIVE DATE.—Section
18 44310(a) of title 49, United States Code, is amend-
19 ed by striking “section 44305” and inserting “sec-
20 tions 44302a and 44305”.

21 (c) CLERICAL AMENDMENT.—The analysis for chap-
22 ter 443 of title 49, United States Code, is amended by
23 inserting after the item relating to section 44302 the fol-
24 lowing:

“44302a. Temporary insurance.”.

1987

1 **SEC. 104. REMOVAL OF RESTRICTION ON VETERANS CON-**
2 **CURRENTLY SERVING IN THE OFFICES OF**
3 **ADMINISTRATOR AND DEPUTY ADMINIS-**
4 **TRATOR OF THE FEDERAL AVIATION ADMIN-**
5 **ISTRATION.**

6 Section 106(d)(1) of title 49, United States Code, is
7 amended by striking “, a retired regular officer of an
8 armed force, or a former regular officer of an armed
9 force”.

10 **SEC. 105. NATIONAL AVIATION PREPAREDNESS PLAN.**

11 (a) IN GENERAL.—Not later than 2 years after the
12 date of enactment of this section, the Secretary of Trans-
13 portation, in coordination with the Secretary of Health
14 and Human Services, the Secretary of Homeland Security,
15 and the heads of such other Federal departments or agen-
16 cies as the Secretary of Transportation considers appro-
17 priate, shall develop a national aviation preparedness plan
18 for communicable disease outbreaks.

19 (b) CONTENTS OF PLAN.—The plan developed under
20 subsection (a) shall, at a minimum—

21 (1) provide airports and air carriers with an
22 adaptable and scalable framework with which to
23 align the individual plans, including the emergency
24 response plans, of such airports and air carriers and
25 provide guidance as to each individual plan;

1988

1 (2) improve coordination among airports, air
2 carriers, the Transportation Security Administra-
3 tion, U.S. Customs and Border Protection, the Cen-
4 ters for Disease Control and Prevention, other ap-
5 propriate Federal entities, and State and local gov-
6 ernments and health agencies with respect to pre-
7 paring for and responding to communicable disease
8 outbreaks;

9 (3) to the extent practicable, improve coordina-
10 tion among relevant international entities;

11 (4) create a process to identify appropriate per-
12 sonal protective equipment, if any, for covered em-
13 ployees to reduce the likelihood of exposure to a cov-
14 ered communicable disease, and thereafter issue rec-
15 ommendations for the equipage of such employees;

16 (5) create a process to identify appropriate
17 techniques, strategies, and protective infrastructure,
18 if any, for the cleaning, disinfecting, and sanitization
19 of aircraft and enclosed facilities owned, operated, or
20 used by an air carrier or airport, and thereafter
21 issue recommendations pertaining to such tech-
22 niques, strategies, and protective infrastructure;

23 (6) create a process to evaluate technologies
24 and develop procedures to effectively screen pas-
25 sengers for communicable diseases, including

1989

1 through the use of temperature checks if appro-
2 priate, for domestic and international passengers,
3 crew members, and other individuals passing
4 through airport security checkpoints;

5 (7) identify and assign Federal agency roles in
6 the deployment of emerging and existing tech-
7 nologies and solutions to reduce covered commu-
8 nicable diseases in the aviation ecosystem;

9 (8) clearly delineate the responsibilities of the
10 sponsors and operators of airports, air carriers, and
11 Federal agencies in responding to a covered commu-
12 nicable disease;

13 (9) incorporate, as appropriate, the rec-
14 ommendations made by the Comptroller General of
15 the United States to the Secretary of Transportation
16 contained in the report titled “Air Travel and Com-
17 municable Diseases: Comprehensive Federal Plan
18 Needed for U.S. Aviation System’s Preparedness”,
19 issued in December 2015 (GAO-16-127);

20 (10) consider the latest peer-reviewed scientific
21 studies that address communicable disease with re-
22 spect to air transportation; and

23 (11) consider funding constraints.

24 (c) CONSULTATION.—When developing the plan
25 under subsection (a), the Secretary of Transportation

1990

1 shall consult with aviation industry and labor stake-
2 holders, including representatives of—

3 (1) air carriers, which shall include domestic air
4 carriers consisting of major air carriers, low-cost
5 carriers, regional air carriers and cargo carriers;

6 (2) airport operators, including with respect to
7 large hub, medium hub, small hub, and nonhub com-
8 mercial service airports;

9 (3) labor organizations that represent airline pi-
10 lots, flight attendants, air carrier airport customer
11 service representatives, and air carrier maintenance,
12 repair, and overhaul workers;

13 (4) the labor organization certified under sec-
14 tion 7111 of title 5, United States Code, as the ex-
15 clusive bargaining representative of air traffic con-
16 trollers of the Federal Aviation Administration;

17 (5) the labor organization certified under such
18 section as the exclusive bargaining representative of
19 airway transportation systems specialists and avia-
20 tion safety inspectors of the Federal Aviation Ad-
21 ministration;

22 (6) trade associations representing air carriers
23 and airports;

24 (7) aircraft manufacturing companies;

25 (8) general aviation; and

1991

1 (9) such other stakeholders as the Secretary
2 considers appropriate.

3 (d) REPORT.—Not later than 30 days after the plan
4 is developed under subsection (a), the Secretary shall sub-
5 mit to the Committee on Transportation and Infrastruc-
6 ture of the House of Representatives and the Committee
7 on Commerce, Science, and Transportation of the Senate
8 a report that includes such plan.

9 (e) REVIEW OF PLAN.—Not later than 1 year after
10 the date on which a report is submitted under subsection
11 (d), and again not later than 5 years thereafter, the Sec-
12 retary shall review the plan included in such report and,
13 after consultation with aviation industry and labor stake-
14 holders, make changes by rule as the Secretary considers
15 appropriate.

16 (f) GAO STUDY.—Not later than 18 months after the
17 date of enactment of this section, the Comptroller General
18 shall conduct and submit to the Committee on Transpor-
19 tation and Infrastructure of the House of Representatives
20 and the Committee on Commerce, Science, and Transpor-
21 tation of the Senate a study assessing the national avia-
22 tion preparedness plan developed under subsection (a), in-
23 cluding—

24 (1) whether such plan—

1992

1 (A) is responsive to any previous rec-
2 ommendations relating to aviation preparedness
3 with respect to an outbreak of a covered com-
4 municable disease or global health emergency
5 made by the Comptroller General; and

6 (B) meets the obligations of the United
7 States under international conventions and
8 treaties; and

9 (2) the extent to which the United States avia-
10 tion system is prepared to respond to an outbreak
11 of a covered communicable disease.

12 (g) DEFINITIONS.—In this section:

13 (1) COVERED EMPLOYEE.—The term “covered
14 employee” means—

15 (A) an individual whose job duties require
16 interaction with air carrier passengers on a reg-
17 ular and continuing basis and who is an em-
18 ployee of—

19 (i) an air carrier;

20 (ii) an air carrier contractor;

21 (iii) an airport; or

22 (iv) the Federal Government; or

23 (B) an air traffic controller or systems
24 safety specialist of the Federal Aviation Admin-
25 istration.

1993

1 (2) COVERED COMMUNICABLE DISEASE.—The
2 term “covered communicable disease” means a com-
3 municable disease that has the potential to cause a
4 future epidemic or pandemic of infectious disease
5 that would constitute a public health emergency of
6 international concern as declared, after the date of
7 enactment of this section, by the Secretary of Health
8 and Human Services under section 319 of the Public
9 Health Service Act (42 U.S.C. 247d).

10 (3) TEMPERATURE CHECK.—The term “tem-
11 perature check” means the screening of an indi-
12 vidual for a fever.

13 **SEC. 106. AEROSPACE SUPPLY CHAIN RESILIENCY TASK**
14 **FORCE.**

15 (a) IN GENERAL.—Not later than 90 days after the
16 date of enactment of this section, the Secretary of Trans-
17 portation shall establish the Aerospace Supply Chain Re-
18 siliency Task Force (in this section referred to as the
19 “Task Force”) to—

20 (1) identify and assess risks to United States
21 aerospace supply chains, including the availability of
22 raw materials and critical manufactured goods, with
23 respect to—

24 (A) major end items produced by the aero-
25 space industry; and

1994

1 (B) the infrastructure of the National Air-
2 space System; and

3 (2) identify best practices and make rec-
4 ommendations to mitigate risks identified under
5 paragraph (1) and support a robust United States
6 aerospace supply chain.

7 (b) MEMBERSHIP.—

8 (1) IN GENERAL.—The Secretary shall appoint
9 not more than 21 individuals to the Task Force.

10 (2) COMPOSITION.—In appointing individuals to
11 the Task Force, the Secretary shall appoint:

12 (A) At least 1 individual representing each
13 of the following:

14 (i) Manufacturers of aircraft.

15 (ii) Manufacturers of avionics.

16 (iii) Manufacturers of aircraft propul-
17 sion systems.

18 (iv) Manufacturers of aircraft struc-
19 tures.

20 (v) Manufacturers of communications,
21 navigation, and surveillance equipment
22 used for the provision of air traffic serv-
23 ices.

24 (vi) Manufacturers of commercial
25 space transportation launch vehicles.

1995

- 1 (vii) Commercial air carriers.
2 (viii) General aviation operators.
3 (ix) Rotorcraft operators.
4 (x) Unmanned aircraft system opera-
5 tors.
6 (xi) Aircraft maintenance providers.
7 (xii) Aviation safety organizations.

8 (B) At least 1 individual representing cer-
9 tified labor representatives of each of the fol-
10 lowing:

- 11 (i) Aircraft mechanics.
12 (ii) Aircraft engineers.
13 (iii) Aircraft manufacturers.
14 (iv) Airway transportation system spe-
15 cialists employed by the Federal Aviation
16 Administration.

17 (C) Individuals with expertise in logistics,
18 economics, supply chain management, or an-
19 other field or discipline related to the resilience
20 of industrial supply chains.

21 (c) ACTIVITIES.—In carrying out the responsibilities
22 of the Task Force described in subsection (a), the Task
23 Force shall—

- 24 (1) engage with the aerospace industry to docu-
25 ment trends in changes to production throughput

1996

1 and lead times of major end items produced by the
2 aerospace industry;

3 (2) determine the extent to which United States
4 aerospace supply chains are potentially exposed to
5 significant disturbances, including the existence of
6 and potential for supply chain issues such as
7 chokepoints, bottlenecks, or shortages that could
8 prevent or inhibit the production or flow of major
9 end items and services;

10 (3) explore new solutions to resolve such supply
11 chain issues identified under paragraph (2), includ-
12 ing through the use of—

13 (A) existing aerospace infrastructure; and

14 (B) aerospace infrastructure, manufac-
15 turing capabilities, and production capacities in
16 small or rural communities;

17 (4) evaluate the potential for the introduction
18 and integration of advanced technology to—

19 (A) relieve such supply chain issues; and

20 (B) fill such gaps;

21 (5) utilize, to the maximum extent practicable,
22 existing supply chain studies, reports, and materials
23 in carrying out the activities described in this sub-
24 section; and

1997

1 (6) provide recommendations to address, man-
2 age, and relieve such supply chain issues.

3 (d) MEETINGS.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), the Task Force shall convene at such
6 times and places, and by such means, as the Sec-
7 retary determines to be appropriate, which may in-
8 clude the use of remote conference technology.

9 (2) TIMING.—The Task Force shall convene for
10 an initial meeting not later than 120 days after the
11 date of enactment of this section and at least every
12 90 days thereafter.

13 (e) REPORTS TO CONGRESS.—

14 (1) REPORT OF TASK FORCE.—

15 (A) IN GENERAL.—Not later than 1 year
16 after the date of the initial meeting of the Task
17 Force, the Task Force shall submit to the ap-
18 propriate committees of Congress a report on
19 the activities of the Task Force.

20 (B) CONTENTS.—The report required
21 under subparagraph (A) shall include—

22 (i) best practices and recommenda-
23 tions identified pursuant to subsection
24 (a)(2);

1998

1 (ii) a detailed description of the find-
2 ings of the Task Force pursuant to the ac-
3 tivities required by subsection (c); and

4 (iii) recommendations of the Task
5 Force, if any, for regulatory, policy, or leg-
6 islative action to improve Government ef-
7 forts to reduce barriers, mitigate risk, and
8 bolster the resiliency of United States
9 aerospace supply chains.

10 (2) REPORT OF SECRETARY.—Not later than
11 180 days after the submission of the report required
12 under paragraph (1), the Secretary shall submit a
13 report to the appropriate committees of Congress on
14 the status or implementation of recommendations of
15 the Task Force included in the report required
16 under paragraph (1).

17 (f) APPLICABLE LAW.—The Federal Advisory Com-
18 mittee Act (5 U.S.C. App.) shall not apply to the Task
19 Force.

20 (g) SUNSET.—The Task Force shall terminate upon
21 the submission of the report required by subsection (e)(1).

22 (h) DEFINITIONS.—In this section:

23 (1) APPROPRIATE COMMITTEES OF CON-
24 GRESS.—The term “appropriate committees of Con-
25 gress” means—

1999

1 (A) the Committee on Transportation and
2 Infrastructure of the House of Representatives;
3 and

4 (B) the Committee on Commerce, Science,
5 and Transportation of the Senate.

6 (2) MAJOR END ITEM.—The term “major end
7 item” means—

8 (A) an aircraft;

9 (B) an aircraft engine or propulsion sys-
10 tem;

11 (C) communications, navigation, or surveil-
12 lance equipment used in the provision of air
13 traffic services; and

14 (D) any other end item the manufacture
15 and operation of which has a significant effect
16 on air commerce, as determined by the Sec-
17 retary.

18 **SEC. 107. COVERED OPERATIONS ELECTIVE STANDARDS.**

19 (a) IN GENERAL.—Section 44729(a) of title 49,
20 United States Code, is amended by striking “covered oper-
21 ations until attaining 65 years of age.” and inserting the
22 following: “covered operations described in subsection
23 (b)(1) until attaining 65 years of age. Air carriers that
24 employ pilots who serve in covered operations described
25 in subsection (b)(2) may elect to implement an age restric-

2000

1 tion to prohibit employed pilots from serving in such cov-
2 ered operations after attaining 70 years of age by deliv-
3 ering written notice to the Administrator of the Federal
4 Aviation Administration. Such election—

5 “(1) shall take effect 1 year after the date of
6 delivery of written notice of the election; and

7 “(2) may not be terminated after the date on
8 which such election takes effect by the air carrier.”.

9 (b) COVERED OPERATIONS.—Section 44729(b) of
10 title 49, United States Code, is amended by striking
11 “means operations under part 121 of title 14, Code of
12 Federal Regulations.” and inserting the following:

13 “means—

14 “(1) operations under part 121 of title 14, Code
15 of Federal Regulations; or

16 “(2) operations by a person that—

17 “(A) holds an air carrier certificate issued
18 pursuant to part 119 of title 14, Code of Fed-
19 eral Regulations, to conduct operations under
20 part 135 of such title;

21 “(B) holds management specifications
22 under subpart K of title 91 of title 14, Code of
23 Federal Regulations; and

2001

1 “(C) performed an aggregate total of at
2 least 75,000 turbojet operations in calendar
3 year 2019 or any subsequent year.”.

4 (c) PROTECTION FOR COMPLIANCE.—An action or
5 election taken in conformance with the amendments made
6 by 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
16 Government 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
20 social networking service TikTok or any successor
21 application or service developed or provided by
22 ByteDance Limited or an entity owned by
23 ByteDance Limited;

2002

1 (2) the term “executive agency” has the mean-
2 ing 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
6 40, 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
10 of the Office of Management and Budget, in con-
11 sultation with the Administrator of General Services,
12 the Director of the Cybersecurity and Infrastructure
13 Security Agency, the Director of National Intel-
14 ligence, and the Secretary of Defense, and consistent
15 with the information security requirements under
16 subchapter II of chapter 35 of title 44, United
17 States Code, shall develop standards and guidelines
18 for executive agencies requiring the removal of any
19 covered application from information technology.

20 (2) NATIONAL SECURITY AND RESEARCH EX-
21 CEPTIONS.—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

2003

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 Moderniza-
11 tion 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
20 U.S.C. 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:

2004

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
6 of such nets.”.

7 (b) POLICY.—Section 206(e) of the Magnuson-Ste-
8 vens Fishery Conservation and Management Act (16
9 U.S.C. 1826(e)) 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
23 amended by adding at the end the following—

24 “(i) FISHING GEAR TRANSITION PROGRAM.—

2005

1 “(1) IN GENERAL.—During the 5-year period
2 beginning on the date of enactment of the Driftnet
3 Modernization and Bycatch Reduction Act, the Sec-
4 retary shall conduct a transition program to facili-
5 tate the phase-out of large-scale driftnet fishing and
6 adoption of alternative fishing practices that mini-
7 mize the incidental catch of living marine resources,
8 and shall award grants to eligible permit holders
9 who participate in the program.

10 “(2) PERMISSIBLE USES.—Any permit holder
11 receiving 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
16 for permanent revocation, and such permit
17 holder relinquishes any claim associated with
18 the permit;

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.

2006

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
5 been permanently revoked and that no new permits
6 will be 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.
10 1857(1)(M)) is amended by inserting before the semicolon
11 the following: “, unless such large-scale driftnet fishing—

12 “(i) deploys, within the exclusive eco-
13 nomic zone, a net with a total length of
14 less than two and one-half kilometers and
15 a mesh size of 14 inches or greater; and

16 “(ii) is conducted within 5 years of
17 the 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 Man-
21 agement Council may recommend, and the Secretary of
22 Commerce may approve, regulations necessary for the col-
23 lection of fees from charter vessel operators who guide rec-
24 reational anglers who harvest Pacific halibut in Inter-
25 national Pacific Halibut Commission regulatory areas 2C

2007

1 and 3A as those terms are defined in part 300 of title
2 50, Code of Federal Regulations (or any successor regula-
3 tions).

4 (b) USE OF FEES.—Any fees collected under this sec-
5 tion shall be available for the purposes of—

6 (1) financing administrative costs of the Rec-
7 reational Quota Entity program;

8 (2) the purchase of halibut quota shares in
9 International Pacific Halibut Commission regulatory
10 areas 2C and 3A by the recreational quota entity
11 authorized in part 679 of title 50, Code of Federal
12 Regulations (or any successor regulations);

13 (3) halibut conservation and research; and

14 (4) promotion of the halibut resource by the
15 recreational quota entity authorized in part 679 of
16 title 50, Code of Federal Regulations (or any suc-
17 cessor regulations).

18 (c) LIMITATION ON COLLECTION AND AVAIL-
19 ABILITY.—Fees shall be collected and available pursuant
20 to this section only to the extent and in such amounts
21 as provided in advance in appropriations Acts, subject to
22 subsection (d).

23 (d) FEE COLLECTED DURING START-UP PERIOD.—
24 Notwithstanding subsection (c), fees may be collected
25 through the date of enactment of an Act making appro-

2008

1 priations for the activities authorized under this Act
2 through September 30, 2023, and shall be available for
3 obligation and remain available until expended.

4 **TITLE II—FISHERY RESOURCE**
5 **DISASTERS IMPROVEMENT**

6 **SEC. 201. SHORT TITLE.**

7 This title may be cited as the “Fishery Resource Dis-
8 asters Improvement Act”.

9 **SEC. 202. FISHERY RESOURCE DISASTER RELIEF.**

10 Section 312(a) of the Magnuson-Stevens Fishery
11 Conservation and Management Act (16 U.S.C. 1861a(a))
12 is amended to read as follows:

13 “(a) FISHERY RESOURCE DISASTER RELIEF.—

14 “(1) DEFINITIONS.—In this subsection:

15 “(A) ALLOWABLE CAUSE.—The term ‘al-
16 lowable cause’ means a natural cause, discrete
17 anthropogenic cause, or undetermined cause, in-
18 cluding a cause that occurred not more than 5
19 years prior to the date of a request for a fishery
20 resource disaster determination that affected
21 such applicable fishery.

22 “(B) ANTHROPOGENIC CAUSE.—The term
23 ‘anthropogenic cause’ means an anthropogenic
24 event, such as an oil spill or spillway opening—

2009

1 “(i) that could not have been ad-
2 dressed or prevented by fishery manage-
3 ment measures; and

4 “(ii) that is otherwise beyond the con-
5 trol of fishery managers to mitigate
6 through conservation and management
7 measures, including regulatory restrictions
8 imposed as a result of judicial action or to
9 protect human health or marine animals,
10 plants, or habitats.

11 “(C) FISHERY RESOURCE DISASTER.—The
12 term ‘fishery resource disaster’ means a dis-
13 aster that is determined by the Secretary in ac-
14 cordance 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
18 fishery resource, which may include loss of
19 fishing vessels and gear for a substantial
20 period of time and results in significant
21 revenue loss or negative subsistence impact
22 due to an allowable cause; and

23 “(ii) does not include—

24 “(I) reasonably predictable, fore-
25 seeable, and recurrent fishery cyclical

2010

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
11 the term ‘Tribal’ means of or pertaining to such
12 an Indian tribe.

13 “(E) NATURAL CAUSE.—The term ‘natural
14 cause’—

15 “(i) means a weather, climatic, haz-
16 ard, 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

2011

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
6 term ‘12-month revenue loss’ means the per-
7 centage reduction, as applicable, in commercial,
8 charter, headboat, or processor revenue for the
9 affected fishery for the 12 months during which
10 the fishery resource disaster occurred, when
11 compared to average annual revenue in the
12 most recent 5 years when no fishery resource
13 disaster occurred or equivalent for stocks with
14 cyclical life histories.

15 “(G) UNDETERMINED CAUSE.—The term
16 ‘undetermined cause’ means a cause in which
17 the current state of knowledge does not allow
18 the Secretary to identify the exact cause, and
19 there is no current conclusive evidence sup-
20 porting a possible cause of the fishery resource
21 disaster.

22 “(2) GENERAL AUTHORITY.—

23 “(A) IN GENERAL.—The Secretary shall
24 have the authority to determine the existence,
25 extent, and beginning and end dates of a fish-

2012

1 ery resource disaster under this subsection in
2 accordance with this subsection.

3 “(B) AVAILABILITY OF FUNDS.—After the
4 Secretary determines that a fishery resource
5 disaster has occurred, the Secretary is author-
6 ized to make sums available, from funds appro-
7 priated for such purposes, to be used by the af-
8 fected State, Indian Tribe, or interstate marine
9 fisheries commission, or by the Secretary in co-
10 operation with the affected State, Indian Tribe,
11 or 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
15 fishery resource disaster determination requests
16 submitted after the date of enactment of the
17 Fishery 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
24 request for a fishery resource disaster de-
25 termination may be submitted to the Sec-

2013

1 retary at any time, but not later than the
2 applicable date determined under clause
3 (ii), by—

4 “(I) the Governor of an affected
5 State;

6 “(II) an official resolution of an
7 Indian Tribe; or

8 “(III) any other comparable
9 elected or politically appointed rep-
10 resentative as determined by the Sec-
11 retary.

12 “(ii) APPLICABLE DATE.—The appli-
13 cable date under this clause shall be—

14 “(I) 1 year after the date of the
15 conclusion of the fishing season;

16 “(II) in the case of a distinct
17 cause that occurs during more than 1
18 consecutive fishing season, 2 years
19 after the date of the conclusion of the
20 fishing season for which the request
21 for a fishery resource disaster deter-
22 mination is made; or

23 “(III) in the case of a complete
24 fishery closure, 1 year after the date

2014

1 on which that closure is determined
2 by the Secretary.

3 “(B) REQUIRED INFORMATION.—A com-
4 plete request for a fishery resource disaster de-
5 termination under subparagraph (A) shall in-
6 clude—

7 “(i) identification of all presumed af-
8 fected fish stocks;

9 “(ii) identification of the fishery as
10 Federal, non-Federal, or both;

11 “(iii) the geographical boundaries of
12 the fishery, as determined by the eligible
13 requester, including geographic boundaries
14 that are smaller than the area represented
15 by the eligible requester;

16 “(iv) preliminary information on
17 causes of the fishery resource disaster, if
18 known; and

19 “(v) information needed to support a
20 finding of a fishery resource disaster, in-
21 cluding—

22 “(I) information demonstrating
23 the occurrence of an unexpected large
24 decrease in fish stock biomass or
25 other change that results in signifi-

2015

1 cant loss of access to the fishery re-
2 source, which could include the loss of
3 fishing vessels and gear, for a sub-
4 stantial period of time;

5 “(II) significant—

6 “(aa) 12-month revenue loss
7 for the affected fishery; or

8 “(bb) negative subsistence
9 impact for the affected fishery, or
10 if a fishery resource disaster has
11 occurred at any time in the pre-
12 vious 5-year period, the most re-
13 cent 5 years when no fishery re-
14 source disaster occurred;

15 “(III) if applicable, information
16 on lost resource tax revenues assessed
17 by local communities, such as a raw
18 fish tax and local sourcing require-
19 ments; and

20 “(IV) if applicable and available,
21 information on affected fishery 12-
22 month revenue loss for charter,
23 headboat, or processors related to the
24 information provided under subclause
25 (I), subject to section 402(b).

2016

1 “(C) ASSISTANCE.—The Secretary may
2 provide data and analysis assistance to an eligi-
3 ble 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
13 fishery resource disaster review without a re-
14 quest.

15 “(4) REVIEW PROCESS.—

16 “(A) INTERIM RESPONSE.—Not later than
17 20 days after receipt of a request under para-
18 graph (3), the Secretary shall provide an in-
19 terim response to the individual that—

20 “(i) acknowledges receipt of the re-
21 quest;

22 “(ii) provides a regional contact with-
23 in the National Oceanographic and Atmos-
24 pheric Administration;

2017

1 “(iii) outlines the process and timeline
2 by which a request shall be considered; and

3 “(iv) requests additional information
4 concerning the fishery resource disaster, if
5 the original request is considered incom-
6 plete.

7 “(B) EVALUATION OF REQUESTS.—

8 “(i) IN GENERAL.—The Secretary
9 shall complete a review, within the time
10 frame described in clause (ii), using the
11 best scientific information available, in
12 consultation with the affected fishing com-
13 munities, States, or Indian Tribes, of—

14 “(I) the information provided by
15 the requester and any additional in-
16 formation relevant to the fishery,
17 which may include—

18 “(aa) fishery characteristics;

19 “(bb) stock assessments;

20 “(cc) the most recent fishery
21 independent surveys and other
22 fishery resource assessments and
23 surveys conducted by Federal,
24 State, or Tribal officials;

2018

1 “(dd) estimates of mortality;

2 and

3 “(ee) overall effects; and

4 “(II) the available economic in-
5 formation, which may include an anal-
6 ysis of—

7 “(aa) landings data;

8 “(bb) revenue;

9 “(cc) the number of partici-
10 pants involved;

11 “(dd) the number and type
12 of jobs and persons impacted,
13 which may include—

14 “(AA) fishers;

15 “(BB) charter fishing
16 operators;

17 “(CC) subsistence
18 users;

19 “(DD) United States
20 fish processors; and

21 “(EE) an owner of a
22 related fishery infrastructure
23 or business affected by the
24 disaster, such as a marina
25 operator, recreational fishing

2019

1 equipment retailer, or char-
2 ter, headboat, or tender ves-
3 sel owner, operator, or crew;

4 “(ee) an impacted Indian
5 Tribe;

6 “(ff) other forms of disaster
7 assistance made available to the
8 fishery, including prior awards of
9 disaster assistance for the same
10 event;

11 “(gg) the length of time the
12 resource, or access to the re-
13 source, has been restricted;

14 “(hh) status of recovery
15 from previous fishery resource
16 disasters;

17 “(ii) lost resource tax reve-
18 nues assessed by local commu-
19 nities, such as a raw fish tax;
20 and

21 “(jj) other appropriate indi-
22 cators to an affected fishery, as
23 determined by the National Ma-
24 rine Fisheries Service.

2020

1 “(ii) TIME FRAME.—The Secretary
2 shall complete the review described in
3 clause (i), if the fishing season, applicable
4 to the fishery—

5 “(I) has concluded or there is no
6 defined fishing season applicable to
7 the fishery, not later than 120 days
8 after the Secretary receives a com-
9 plete request for a fishery resource
10 disaster determination;

11 “(II) has not concluded, not later
12 than 120 days after the conclusion of
13 the fishing season; or

14 “(III) is expected to be closed for
15 the entire fishing season, not later
16 than 120 days after the Secretary re-
17 ceives a complete request for a fishery
18 resource disaster determination.

19 “(C) FISHERY RESOURCE DISASTER DE-
20 TERMINATION.—The Secretary shall make the
21 determination of a fishery resource disaster
22 based on the criteria for determinations listed
23 in paragraph (5).

24 “(D) NOTIFICATION.—Not later than 14
25 days after the conclusion of the review under

2021

1 this paragraph, the Secretary shall notify the
2 requester and the Governor of the affected
3 State or Indian Tribe representative of the de-
4 termination of the Secretary.

5 “(5) CRITERIA FOR DETERMINATIONS.—

6 “(A) IN GENERAL.—The Secretary shall
7 make a determination about whether a fishery
8 resource disaster has occurred, based on the
9 revenue loss thresholds under subparagraph
10 (B), and, if a fishery resource disaster has oc-
11 curred, whether the fishery resource disaster
12 was due to—

13 “(i) a natural cause;

14 “(ii) an anthropogenic cause;

15 “(iii) a combination of a natural cause
16 and an anthropogenic cause; or

17 “(iv) an undetermined cause.

18 “(B) REVENUE LOSS THRESHOLDS.—

19 “(i) IN GENERAL.—Based on the in-
20 formation provided or analyzed under
21 paragraph (4)(B), the Secretary shall
22 apply the following 12-month revenue loss
23 thresholds in determining whether a fish-
24 ery resource disaster has occurred:

2022

1 “(I) Losses greater than 80 per-
2 cent may result in a positive deter-
3 mination that a fishery resource dis-
4 aster has occurred, based on the infor-
5 mation provided or analyzed under
6 paragraph (4)(B).

7 “(II) Losses between 35 percent
8 and 80 percent shall be evaluated to
9 determine whether economic impacts
10 are severe enough to determine that a
11 fishery resource disaster has occurred.

12 “(III) Losses less than 35 per-
13 cent shall not be eligible for a deter-
14 mination that a fishery resource dis-
15 aster has occurred.

16 “(ii) CHARTER FISHING.—In making
17 a determination of whether a fishery re-
18 source disaster has occurred, the Secretary
19 shall consider the economic impacts to the
20 charter fishing industry to ensure financial
21 coverage for charter fishing businesses.

22 “(iii) NEGATIVE SUBSISTENCE IM-
23 PACTS.—In considering negative subsist-
24 ence impacts, the Secretary shall evaluate
25 the severity of negative impacts to the fish-

2023

1 ing community instead of applying the rev-
2 enue loss thresholds described in clause (i).

3 “(C) INELIGIBLE FISHERIES.—A fishery
4 subject to overfishing in any of the 3 years pre-
5 ceding the date of a determination under this
6 subsection is not eligible for a determination of
7 whether a fishery resource disaster has occurred
8 unless the Secretary determines that overfishing
9 was not a contributing factor to the fishery re-
10 source disaster.

11 “(D) EXCEPTIONAL CIRCUMSTANCES.—In
12 an exceptional circumstance where substantial
13 economic impacts to the affected fishery and
14 fishing community have been subject to a dis-
15 aster declaration under another statutory au-
16 thority, such as in the case of a natural disaster
17 or from the direct consequences of a Federal
18 action taken to prevent, or in response to, a
19 natural disaster for purposes of protecting life
20 and safety, the Secretary may determine a fish-
21 ery resource disaster has occurred without a re-
22 quest, notwithstanding the requirements under
23 subparagraph (B) and paragraph (3).

24 “(6) DISBURSAL OF APPROPRIATED FUNDS.—

2024

1 “(A) AUTHORIZATION.—The Secretary
2 shall allocate funds available under paragraph
3 (9) for fishery resource disasters.

4 “(B) ALLOCATION OF APPROPRIATED
5 FISHERY RESOURCE DISASTER ASSISTANCE.—

6 “(i) NOTIFICATION OF FUNDING
7 AVAILABILITY.—When there are appro-
8 priated funds for 1 or more fishery re-
9 source disasters, the Secretary shall no-
10 tify—

11 “(I) the public; and

12 “(II) representatives of affected
13 fishing communities with a positive
14 disaster determination that is un-
15 funded;

16 of the availability of funds, not more than
17 14 days after the date of the appropriation
18 or the determination of a fishery resource
19 disaster, whichever occurs later.

20 “(ii) EXTENSION OF DEADLINE.—The
21 Secretary may extend the deadline under
22 clause (i) by 90 days to evaluate and make
23 determinations on eligible requests.

24 “(C) CONSIDERATIONS.—In determining
25 the allocation of appropriations for a fishery re-

2025

1 source disaster, the Secretary shall consider
2 commercial, charter, headboat, or seafood proc-
3 essing revenue losses and negative impacts to
4 subsistence or Indian Tribe ceremonial fishing
5 opportunity, for the affected fishery, and may
6 consider the following factors:

7 “(i) Direct economic impacts.

8 “(ii) Uninsured losses.

9 “(iii) Losses of recreational fishing
10 opportunity.

11 “(iv) Aquaculture operations revenue
12 loss.

13 “(v) Direct revenue losses to a fishing
14 community.

15 “(vi) Treaty obligations.

16 “(vii) Other economic impacts.

17 “(D) SPEND PLANS.—To receive an alloca-
18 tion from funds available under paragraph (9),
19 a requester with an affirmative fishery resource
20 disaster determination shall submit a spend
21 plan to the Secretary, not more than 120 days
22 after receiving notification that funds are avail-
23 able, that shall include the following informa-
24 tion, if applicable:

2026

1 “(i) Objectives and outcomes, with an
2 emphasis on addressing the factors con-
3 tributing to the fishery resource disaster
4 and minimizing future uninsured losses, if
5 applicable.

6 “(ii) Statement of work.

7 “(iii) Budget details.

8 “(E) REGIONAL CONTACT.—If so re-
9 quested, the Secretary shall provide a regional
10 contact within the National Oceanic and Atmos-
11 pheric Administration to facilitate review of
12 spend plans and disbursement of funds.

13 “(F) DISBURSAL OF FUNDS.—

14 “(i) AVAILABILITY.—Funds shall be
15 made available to grantees not later than
16 90 days after the date the Secretary re-
17 ceives a complete spend plan.

18 “(ii) METHOD.—The Secretary may
19 provide an allocation of funds under this
20 subsection in the form of a grant, direct
21 payment, cooperative agreement, loan, or
22 contract.

23 “(iii) ELIGIBLE USES.—

24 “(I) IN GENERAL.—Funds allo-
25 cated for fishery resources disasters

2027

1 under this subsection shall restore the
2 fishery affected by such a disaster,
3 prevent a similar disaster in the fu-
4 ture, or assist the affected fishing
5 community, and shall prioritize the
6 following uses, which are not in order
7 of priority:

8 “(aa) Habitat conservation
9 and restoration and other activi-
10 ties, including scientific research,
11 that reduce adverse impacts to
12 the fishery or improve under-
13 standing of the affected species
14 or its ecosystem.

15 “(bb) The collection of fish-
16 ery information and other activi-
17 ties that improve management of
18 the affected fishery.

19 “(cc) In a commercial fish-
20 ery, capacity reduction and other
21 activities that improve manage-
22 ment of fishing effort, including
23 funds to offset budgetary costs to
24 refinance a Federal fishing ca-
25 pacity reduction loan or to repay

2028

1 the principal of a Federal fishing
2 capacity reduction loan.

3 “(dd) Developing, repairing,
4 or improving fishery-related pub-
5 lic infrastructure.

6 “(ee) Direct assistance to a
7 person, fishing community (in-
8 cluding assistance for lost fish-
9 eries resource levies), or a busi-
10 ness to alleviate economic loss in-
11 curred as a direct result of a
12 fishery resource disaster, particu-
13 larly when affected by a cir-
14 cumstance described in para-
15 graph (5)(D) or by negative im-
16 pacts to subsistence or Indian
17 Tribe ceremonial fishing oppor-
18 tunity.

19 “(ff) Hatcheries and stock
20 enhancement to help rebuild the
21 affected stock or offset fishing
22 pressure on the affected stock.

23 “(II) DISPLACED FISHERY EM-
24 PLOYEES.—Where appropriate, indi-
25 viduals carrying out the activities de-

2029

1 scribed in items (aa) through (dd) of
2 subclause (I) shall be individuals who
3 are, or were, employed in a commer-
4 cial, charter, or Indian Tribe fishery
5 for which the Secretary has deter-
6 mined that a fishery resource disaster
7 has occurred.

8 “(7) LIMITATIONS.—

9 “(A) FEDERAL SHARE.—

10 “(i) IN GENERAL.—Except as pro-
11 vided in clauses (ii) and (iii), the Federal
12 share of the cost of any activity carried out
13 under the authority of this subsection shall
14 not exceed 75 percent of the cost of that
15 activity.

16 “(ii) WAIVER.—The Secretary may
17 waive the non-Federal share requirements
18 of this subsection, if the Secretary deter-
19 mines that—

20 “(I) no reasonable means are
21 available through which the recipient
22 of the Federal share can meet the
23 non-Federal share requirement; and

24 “(II) the probable benefit of 100
25 percent Federal financing outweighs

2030

1 the public interest in imposition of the
2 non-Federal share requirement.

3 “(iii) EXCEPTION.—The Federal
4 share shall be equal to 100 percent in the
5 case of—

6 “(I) direct assistance as de-
7 scribed in paragraph (6)(F)(iii)(I)(ee);
8 or

9 “(II) assistance to subsistence or
10 Tribal fisheries.

11 “(B) LIMITATIONS ON ADMINISTRATIVE
12 EXPENSES.—

13 “(i) FEDERAL.—Not more than 3 per-
14 cent of the funds available under this sub-
15 section may be used for administrative ex-
16 penses by the National Oceanographic and
17 Atmospheric Administration.

18 “(ii) STATE GOVERNMENTS OR INDIAN
19 TRIBES.—Of the funds remaining after the
20 use described in clause (i), not more than
21 5 percent may be used by States, Indian
22 Tribes, or interstate marine fisheries com-
23 missions for administrative expenses.

24 “(C) FISHING CAPACITY REDUCTION PRO-
25 GRAM.—

2031

1 “(i) IN GENERAL.—No funds available
2 under this subsection may be used as part
3 of a fishing capacity reduction program in
4 a fishery unless the Secretary determines
5 that adequate conservation and manage-
6 ment measures are in place in such fishery.

7 “(ii) ASSISTANCE CONDITIONS.—As a
8 condition of providing assistance under
9 this subsection with respect to a vessel
10 under a fishing capacity reduction pro-
11 gram, the Secretary shall—

12 “(I) prohibit the vessel from
13 being used for fishing in Federal,
14 State, or international waters; and

15 “(II) require that the vessel be—

16 “(aa) scrapped or otherwise
17 disposed of in a manner approved
18 by the Secretary;

19 “(bb) donated to a nonprofit
20 organization and thereafter used
21 only for purposes of research,
22 education, or training; or

23 “(cc) used for another non-
24 fishing purpose provided the Sec-
25 retary determines that adequate

2032

1 measures are in place to ensure
2 that the vessel cannot reenter
3 any fishery anywhere in the
4 world.

5 “(D) NO FISHERY ENDORSEMENT.—

6 “(i) IN GENERAL.—A vessel that is
7 prohibited from fishing under subpara-
8 graph (C)(ii)(I) shall not be eligible for a
9 fishery endorsement under section
10 12113(a) of title 46, United States Code.

11 “(ii) NONEFFECTIVE.—A fishery en-
12 dorsement for a vessel described in clause
13 (i) shall not be effective.

14 “(iii) NO SALE.—A vessel described in
15 clause (i) shall not be sold to a foreign
16 owner or reflagged.

17 “(8) PUBLIC INFORMATION ON DATA COLLEC-
18 TION.—The Secretary shall make available and up-
19 date as appropriate, information on data collection
20 and submittal best practices for the information de-
21 scribed in paragraph (4)(B).

22 “(9) AUTHORIZATION OF APPROPRIATIONS.—
23 There are authorized to be appropriated to carry out
24 this subsection \$377,000,000 for the period of fiscal
25 years 2023 through 2027.”.

2033

1 **SEC. 203. MAGNUSON-STEVENSON FISHERY CONSERVATION**
2 **AND MANAGEMENT ACT.**

3 (a) REPEAL.—Section 315 of the Magnuson-Stevens
4 Fishery Conservation and Management Act (16 U.S.C.
5 1864) is repealed.

6 (b) REPORT.—Section 113(b)(2) of the Magnuson-
7 Stevens Fishery Conservation and Management Reauthor-
8 ization Act of 2006 (16 U.S.C. 460ss note) is amended—

9 (1) in the paragraph heading, by striking “AN-
10 NUAL REPORT” and inserting “REPORT”;

11 (2) in the matter preceding subparagraph (A),
12 by striking “Not later than 2 years after the date
13 of enactment of this Act, and annually thereafter”
14 and inserting “Not later than 2 years after the date
15 of enactment of the Fishery Resource Disasters Im-
16 provement Act, and biennially thereafter”; and

17 (3) in subparagraph (D), by striking “the cal-
18 endar year 2003” and inserting “the most recent”.

19 **SEC. 204. INTERJURISDICTIONAL FISHERIES ACT OF 1986.**

20 (a) REPEAL.—Section 308 of the Interjurisdictional
21 Fisheries Act of 1986 (16 U.S.C. 4107) is repealed.

22 (b) TECHNICAL EDIT.—Section 3(k)(1) of the Small
23 Business Act (15 U.S.C. 632(k)(1)) is amended by strik-
24 ing “(as determined by the Secretary of Commerce under
25 section 308(b) of the Interjurisdictional Fisheries Act of
26 1986)” and inserting “(as determined by the Secretary of

2034

1 Commerce under the Fishery Resource Disasters Improve-
2 ment Act)”.
3

3 **SEC. 205. BUDGET REQUESTS; REPORTS.**

4 (a) BUDGET REQUEST.—In the budget justification
5 materials submitted to Congress in support of the budget
6 of the Department of Commerce for each fiscal year (as
7 submitted with the budget of the President under section
8 1105(a) of title 31, United States Code), the Secretary
9 of Commerce shall include a separate statement of the
10 amount for each outstanding unfunded fishery resource
11 disasters.

12 (b) DRIFTNET ACT AMENDMENTS OF 1990 REPORT
13 AND BYCATCH REDUCTION AGREEMENTS.—

14 (1) IN GENERAL.—The Magnuson-Stevens
15 Fishery Conservation and Management Act (16
16 U.S.C. 1801 et seq.) is amended—

17 (A) in section 202(h), by striking para-
18 graph (3); and

19 (B) in section 206—

20 (i) by striking subsections (e) and (f);

21 and

22 (ii) by redesignating subsections (g)

23 and (h) as subsections (e) and (f), respec-

24 tively.

2035

1 (2) BIENNIAL REPORT ON INTERNATIONAL
2 COMPLIANCE.—Section 607 of the High Seas
3 Driftnet Fishing Moratorium Protection Act (16
4 U.S.C. 1826h) is amended—

5 (A) by inserting “(a) IN GENERAL.—” be-
6 fore “The Secretary” and indenting appro-
7 priately; and

8 (B) by adding at the end the following:

9 “(b) ADDITIONAL INFORMATION.—In addition to the
10 information described in paragraphs (1) through (5) of
11 subsection (a), the report shall include—

12 “(1) a description of the actions taken to carry
13 out the provisions of section 206 of the Magnuson-
14 Stevens Fishery Conservation and Management Act
15 (16 U.S.C. 1826), including—

16 “(A) an evaluation of the progress of those
17 efforts, the impacts on living marine resources,
18 including available observer data, and specific
19 plans for further action;

20 “(B) a list and description of any new fish-
21 eries developed by nations that conduct, or au-
22 thorize their nationals to conduct, large-scale
23 driftnet fishing beyond the exclusive economic
24 zone of any nation; and

2036

1 “(C) a list of the nations that conduct, or
2 authorize their nationals to conduct, large-scale
3 driftnet fishing beyond the exclusive economic
4 zone of any nation in a manner that diminishes
5 the effectiveness of or is inconsistent with any
6 international agreement governing large-scale
7 driftnet fishing to which the United States is a
8 party or otherwise subscribes; and

9 “(2) a description of the actions taken to carry
10 out the provisions of section 202(h) of the Magnu-
11 son-Stevens Fishery Conservation and Management
12 Act (16 U.S.C. 1822(h)).

13 “(c) CERTIFICATION.—If, at any time, the Secretary,
14 in consultation with the Secretary of State and the Sec-
15 retary of the department in which the Coast Guard is op-
16 erating, identifies any nation that warrants inclusion in
17 the list described under subsection (b)(1)(C), due to large
18 scale drift net fishing, the Secretary shall certify that fact
19 to the President. Such certification shall be deemed to be
20 a certification for the purposes of section 8(a) of the Fish-
21 ermen’s Protective Act of 1967 (22 U.S.C. 1978(a)).”.

2037

1 **TITLE III—ALASKA SALMON**
2 **RESEARCH TASK FORCE**

3 **SEC. 301. SHORT TITLE.**

4 This title may be cited as the “Alaska Salmon Re-
5 search Task Force Act”.

6 **SEC. 302. PURPOSES.**

7 The purposes of this title are—

8 (1) to ensure that Pacific salmon trends in
9 Alaska regarding productivity and abundance are
10 characterized and that research needs are identified;

11 (2) to prioritize scientific research needs for Pa-
12 cific salmon in Alaska;

13 (3) to address the increased variability or de-
14 cline in Pacific salmon returns in Alaska by creating
15 a coordinated salmon research strategy; and

16 (4) to support collaboration and coordination
17 for Pacific salmon conservation efforts in Alaska.

18 **SEC. 303. SENSE OF CONGRESS.**

19 It is the sense of Congress that—

20 (1) salmon are an essential part of Alaska’s
21 fisheries, including subsistence, commercial, and rec-
22 reational uses, and there is an urgent need to better
23 understand the freshwater and marine biology and
24 ecology of salmon, a migratory species that crosses
25 many borders, and for a coordinated salmon re-

2038

1 search strategy to address salmon returns that are
2 in decline or experiencing increased variability;

3 (2) salmon are an essential element for the
4 well-being and health of Alaskans; and

5 (3) there is a unique relationship between peo-
6 ple of Indigenous heritage and the salmon they rely
7 on for subsistence and traditional and cultural prac-
8 tices.

9 **SEC. 304. ALASKA SALMON RESEARCH TASK FORCE.**

10 (a) IN GENERAL.—Not later than 90 days after the
11 date of enactment of this Act, the Secretary of Commerce,
12 in consultation with the Governor of Alaska, shall convene
13 an Alaska Salmon Research Task Force (referred to in
14 this section as the “Research Task Force”) to—

15 (1) review existing Pacific salmon research in
16 Alaska;

17 (2) identify applied research needed to better
18 understand the increased variability and declining
19 salmon returns in some regions of Alaska; and

20 (3) support sustainable salmon runs in Alaska.

21 (b) COMPOSITION AND APPOINTMENT.—

22 (1) IN GENERAL.—The Research Task Force
23 shall be composed of not fewer than 13 and not
24 more than 19 members, who shall be appointed
25 under paragraphs (2) and (3).

2039

1 (2) APPOINTMENT BY SECRETARY.—The Sec-
2 retary of Commerce shall appoint members to the
3 Research Task Force as follows:

4 (A) One representative from each of the
5 following:

6 (i) The National Oceanic and Atmos-
7 pheric Administration who is knowledge-
8 able about salmon and salmon research ef-
9 forts in Alaska.

10 (ii) The North Pacific Fishery Man-
11 agement Council.

12 (iii) The United States section of the
13 Pacific Salmon Commission.

14 (B) Not less than 2 and not more than 5
15 representatives from each of the following cat-
16 egories, at least 2 of whom shall represent Alas-
17 ka Natives who possess personal knowledge of,
18 and direct experience with, subsistence uses in
19 rural Alaska, to be appointed with due regard
20 to differences in regional perspectives and expe-
21 rience:

22 (i) Residents of Alaska who possess
23 personal knowledge of, and direct experi-
24 ence with, subsistence uses in rural Alaska.

2040

1 (ii) Alaska fishing industry represent-
2 atives throughout the salmon supply chain,
3 including from—

4 (I) directed commercial fishing;

5 (II) recreational fishing;

6 (III) charter fishing;

7 (IV) seafood processors;

8 (V) salmon prohibited species
9 catch (bycatch) users; or

10 (VI) hatcheries.

11 (C) 5 representatives who are academic ex-
12 perts in salmon biology, salmon ecology (marine
13 and freshwater), salmon habitat restoration and
14 conservation, or comprehensive marine research
15 planning in the North Pacific.

16 (3) APPOINTMENT BY THE GOVERNOR OF ALAS-
17 KA.—The Governor of Alaska shall appoint to the
18 Research Task Force one representative from the
19 State of Alaska who is knowledgeable about the
20 State of Alaska’s salmon research efforts.

21 (c) DUTIES.—

22 (1) REVIEW.—The Research Task Force
23 shall—

2041

- 1 (A) conduct a review of Pacific salmon
2 science relevant to understanding salmon re-
3 turns in Alaska, including an examination of—
- 4 (i) traditional ecological knowledge of
5 salmon populations and their ecosystems;
- 6 (ii) marine carrying capacity and den-
7 sity dependent constraints, including an
8 examination of interactions with other
9 salmon species, and with forage base in
10 marine ecosystems;
- 11 (iii) life-cycle and stage-specific mor-
12 tality;
- 13 (iv) genetic sampling and categoriza-
14 tion of population structure within salmon
15 species in Alaska;
- 16 (v) methods for predicting run-timing
17 and stock sizes;
- 18 (vi) oceanographic models that provide
19 insight into stock distribution, growth, and
20 survival;
- 21 (vii) freshwater, estuarine, and marine
22 processes that affect survival of smolts;
- 23 (viii) climate effects on freshwater and
24 marine habitats;

2042

1 (ix) predator/prey interactions be-
2 tween salmon and marine mammals or
3 other predators; and

4 (x) salmon productivity trends in
5 other regions, both domestic and inter-
6 national, that put Alaska salmon popu-
7 lations in a broader geographic context;
8 and

9 (B) identify scientific research gaps in un-
10 derstanding the Pacific salmon life cycle in
11 Alaska.

12 (2) REPORT.—Not later than 1 year after the
13 date the Research Task Force is convened, the Re-
14 search Task Force shall submit to the Secretary of
15 Commerce, the Committee on Commerce, Science,
16 and Transportation of the Senate, the Committee on
17 Environment and Public Works of the Senate, the
18 Subcommittee on Commerce, Justice, Science, and
19 Related Agencies of the Committee on Appropria-
20 tions of the Senate, the Committee on Natural Re-
21 sources of the House of Representatives, the Sub-
22 committee on Commerce, Justice, Science, and Re-
23 lated Agencies of the Committee on Appropriations
24 of the House of Representatives, and the Alaska

2043

1 State Legislature, and make publicly available, a re-
2 port—

3 (A) describing the review conducted under
4 paragraph (1); and

5 (B) that includes—

6 (i) recommendations on filling knowl-
7 edge gaps that warrant further scientific
8 inquiry; and

9 (ii) findings from the reports of work
10 groups submitted under subsection
11 (d)(2)(C).

12 (d) ADMINISTRATIVE MATTERS.—

13 (1) CHAIRPERSON AND VICE CHAIRPERSON.—

14 The Research Task Force shall select a Chair and
15 Vice Chair by vote from among the members of the
16 Research Task Force.

17 (2) WORK GROUPS.—

18 (A) IN GENERAL.—The Research Task
19 Force—

20 (i) not later than 30 days after the
21 date of the establishment of the Research
22 Task Force, shall establish a work group
23 focused specifically on the research needs
24 associated with salmon returns in the AYK

2044

1 (Arctic-Yukon-Kuskokwim) regions of
2 Western Alaska; and

3 (ii) may establish additional regionally
4 or stock focused work groups within the
5 Research Task Force, as members deter-
6 mine appropriate.

7 (B) COMPOSITION.—Each work group es-
8 tablished under this subsection shall—

9 (i) consist of not less than 5 individ-
10 uals who—

11 (I) are knowledgeable about the
12 stock or region under consideration;
13 and

14 (II) need not be members of the
15 Research Task Force; and

16 (ii) be balanced in terms of stake-
17 holder representation, including commer-
18 cial, recreational, and subsistence fisheries,
19 as well as experts in statistical, biological,
20 economic, social, or other scientific infor-
21 mation as relevant to the work group's
22 focus.

23 (C) REPORTS.—Not later than 9 months
24 after the date the Research Task Force is con-
25 vened, each work group established under this

2045

1 subsection shall submit a report with the work
2 group’s findings to the Research Task Force.

3 (3) COMPENSATION.—Each member of the Re-
4 search Task Force shall serve without compensation.

5 (4) ADMINISTRATIVE SUPPORT.—The Secretary
6 of Commerce shall provide such administrative sup-
7 port as is necessary for the Research Task Force
8 and its work groups to carry out their duties, which
9 may include support for virtual or in-person partici-
10 pation and travel expenses.

11 (e) FEDERAL ADVISORY COMMITTEE ACT.—The
12 Federal Advisory Committee Act (5 U.S.C. App.) shall not
13 apply to the Research Task Force.

14 **SEC. 305. DEFINITION OF PACIFIC SALMON.**

15 In this title, the term “Pacific salmon” means salmon
16 that originates in Alaskan waters.

17 **TITLE IV—IUU TECHNICAL**
18 **CORRECTIONS**

19 **SEC. 401. IUU TECHNICAL CORRECTIONS.**

20 The High Seas Driftnet Fishing Moratorium Protec-
21 tion Act (16 U.S.C. 1826d et seq.) is amended—

22 (1) in section 609—

23 (A) by striking subsection (e); and

24 (B) by redesignating subsections (f) and

25 (g) as subsections (e) and (f), respectively; and

2046

1 (2) in section 610—

2 (A) in subsection (b)—

3 (i) in paragraph (2), by inserting
4 “and” after the semicolon;

5 (ii) by striking paragraph (3); and

6 (iii) by redesignating paragraph (4) as
7 paragraph (3); and

8 (B) in subsection (c)(4)—

9 (i) in subparagraph (A), by inserting
10 “and” after the semicolon;

11 (ii) in subparagraph (B), by striking
12 “; and” and inserting a period; and

13 (iii) by striking subparagraph (C).

14 **DIVISION T—SECURE 2.0 ACT OF**
15 **2022**

16 **SEC. 1. SHORT TITLE; ETC.**

17 (a) **SHORT TITLE.**—This division may be cited as the
18 “SECURE 2.0 Act of 2022”.

19 (b) **AMENDMENT OF 1986 CODE.**—Except as other-
20 wise expressly provided, whenever in this division an
21 amendment or repeal is expressed in terms of an amend-
22 ment to, or repeal of, a section or other provision, the ref-
23 erence shall be considered to be made to a section or other
24 provision of the Internal Revenue Code of 1986.

2047

1 **TITLE I—EXPANDING COVERAGE**
2 **AND INCREASING RETIRE-**
3 **MENT SAVINGS**

4 **SEC. 101. EXPANDING AUTOMATIC ENROLLMENT IN RE-**
5 **TIREMENT PLANS.**

6 (a) IN GENERAL.—Subpart B of part I of subchapter
7 D of chapter 1 is amended by inserting after section 414
8 the following new section:

9 **“SEC. 414A. REQUIREMENTS RELATED TO AUTOMATIC EN-**
10 **ROLLMENT.**

11 “(a) IN GENERAL.—Except as otherwise provided in
12 this section—

13 “(1) an arrangement shall not be treated as a
14 qualified cash or deferred arrangement described in
15 section 401(k) unless such arrangement meets the
16 automatic enrollment requirements of subsection (b),
17 and

18 “(2) an annuity contract otherwise described in
19 section 403(b) which is purchased under a salary re-
20 duction agreement shall not be treated as described
21 in such section unless such agreement meets the
22 automatic enrollment requirements of subsection (b).

23 “(b) AUTOMATIC ENROLLMENT REQUIREMENTS.—

24 “(1) IN GENERAL.—An arrangement or agree-
25 ment meets the requirements of this subsection if

1 such arrangement or agreement is an eligible auto-
2 matic contribution arrangement (as defined in sec-
3 tion 414(w)(3)) which meets the requirements of
4 paragraphs (2) through (4).

5 “(2) ALLOWANCE OF PERMISSIBLE WITH-
6 DRAWALS.—An eligible automatic contribution ar-
7 rangement meets the requirements of this paragraph
8 if such arrangement allows employees to make per-
9 missible withdrawals (as defined in section
10 414(w)(2)).

11 “(3) MINIMUM CONTRIBUTION PERCENTAGE.—

12 “(A) IN GENERAL.—An eligible automatic
13 contribution arrangement meets the require-
14 ments of this paragraph if—

15 “(i) the uniform percentage of com-
16 pensation contributed by the participant
17 under such arrangement during the first
18 year of participation is not less than 3 per-
19 cent and not more than 10 percent (unless
20 the participant specifically elects not to
21 have such contributions made or to have
22 such contributions made at a different per-
23 centage), and

24 “(ii) effective for the first day of each
25 plan year starting after each completed

2049

1 year of participation under such arrange-
2 ment such uniform percentage is increased
3 by 1 percentage point (to at least 10 per-
4 cent, but not more than 15 percent) unless
5 the participant specifically elects not to
6 have such contributions made or to have
7 such contributions made at a different per-
8 centage.

9 “(B) INITIAL REDUCED CEILING FOR CER-
10 TAIN PLANS.—In the case of any eligible auto-
11 matic contribution arrangement (other than an
12 arrangement that meets the requirements of
13 paragraph (12) or (13) of section 401(k)), for
14 plan years ending before January 1, 2025, sub-
15 paragraph (A)(ii) shall be applied by sub-
16 stituting ‘10 percent’ for ‘15 percent’.

17 “(4) INVESTMENT REQUIREMENTS.—An eligible
18 automatic contribution arrangement meets the re-
19 quirements of this paragraph if amounts contributed
20 pursuant to such arrangement, and for which no in-
21 vestment is elected by the participant, are invested
22 in accordance with the requirements of section
23 2550.404c-5 of title 29, Code of Federal Regulations
24 (or any successor regulations).

25 “(c) EXCEPTIONS.—For purposes of this section—

2050

1 “(1) SIMPLE PLANS.—Subsection (a) shall not
2 apply to any simple plan (within the meaning of sec-
3 tion 401(k)(11)).

4 “(2) EXCEPTION FOR PLANS OR ARRANGE-
5 MENTS ESTABLISHED BEFORE ENACTMENT OF SEC-
6 TION.—

7 “(A) IN GENERAL.—Subsection (a) shall
8 not apply to—

9 “(i) any qualified cash or deferred ar-
10 rangement established before the date of
11 the enactment of this section, or

12 “(ii) any annuity contract purchased
13 under a plan established before the date of
14 the enactment of this section.

15 “(B) POST-ENACTMENT ADOPTION OF
16 MULTIPLE EMPLOYER PLAN.—Subparagraph
17 (A) shall not apply in the case of an employer
18 adopting after such date of enactment a plan
19 maintained by more than one employer, and
20 subsection (a) shall apply with respect to such
21 employer as if such plan were a single plan.

22 “(3) EXCEPTION FOR GOVERNMENTAL AND
23 CHURCH PLANS.—Subsection (a) shall not apply to
24 any governmental plan (within the meaning of sec-

2051

1 tion 414(d)) or any church plan (within the meaning
2 of section 414(e)).

3 “(4) EXCEPTION FOR NEW AND SMALL BUSI-
4 NESSES.—

5 “(A) NEW BUSINESS.—Subsection (a)
6 shall not apply to any qualified cash or deferred
7 arrangement, or any annuity contract pur-
8 chased under a plan, while the employer main-
9 taining such plan (and any predecessor em-
10 ployer) has been in existence for less than 3
11 years.

12 “(B) SMALL BUSINESSES.—Subsection (a)
13 shall not apply to any qualified cash or deferred
14 arrangement, or any annuity contract pur-
15 chased under a plan, earlier than the date that
16 is 1 year after the close of the first taxable year
17 with respect to which the employer maintaining
18 the plan normally employed more than 10 em-
19 ployees.

20 “(C) TREATMENT OF MULTIPLE EM-
21 PLOYER PLANS.—In the case of a plan main-
22 tained by more than 1 employer, subparagraphs
23 (A) and (B) shall be applied separately with re-
24 spect to each such employer, and all such em-
25 ployers to which subsection (a) applies (after

2052

1 the application of this paragraph) shall be
2 treated as maintaining a separate plan for pur-
3 poses of this section.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 for subpart B of part I of subchapter D of chapter 1 is
6 amended by inserting after the item relating to section
7 414 the following new item:

“Sec. 414A. Requirements related to automatic enrollment.”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall apply to plan years beginning after De-
10 cember 31, 2024.

11 **SEC. 102. MODIFICATION OF CREDIT FOR SMALL EM-**
12 **PLOYER PENSION PLAN STARTUP COSTS.**

13 (a) INCREASE IN CREDIT PERCENTAGE FOR SMALL-
14 ER EMPLOYERS.—Section 45E(e) of is amended by adding
15 at the end the following new paragraph:

16 “(4) INCREASED CREDIT FOR CERTAIN SMALL
17 EMPLOYERS.—In the case of an employer which
18 would be an eligible employer under subsection (c) if
19 section 408(p)(2)(C)(i) was applied by substituting
20 ‘50 employees’ for ‘100 employees’, subsection (a)
21 shall be applied by substituting ‘100 percent’ for ‘50
22 percent’.”.

23 (b) ADDITIONAL CREDIT FOR EMPLOYER CONTRIBU-
24 TIONS BY CERTAIN SMALL EMPLOYERS.—Section 45E, as

1 amended by subsection (a), is amended by adding at the
2 end the following new subsection:

3 “(f) ADDITIONAL CREDIT FOR EMPLOYER CON-
4 TRIBUTIONS BY CERTAIN ELIGIBLE EMPLOYERS.—

5 “(1) IN GENERAL.—In the case of an eligible
6 employer, the credit allowed for the taxable year
7 under subsection (a) (determined without regard to
8 this subsection) shall be increased by an amount
9 equal to the applicable percentage of employer con-
10 tributions (other than any elective deferrals (as de-
11 fined in section 402(g)(3)) by the employer to an eli-
12 gible employer plan (other than a defined benefit
13 plan (as defined in section 414(j))).

14 “(2) LIMITATIONS.—

15 “(A) DOLLAR LIMITATION.—The amount
16 determined under paragraph (1) (before the ap-
17 plication of subparagraph (B)) with respect to
18 any employee of the employer shall not exceed
19 \$1,000.

20 “(B) CREDIT PHASE-IN.—In the case of
21 any eligible employer which had for the pre-
22 ceding taxable year more than 50 employees,
23 the amount determined under paragraph (1)
24 (without regard to this subparagraph) shall be

2054

1 reduced by an amount equal to the product
2 of—

3 “(i) the amount otherwise so deter-
4 mined under paragraph (1), multiplied by

5 “(ii) a percentage equal to 2 percent-
6 age points for each employee of the em-
7 ployer for the preceding taxable year in ex-
8 cess of 50 employees.

9 “(C) WAGE LIMITATION.—

10 “(i) IN GENERAL.—No contributions
11 with respect to any employee who receives
12 wages from the employer for the taxable
13 year in excess of \$100,000 may be taken
14 into account for such taxable year under
15 subparagraph (A).

16 “(ii) WAGES.—For purposes of the
17 preceding sentence, the term ‘wages’ has
18 the meaning given such term by section
19 3121(a).

20 “(iii) INFLATION ADJUSTMENT.—In
21 the case of any taxable year beginning in
22 a calendar year after 2023, the \$100,000
23 amount under clause (i) shall be increased
24 by an amount equal to—

2055

1 “(I) such dollar amount, multi-
2 plied by

3 “(II) the cost-of-living adjust-
4 ment determined under section 1(f)(3)
5 for the calendar year in which the tax-
6 able year begins, determined by sub-
7 stituting ‘calendar year 2007’ for ‘cal-
8 endar year 2016’ in subparagraph
9 (A)(ii) thereof.

10 If any amount as adjusted under this
11 clause is not a multiple of \$5,000, such
12 amount shall be rounded to the next lowest
13 multiple of \$5,000.

14 “(3) APPLICABLE PERCENTAGE.—For purposes
15 of this section, the applicable percentage for the tax-
16 able year during which the eligible employer plan is
17 established with respect to the eligible employer shall
18 be 100 percent, and for taxable years thereafter
19 shall be determined under the following table:

“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:

1st	100%
2nd	75%
3rd	50%
4th	25%
Any taxable year thereafter	0%

2056

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
5 be determined under the rules of subsection (c), ex-
6 cept that paragraph (2) thereof shall only apply to
7 the taxable year during which the eligible employer
8 plan to which this section applies is established with
9 respect 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 de-
13 duction 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
21 which is equal to so much of the credit increase
22 determined under subsection (f) as is properly
23 allocable to such contributions.”.

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

4 **SEC. 103. SAVER'S MATCH.**

5 (a) IN GENERAL.—Subchapter B of chapter 65 is
6 amended by adding at the end the following new section:

7 **“SEC. 6433. SAVER'S MATCH.**

8 “(a) IN GENERAL.—

9 “(1) ALLOWANCE OF MATCH.—Any eligible in-
10 dividual who makes qualified retirement savings con-
11 tributions for the taxable year shall be allowed a
12 matching contribution for such taxable year in an
13 amount equal to the applicable percentage of so
14 much of the qualified retirement savings contribu-
15 tions made by such eligible individual for the taxable
16 year as does not exceed \$2,000.

17 “(2) PAYMENT OF MATCH.—

18 “(A) IN GENERAL.—Except as provided in
19 subparagraph (B), the matching contribution
20 under this section shall be allowed as a credit
21 which shall be payable by the Secretary as a
22 contribution (as soon as practicable after the el-
23 igible individual has filed a tax return making
24 a claim for such matching contribution for the

1 taxable year) to the applicable retirement sav-
2 ings vehicle of the eligible individual.

3 “(B) EXCEPTION.—In the case of an eligi-
4 ble individual who elects the application of this
5 subparagraph and with respect to whom the
6 matching contribution determined under para-
7 graph (1) is greater than zero but less than
8 \$100 for the taxable year, subparagraph (A)
9 shall not apply and such matching contribution
10 shall be treated as a credit allowed by subpart
11 C of part IV of subchapter A of chapter 1.

12 “(b) APPLICABLE PERCENTAGE.—For purposes of
13 this section—

14 “(1) IN GENERAL.—Except as provided in para-
15 graph (2), the applicable percentage is 50 percent.

16 “(2) PHASEOUT.—The percentage under para-
17 graph (1) shall be reduced (but not below zero) by
18 the number of percentage points which bears the
19 same ratio to 50 percentage points as—

20 “(A) the excess of—

21 “(i) the taxpayer’s modified adjusted
22 gross income for such taxable year, over

23 “(ii) the applicable dollar amount,
24 bears to

25 “(B) the phaseout range.

2059

1 If any reduction determined under this paragraph is
2 not a whole percentage point, such reduction shall be
3 rounded to the next lowest whole percentage point.

4 “(3) APPLICABLE DOLLAR AMOUNT; PHASEOUT
5 RANGE.—

6 “(A) JOINT RETURNS AND SURVIVING
7 SPOUSES.—Except as provided in subparagraph
8 (B)—

9 “(i) the applicable dollar amount is
10 \$41,000, and

11 “(ii) the phaseout range is \$30,000.

12 “(B) OTHER RETURNS.—In the case of—

13 “(i) a head of a household (as defined
14 in section 2(b)), the applicable dollar
15 amount and the phaseout range shall be $\frac{3}{4}$
16 of the amounts applicable under subpara-
17 graph (A) (as adjusted under subsection
18 (h)), and

19 “(ii) any taxpayer who is not filing a
20 joint return, who is not a head of a house-
21 hold (as so defined), and who is not a sur-
22 viving spouse (as defined in section 2(a)),
23 the applicable dollar amount and the
24 phaseout range shall be $\frac{1}{2}$ of the amounts

2060

1 applicable under subparagraph (A) (as so
2 adjusted).

3 “(c) ELIGIBLE INDIVIDUAL.—For purposes of this
4 section—

5 “(1) IN GENERAL.—The term ‘eligible indi-
6 vidual’ means any individual if such individual has
7 attained the age of 18 as of the close of the taxable
8 year.

9 “(2) DEPENDENTS AND FULL-TIME STUDENTS
10 NOT ELIGIBLE.—The term ‘eligible individual’ shall
11 not include—

12 “(A) any individual with respect to whom
13 a deduction under section 151 is allowed to an-
14 other taxpayer for a taxable year beginning in
15 the calendar year in which such individual’s
16 taxable year begins, and

17 “(B) any individual who is a student (as
18 defined in section 152(f)(2)).

19 “(3) NONRESIDENT ALIENS NOT ELIGIBLE.—
20 The term ‘eligible individual’ shall not include any
21 individual who is a nonresident alien individual for
22 any portion of the taxable year unless such indi-
23 vidual is treated for such taxable year as a resident
24 of the United States for purposes of chapter 1 by

2061

1 reason of an election under subsection (g) or (h) of
2 section 6013.

3 “(d) QUALIFIED RETIREMENT SAVINGS CONTRIBU-
4 TIONS.—For purposes of this section—

5 “(1) IN GENERAL.—The term ‘qualified retire-
6 ment savings contributions’ means, with respect to
7 any taxable year, the sum of—

8 “(A) the amount of the qualified retire-
9 ment contributions (as defined in section
10 219(e)) made by the eligible individual,

11 “(B) the amount of—

12 “(i) any elective deferrals (as defined
13 in section 402(g)(3)) of such individual,
14 and

15 “(ii) any elective deferral of com-
16 pensation by such individual under an eli-
17 gible deferred compensation plan (as de-
18 fined in section 457(b)) of an eligible em-
19 ployer described in section 457(e)(1)(A),
20 and

21 “(C) the amount of voluntary employee
22 contributions 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).

2063

1 “(i) any distribution referred to in
2 section 72(p), 401(k)(8), 401(m)(6),
3 402(g)(2), 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(e), 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
16 an individual under subparagraph (A) for any
17 taxable year, any distribution received by the
18 spouse of such individual shall be treated as re-
19 ceived by such individual if such individual and
20 spouse file a joint return for such taxable year
21 and for the taxable year during which the
22 spouse receives the distribution.

23 “(e) APPLICABLE RETIREMENT SAVINGS VEHI-
24 CLE.—

2064

1 “(1) IN GENERAL.—The term ‘applicable retire-
2 ment savings vehicle’ means an account or plan
3 elected by the eligible individual under paragraph
4 (2).

5 “(2) ELECTION.—Any such election to have
6 contributed the amount determined under subsection
7 (a) shall be to an account or plan which—

8 “(A) is—

9 “(i) the portion of a plan which—

10 “(I) is described in clause (v) of
11 section 402(e)(8)(B), is a qualified
12 cash or deferred arrangement (within
13 the meaning of section 401(k)), or is
14 an annuity contract described in sec-
15 tion 403(b) which is purchased under
16 a salary reduction agreement, and

17 “(II) does not consist of a quali-
18 fied Roth contribution program (as
19 defined in section 402A(b)), or

20 “(ii) an individual retirement plan
21 which is not a Roth IRA,

22 “(B) is for the benefit of the eligible indi-
23 vidual,

24 “(C) accepts contributions made under this
25 section, and

2065

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.—

6 For purposes of this section, the term ‘modified ad-
7 justed 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
13 the 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,

2066

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
6 for 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.—
14 A plan or arrangement to which a contribution is
15 made under this section shall not be treated as vio-
16 lating any requirement under section 401, 403, 408,
17 or 457 solely by reason of accepting such contribu-
18 tion.

19 “(4) ERRONEOUS MATCHING CONTRIBU-
20 TIONS.—

21 “(A) IN GENERAL.—If any contribution is
22 erroneously paid under subsection (a)(2), in-
23 cluding a payment that is not made to an appli-
24 cable retirement savings vehicle, the amount of
25 such erroneous payment shall be treated as an

2067

1 underpayment of tax (other than for purposes
2 of part II of subchapter A of chapter 68) for
3 the taxable year in which the Secretary deter-
4 mines the payment is erroneous.

5 “(B) DISTRIBUTION OF ERRONEOUS
6 MATCHING CONTRIBUTIONS.—In the case of a
7 contribution to which subparagraph (A) ap-
8 plies—

9 “(i) section 402(a), 403(a)(1),
10 403(b)(1), 408(d)(1), or 457(a)(1), which-
11 ever is applicable, shall not apply to any
12 distribution of such contribution, and sec-
13 tion 72(t) shall not apply to the distribu-
14 tion of such contribution or any income at-
15 tributable thereto, if such distribution is
16 received not later than the day prescribed
17 by law (including extensions of time) for
18 filing the individual’s return for such tax-
19 able year, and

20 “(ii) any plan or arrangement from
21 which such a distribution is made under
22 this subparagraph shall not be treated as
23 violating any requirement under section
24 401, 403, or 457 solely by reason of mak-
25 ing such distribution.

1 “(5) EXCEPTION FROM REDUCTION OR OFF-
2 SET.—Any payment made to any individual under
3 this section shall not be—

4 “(A) subject to reduction or offset pursu-
5 ant to subsection (c), (d), (e), or (f) of section
6 6402 or any similar authority permitting offset,
7 or

8 “(B) reduced or offset by other assessed
9 Federal taxes that would otherwise be subject
10 to levy or collection.

11 “(6) SAVER’S MATCH RECOVERY PAYMENTS.—

12 “(A) IN GENERAL.—In the case of an ap-
13 plicable retirement savings vehicle to which con-
14 tributions have been made under subsection
15 (a)(2), and from which a specified early dis-
16 tribution has been made during the taxable
17 year, if the aggregate amount of such contribu-
18 tions exceeds the account balance of such sav-
19 ings vehicle at the end of the such taxable year,
20 the tax imposed by chapter 1 shall be increased
21 by an amount equal to such excess (reduced by
22 the amount by which the tax under such chap-
23 ter was increased under section 72(t)(1) with
24 respect to such distribution).

2069

1 “(B) SPECIFIED EARLY DISTRIBUTION.—

2 For purposes of this paragraph, the term ‘spec-

3 ified early distribution’ means any portion of a

4 distribution—

5 “(i) which is from such applicable re-

6 tirement savings vehicle to which a con-

7 tribution has been made under subsection

8 (a)(2),

9 “(ii) which is includible in gross in-

10 come, and

11 “(iii) to which 72(t)(1) applies.

12 “(C) EXCESS MAY BE REPAID.—

13 “(i) IN GENERAL.—The increase in

14 tax for any taxable year under subpara-

15 graph (A) shall be reduced (but not below

16 zero) by so much of such specified early

17 distribution as the individual elects to con-

18 tribute to an applicable retirement savings

19 vehicle not later than the day prescribed by

20 law (including extensions of time) for filing

21 such individual’s return for such taxable

22 year.

23 “(ii) CONTRIBUTION OF EXCESS.—

24 Any individual who elects to contribute an

25 amount under clause (i) may make one or

2070

1 more contributions in an aggregate amount
2 not to exceed the amount of the specified
3 early distribution to which the election re-
4 lates to an applicable retirement savings
5 vehicle and to which a rollover contribution
6 of such distribution could be made under
7 section 402(c), 403(b)(8), 408(d)(3), or
8 457(e)(16), as the case may be.

9 “(iii) LIMITATION ON CONTRIBUTIONS
10 TO APPLICABLE RETIREMENT SAVINGS VE-
11 HICLE OTHER THAN IRAS.—The aggregate
12 amount of contributions made by an indi-
13 vidual under clause (ii) to any applicable
14 savings retirement vehicle which is not an
15 individual retirement plan shall not exceed
16 the aggregate amount of specified early re-
17 tirement distributions which are made
18 from such savings retirement vehicle to
19 such individual. Clause (ii) shall not apply
20 to contributions to any applicable retire-
21 ment savings vehicle which is not an indi-
22 vidual retirement plan unless the individual
23 is eligible to make contributions (other
24 than those described in clause (ii)) to such
25 retirement savings vehicle.

2071

1 “(iv) TREATMENT OF REPAYMENTS
2 OF DISTRIBUTIONS FROM APPLICABLE ELI-
3 GIBLE RETIREMENT PLANS OTHER THAN
4 IRAS.—If a contribution is made under
5 clause (ii) with respect to a specified early
6 distribution from an applicable savings re-
7 tirement vehicle other than an individual
8 retirement plan, then the taxpayer shall, to
9 the extent of the amount of the contribu-
10 tion, be treated as having received such
11 distribution in an eligible rollover distribu-
12 tion (as defined in section 402(c)(4)) and
13 as having transferred the amount to the
14 savings retirement vehicle in a direct trust-
15 ee to trustee transfer within 60 days of the
16 distribution.

17 “(v) TREATMENT OF REPAYMENTS
18 FOR DISTRIBUTIONS FROM IRAS.—If a con-
19 tribution is made under clause (ii) with re-
20 spect to a specified early distribution from
21 an individual retirement plan, then, to the
22 extent of the amount of the contribution,
23 such distribution shall be treated as a dis-
24 tribution described in section 408(d)(3)
25 and as having been transferred to the ap-

2072

1 plicable retirement savings vehicle in a di-
2 rect trustee to trustee transfer within 60
3 days of the distribution.

4 “(D) RULES TO ACCOUNT FOR INVEST-
5 MENT LOSS.—The Secretary shall prescribe
6 such rules as may be appropriate to reduce any
7 increase in tax otherwise made under subpara-
8 graph (A) to properly account for the extent to
9 which any portion of the excess described in
10 such subparagraph is allocable to investment
11 loss in the retirement savings vehicle.

12 “(g) PROVISION BY SECRETARY OF INFORMATION
13 RELATING TO CONTRIBUTIONS.—In the case of an
14 amount elected by an eligible individual to be contributed
15 to an account or plan under subsection (e)(2), the Sec-
16 retary shall provide general guidance applicable to the cus-
17 todian of the account or the plan sponsor, as the case may
18 be, detailing the treatment of such contribution under sub-
19 section (f)(2) and the reporting requirements with respect
20 to such contribution under section 6058, particularly as
21 such requirements are modified pursuant to section
22 102(c)(2) of the SECURE 2.0 Act of 2022.

23 “(h) INFLATION ADJUSTMENTS.—

24 “(1) IN GENERAL.—In the case of any taxable
25 year beginning in a calendar year after 2027, the

2073

1 \$41,000 amount in subsection (b)(3)(A)(i) shall be
2 increased by an amount equal to—

3 “(A) such dollar amount, multiplied by

4 “(B) the cost-of-living adjustment deter-
5 mined under section 1(f)(3) for the calendar
6 year in which the taxable year begins, deter-
7 mined by substituting ‘calendar year 2026’ for
8 ‘calendar year 2016’ in subparagraph (A)(ii)
9 thereof.

10 “(2) ROUNDING.—Any increase determined
11 under paragraph (1) shall be rounded to the nearest
12 multiple of \$1,000.”.

13 (b) TREATMENT OF CERTAIN POSSESSIONS.—

14 (1) PAYMENTS TO POSSESSIONS WITH MIRROR
15 CODE TAX SYSTEMS.—The Secretary of the Treas-
16 ury shall pay to each possession of the United States
17 which has a mirror code tax system amounts equal
18 to the loss (if any) to that possession by reason of
19 the amendments made by this section. Such
20 amounts shall be determined by the Secretary of the
21 Treasury based on information provided by the gov-
22 ernment of the respective possession.

23 (2) PAYMENTS TO OTHER POSSESSIONS.—The
24 Secretary of the Treasury shall pay to each posses-
25 sion of the United States which does not have a mir-

2074

1 ror code tax system amounts estimated by the Sec-
2 retary of the Treasury as being equal to the aggre-
3 gate benefits (if any) that would have been provided
4 to eligible residents of such possession by reason of
5 the amendments made by this section if a mirror
6 code tax system had been in effect in such posses-
7 sion. The preceding sentence shall not apply unless
8 the respective possession has a process, which has
9 been approved by the Secretary of the Treasury,
10 under which such possession promptly transfers the
11 payments directly on behalf of eligible residents to a
12 retirement savings vehicle established under the laws
13 of such possession or the United States that is sub-
14 stantially similar to a plan, or is a plan, described
15 in clause (iii), (iv), (v), or (vi) of section
16 402(c)(8)(B) of the Internal Revenue Code of 1986
17 or an individual retirement plan, and the restrictions
18 on distributions from such retirement savings vehicle
19 are substantially similar to the provisions of section
20 6433(d)(2) of such Code (as added by this section).

21 (3) COORDINATION WITH UNITED STATES
22 SAVER'S MATCH.—No matching contribution shall be
23 allowed under section 6433 of the Internal Revenue
24 Code of 1986 (as added by this section) to any per-
25 son—

2075

1 (A) to whom a matching contribution is
2 paid by the possession by reason of the amend-
3 ments made by this section, or

4 (B) who is eligible for a payment under a
5 plan described in paragraph (2).

6 (4) MIRROR CODE TAX SYSTEM.—For purposes
7 of this subsection, the term “mirror code tax sys-
8 tem” means, with respect to any possession of the
9 United States, the income tax system of such posses-
10 sion if the income tax liability of the residents of
11 such possession under such system is determined by
12 reference to the income tax laws of the United
13 States as if such possession were the United States.

14 (5) TREATMENT OF PAYMENTS.—For purposes
15 of section 1324 of title 31, United States Code, the
16 payments under this subsection shall be treated in
17 the same manner as a refund due from a credit pro-
18 vision referred to in subsection (b)(2) of such sec-
19 tion.

20 (c) ADMINISTRATIVE PROVISIONS.—

21 (1) DEFICIENCIES.—Section 6211(b)(4) is
22 amended by striking “and 7527A” and inserting
23 “7527A, and 6433”.

24 (2) REPORTING.—The Secretary of the Treas-
25 ury shall amend the forms relating to reports re-

2076

1 required under section 6058 of the Internal Revenue
2 Code of 1986 to require—

3 (A) separate reporting of the aggregate
4 amount of contributions received by the plan
5 during the year under section 6433 of the In-
6 ternal Revenue Code of 1986 (as added by this
7 section), and

8 (B) similar reporting with respect to indi-
9 vidual retirement accounts (as defined in sec-
10 tion 408 of such Code) and individual retire-
11 ment annuities (as defined in section 408(b) of
12 such Code).

13 (d) PAYMENT AUTHORITY.—Section 1324(b)(2) of
14 title 31, United States Code, is amended by striking “or
15 7527A” and inserting “7527A, or 6433”.

16 (e) CONFORMING AMENDMENTS.—

17 (1) Paragraph (1) of section 25B(d) is amend-
18 ed by striking “the sum of—” and all that follows
19 through “the amount of contributions made before
20 January 1, 2026” and inserting “the amount of con-
21 tributions made before January 1, 2026”.

22 (2) The table of sections for subchapter B of
23 chapter 65 is amended by adding at the end the fol-
24 lowing new item:

“Sec. 6433. Saver’s Match.”.

2077

1 (f) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 December 31, 2026.

4 **SEC. 104. PROMOTION OF SAVER'S MATCH.**

5 (a) IN GENERAL.—The Secretary of the Treasury
6 shall take such steps as the Secretary determines are nec-
7 essary and appropriate to increase public awareness of the
8 matching contribution provided under section 6433 of the
9 Internal Revenue Code of 1986.

10 (b) REPORT TO CONGRESS.—

11 (1) IN GENERAL.—Not later than July 1, 2026,
12 the Secretary shall provide a report to Congress to
13 summarize the anticipated promotion efforts of the
14 Treasury under subsection (a).

15 (2) CONTENTS.—Such report shall include—

16 (A) a description of plans for—

17 (i) the development and distribution
18 of digital and print materials, including the
19 distribution of such materials to States for
20 participants in State facilitated retirement
21 savings programs,

22 (ii) the translation of such materials
23 into the 10 most commonly spoken lan-
24 guages in the United States after English
25 (as determined by reference to the most re-

2078

1 cent American Community Survey of the
2 Bureau of the Census), and

3 (iii) communicating the adverse con-
4 sequences of early withdrawal from an ap-
5 plicable retirement savings vehicle to which
6 a matching contribution has been paid
7 under section 6333(a)(2) of the Internal
8 Revenue Code of 1986, including the oper-
9 ation of the Saver’s Match Recovery Pay-
10 ment rules under section 6433(f)(6) of
11 such Code and associated early withdrawal
12 penalties, and

13 (B) such other information as the Sec-
14 retary determines is necessary.

15 **SEC. 105. POOLED EMPLOYER PLANS MODIFICATION.**

16 (a) IN GENERAL.—Section 3(43)(B)(ii) of the Em-
17 ployee Retirement Income Security Act of 1974 (29
18 U.S.C. 1002(43)(B)(ii)) is amended to read as follows:

19 “(ii) designate a named fiduciary
20 (other than an employer in the plan) to be
21 responsible for collecting contributions to
22 the plan and require such fiduciary to im-
23 plement written contribution collection pro-
24 cedures that are reasonable, diligent, and
25 systematic;”.

2079

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to plan years beginning after De-
3 cember 31, 2022.

4 **SEC. 106. MULTIPLE EMPLOYER 403(b) PLANS.**

5 (a) IN GENERAL.—Section 403(b) is amended by
6 adding at the end the following new paragraph:

7 “(15) MULTIPLE EMPLOYER PLANS.—

8 “(A) IN GENERAL.—Except in the case of
9 a church plan, this subsection shall not be
10 treated as failing to apply to an annuity con-
11 tract solely by reason of such contract being
12 purchased under a plan maintained by more
13 than 1 employer.

14 “(B) TREATMENT OF EMPLOYERS FAILING
15 TO MEET REQUIREMENTS OF PLAN.—

16 “(i) IN GENERAL.—In the case of a
17 plan maintained by more than 1 employer,
18 this subsection shall not be treated as fail-
19 ing to apply to an annuity contract held
20 under such plan merely because of one or
21 more employers failing to meet the require-
22 ments of this subsection if such plan satis-
23 fies rules similar to the rules of section
24 413(e)(2) with respect to any such em-
25 ployer failure.

2080

1 “(ii) ADDITIONAL REQUIREMENTS IN
2 CASE OF NON-GOVERNMENTAL PLANS.—A
3 plan shall not be treated as meeting the re-
4 quirements of this subparagraph unless the
5 plan satisfies rules similar to the rules of
6 subparagraph (A) or (B) of section
7 413(e)(1), except in the case of a multiple
8 employer plan maintained solely by any of
9 the following: A State, a political subdivi-
10 sion of a State, or an agency or instrumen-
11 tality of any one or more of the fore-
12 going.”.

13 (b) ANNUAL REGISTRATION FOR 403(b) MULTIPLE
14 EMPLOYER PLAN.—Section 6057 is amended by redesignig-
15 nating subsection (g) as subsection (h) and by inserting
16 after subsection (f) the following new subsection:

17 “(g) 403(b) MULTIPLE EMPLOYER PLANS TREATED
18 AS ONE PLAN.—In the case of annuity contracts to which
19 this section applies and to which section 403(b) applies
20 by reason of the plan under which such contracts are pur-
21 chased meeting the requirements of paragraph (15) there-
22 of, such plan shall be treated as a single plan for purposes
23 of this section.”.

24 (c) ANNUAL INFORMATION RETURNS FOR 403(b)
25 MULTIPLE EMPLOYER PLAN.—Section 6058 is amended

1 by redesignating subsection (f) as subsection (g) and by
2 inserting after subsection (e) the following new subsection:

3 “(f) 403(b) MULTIPLE EMPLOYER PLANS TREATED
4 AS ONE PLAN.—In the case of annuity contracts to which
5 this section applies and to which section 403(b) applies
6 by reason of the plan under which such contracts are pur-
7 chased meeting the requirements of paragraph (15) there-
8 of, such plan shall be treated as a single plan for purposes
9 of this section.”.

10 (d) AMENDMENTS TO EMPLOYEE RETIREMENT IN-
11 COME SECURITY ACT OF 1974.—

12 (1) IN GENERAL.—Section 3(43)(A) of the Em-
13 ployee Retirement Income Security Act of 1974 is
14 amended—

15 (A) in clause (ii), by striking “section
16 501(a) of such Code or” and inserting “section
17 501(a) of such Code, a plan that consists of an-
18 nuity contracts described in section 403(b) of
19 such Code, or”; and

20 (B) in the flush text at the end following
21 clause (iii), by striking “the plan.” and insert-
22 ing “the plan, but such term shall include any
23 plan (other than a plan excepted from the ap-
24 plication of this title by section 4(b)(2)) main-
25 tained for the benefit of the employees of more

1 than 1 employer that consists of annuity con-
2 tracts described in section 403(b) of such Code
3 and that meets the requirements of subpara-
4 graph (B) of section 413(e)(1) of such Code.”.

5 (2) CONFORMING AMENDMENTS.—Sections
6 3(43)(B)(v)(II) and 3(44)(A)(i)(I) of the Employee
7 Retirement Income Security Act of 1974 are each
8 amended by striking “section 401(a) of such Code
9 or” and inserting “section 401(a) of such Code, a
10 plan that consists of annuity contracts described in
11 section 403(b) of such Code, or”.

12 (e) REGULATIONS RELATING TO EMPLOYER FAIL-
13 URE TO MEET MULTIPLE EMPLOYER PLAN REQUIRE-
14 MENTS.—The Secretary of the Treasury (or the Sec-
15 retary’s delegate) shall prescribe such regulations as may
16 be necessary to clarify, in the case of plans to which sec-
17 tion 403(b)(15) of the Internal Revenue Code of 1986 ap-
18 plies, the treatment of an employer departing such plan
19 in connection with such employer’s failure to meet mul-
20 tiple employer plan requirements.

21 (f) MODIFICATION OF MODEL PLAN LANGUAGE,
22 ETC.—

23 (1) PLAN NOTIFICATIONS.—The Secretary of
24 the Treasury (or the Secretary’s delegate), in con-
25 sultation with the Secretary of Labor, shall modify

1 the model plan language published under section
2 413(e)(5) of the Internal Revenue Code of 1986 to
3 include language that requires participating employ-
4 ers be notified that the plan is subject to the Em-
5 ployee Retirement Income Security Act of 1974 and
6 that such employer is a plan sponsor with respect to
7 its employees participating in the multiple employer
8 plan and, as such, has certain fiduciary duties with
9 respect to the plan and to its employees.

10 (2) MODEL PLANS FOR MULTIPLE EMPLOYER
11 403(b) PLANS.—For plans to which section
12 403(b)(15)(A) of the Internal Revenue Code of 1986
13 applies (other than a plan maintained for its employ-
14 ees by a State, a political subdivision of a State, or
15 an agency or instrumentality of any one or more of
16 the foregoing), the Secretary of the Treasury (or the
17 Secretary’s delegate), in consultation with the Sec-
18 retary of Labor, shall publish model plan language
19 similar to model plan language published under sec-
20 tion 413(e)(5) of such Code.

21 (3) EDUCATIONAL OUTREACH TO EMPLOYERS
22 EXEMPT FROM TAX.—The Secretary of the Treasury
23 (or the Secretary’s delegate), in consultation with
24 the Secretary of Labor, shall provide education and
25 outreach to increase awareness to employers de-

2084

1 scribed in section 501(c)(3) of the Internal Revenue
2 Code of 1986, and which are exempt from tax under
3 section 501(a) of such Code, that multiple employer
4 plans are subject to the Employee Retirement In-
5 come Security Act of 1974 and that such employer
6 is a plan sponsor with respect to its employees par-
7 ticipating in the multiple employer plan and, as
8 such, has certain fiduciary duties with respect to the
9 plan and to its employees.

10 (g) NO INFERENCE WITH RESPECT TO CHURCH
11 PLANS.—Regarding any application of section 403(b) of
12 the Internal Revenue Code of 1986 to an annuity contract
13 purchased under a church plan (as defined in section
14 414(e) of such Code) maintained by more than 1 em-
15 ployer, or to any application of rules similar to section
16 413(e) of such Code to such a plan, no inference shall
17 be made from section 403(b)(15)(A) of such Code (as
18 added by this Act) not applying to such plans.

19 (h) EFFECTIVE DATE.—

20 (1) IN GENERAL.—The amendments made by
21 this section shall apply to plan years beginning after
22 December 31, 2022.

23 (2) RULE OF CONSTRUCTION.—Nothing in the
24 amendments made by subsection (a) shall be con-
25 strued as limiting the authority of the Secretary of

2085

1 the Treasury or the Secretary’s delegate (determined
2 without regard to such amendment) to provide for
3 the proper treatment of a failure to meet any re-
4 quirement applicable under the Internal Revenue
5 Code of 1986 with respect to one employer (and its
6 employees) in the case of a plan to which section
7 403(b)(15) of the Internal Revenue Code of 1986
8 applies.

9 **SEC. 107. INCREASE IN AGE FOR REQUIRED BEGINNING**
10 **DATE FOR MANDATORY DISTRIBUTIONS.**

11 (a) IN GENERAL.—Section 401(a)(9)(C)(i)(I) is
12 amended by striking “age 72” and inserting “the applica-
13 ble age”.

14 (b) SPOUSE BENEFICIARIES; SPECIAL RULE FOR
15 OWNERS.—Subparagraphs (B)(iv)(I) and (C)(ii)(I) of sec-
16 tion 401(a)(9) are each amended by striking “age 72” and
17 inserting “the applicable age”.

18 (c) APPLICABLE AGE.—Section 401(a)(9)(C) is
19 amended by adding at the end the following new clause:

20 “(v) APPLICABLE AGE.—

21 “(I) In the case of an individual
22 who attains age 72 after December
23 31, 2022, and age 73 before January
24 1, 2033, the applicable age is 73.

2086

1 “(II) In the case of an individual
2 who attains age 74 after December
3 31, 2032, the applicable age is 75.”.

4 (d) CONFORMING AMENDMENTS.—The last sentence
5 of section 408(b) is amended by striking “age 72” and
6 inserting “the applicable age (determined under section
7 401(a)(9)(C)(v) for the calendar year in which such tax-
8 able year begins)”.

9 (e) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to distributions required to be
11 made after December 31, 2022, with respect to individuals
12 who attain age 72 after such date.

13 **SEC. 108. INDEXING IRA CATCH-UP LIMIT.**

14 (a) IN GENERAL.—Subparagraph (C) of section
15 219(b)(5) is amended by adding at the end the following
16 new clause:

17 “(iii) INDEXING OF CATCH-UP LIMITA-
18 TION.—In the case of any taxable year be-
19 ginning in a calendar year after 2023, the
20 \$1,000 amount under subparagraph (B)(ii)
21 shall be increased by an amount equal to—

22 “(I) such dollar amount, multi-
23 plied by

24 “(II) the cost-of-living adjust-
25 ment determined under section 1(f)(3)

2087

1 for the calendar year in which the tax-
2 able year begins, determined by sub-
3 stituting ‘calendar year 2022’ for ‘cal-
4 endar year 2016’ in subparagraph
5 (A)(ii) thereof.

6 If any amount after adjustment under the
7 preceding sentence is not a multiple of
8 \$100, such amount shall be rounded to the
9 next lower multiple of \$100.”.

10 (b) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to taxable years beginning after
12 December 31, 2023.

13 **SEC. 109. HIGHER CATCH-UP LIMIT TO APPLY AT AGE 60, 61,**
14 **62, AND 63.**

15 (a) IN GENERAL.—

16 (1) PLANS OTHER THAN SIMPLE PLANS.—Sec-
17 tion 414(v)(2)(B)(i) is amended by inserting the fol-
18 lowing before the period: “(the adjusted dollar
19 amount, in the case of an eligible participant who
20 would attain age 60 but would not attain age 64 be-
21 fore the close of the taxable year)”.

22 (2) SIMPLE PLANS.—Section 414(v)(2)(B)(ii) is
23 amended by inserting the following before the pe-
24 riod: “(the adjusted dollar amount, in the case of an
25 eligible participant who would attain age 60 but

2088

1 would not attain age 64 before the close of the tax-
2 able year)”.
3

3 (b) ADJUSTED DOLLAR AMOUNT.—Section 414(v)(2)
4 is amended by adding at the end the following new sub-
5 paragraph:

6 “(E) ADJUSTED DOLLAR AMOUNT.—For
7 purposes of subparagraph (B), the adjusted dol-
8 lar amount is—

9 “(i) in the case of clause (i) of sub-
10 paragraph (B), the greater of—

11 “(I) \$10,000, or

12 “(II) an amount equal to 150
13 percent of the dollar amount which
14 would be in effect under such clause
15 for 2024 for eligible participants not
16 described in the parenthetical in such
17 clause, or

18 “(ii) in the case of clause (ii) of sub-
19 paragraph (B), the greater of—

20 “(I) \$5,000, or

21 “(II) an amount equal to equal
22 to 150 percent of the dollar amount
23 which would be in effect under such
24 clause for 2025 for eligible partici-

2089

1 pants not described in the parenthet-
2 ical in such clause.”.

3 (c) COST-OF-LIVING ADJUSTMENTS.—Subparagraph
4 (C) of section 414(v)(2) is amended by adding at the end
5 the following: “In the case of a year beginning after De-
6 cember 31, 2025, the Secretary shall adjust annually the
7 adjusted dollar amounts applicable under clauses (i) and
8 (ii) of subparagraph (E) for increases in the cost-of-living
9 at the same time and in the same manner as adjustments
10 under the preceding sentence; except that the base period
11 taken into account shall be the calendar quarter beginning
12 July 1, 2024.”.

13 (d) EFFECTIVE DATE.—The amendments made by
14 this section shall apply to taxable years beginning after
15 December 31, 2024.

16 **SEC. 110. TREATMENT OF STUDENT LOAN PAYMENTS AS**
17 **ELECTIVE DEFERRALS FOR PURPOSES OF**
18 **MATCHING CONTRIBUTIONS.**

19 (a) IN GENERAL.—Subparagraph (A) of section
20 401(m)(4) is amended by striking “and” at the end of
21 clause (i), by striking the period at the end of clause (ii)
22 and inserting “, and”, and by adding at the end the fol-
23 lowing new clause:

24 “(iii) subject to the requirements of
25 paragraph (14), any employer contribution

2090

1 made to a defined contribution plan on be-
2 half of an employee on account of a quali-
3 fied student loan payment.”.

4 (b) QUALIFIED STUDENT LOAN PAYMENT.—Para-
5 graph (4) of section 401(m) is amended by adding at the
6 end the following new subparagraph:

7 “(D) QUALIFIED STUDENT LOAN PAY-
8 MENT.—The term ‘qualified student loan pay-
9 ment’ means a payment made by an employee
10 in repayment of a qualified education loan (as
11 defined in section 221(d)(1)) incurred by the
12 employee to pay qualified higher education ex-
13 penses, but only—

14 “(i) to the extent such payments in
15 the aggregate for the year do not exceed
16 an amount equal to—

17 “(I) the limitation applicable
18 under section 402(g) for the year (or,
19 if lesser, the employee’s compensation
20 (as defined in section 415(c)(3)) for
21 the year), reduced by

22 “(II) the elective deferrals made
23 by the employee for such year, and

24 “(ii) if the employee certifies annually
25 to the employer making the matching con-

2091

1 tribution under this paragraph that such
2 payment has been made on such loan.

3 For purposes of this subparagraph, the term
4 ‘qualified higher education expenses’ means the
5 cost of attendance (as defined in section 472 of
6 the Higher Education Act of 1965, as in effect
7 on the day before the date of the enactment of
8 the Taxpayer Relief Act of 1997) at an eligible
9 educational institution (as defined in section
10 221(d)(2)).”.

11 (c) MATCHING CONTRIBUTIONS FOR QUALIFIED
12 STUDENT LOAN PAYMENTS.—Section 401(m) is amended
13 by redesignating paragraph (13) as paragraph (14), and
14 by inserting after paragraph (12) the following new para-
15 graph:

16 “(13) MATCHING CONTRIBUTIONS FOR QUALI-
17 FIED STUDENT LOAN PAYMENTS.—

18 “(A) IN GENERAL.—For purposes of para-
19 graph (4)(A)(iii), an employer contribution
20 made to a defined contribution plan on account
21 of a qualified student loan payment shall be
22 treated as a matching contribution for purposes
23 of this title if—

24 “(i) the plan provides matching con-
25 tributions on account of elective deferrals

2092

1 at the same rate as contributions on ac-
2 count of qualified student loan payments,

3 “(ii) the plan provides matching con-
4 tributions on account of qualified student
5 loan payments only on behalf of employees
6 otherwise eligible to receive matching con-
7 tributions on account of elective deferrals,

8 “(iii) under the plan, all employees el-
9 igible to receive matching contributions on
10 account of elective deferrals are eligible to
11 receive matching contributions on account
12 of qualified student loan payments, and

13 “(iv) the plan provides that matching
14 contributions on account of qualified stu-
15 dent loan payments vest in the same man-
16 ner as matching contributions on account
17 of elective deferrals.

18 “(B) TREATMENT FOR PURPOSES OF NON-
19 DISCRIMINATION RULES, ETC.—

20 “(i) NONDISCRIMINATION RULES.—
21 For purposes of subparagraph (A)(iii),
22 subsection (a)(4), and section 410(b),
23 matching contributions described in para-
24 graph (4)(A)(iii) shall not fail to be treated
25 as available to an employee solely because

2093

1 such employee does not have debt incurred
2 under a qualified education loan (as de-
3 fined in section 221(d)(1)).

4 “(ii) STUDENT LOAN PAYMENTS NOT
5 TREATED AS PLAN CONTRIBUTION.—Ex-
6 cept as provided in clause (iii), a qualified
7 student loan payment shall not be treated
8 as a contribution to a plan under this title.

9 “(iii) MATCHING CONTRIBUTION
10 RULES.—Solely for purposes of meeting
11 the requirements of paragraph (11)(B),
12 (12), or (13) of this subsection, or para-
13 graph (11)(B)(i)(II), (12)(B), (13)(D), or
14 (16)(D) of subsection (k), a plan may treat
15 a qualified student loan payment as an
16 elective deferral or an elective contribution,
17 whichever is applicable.

18 “(iv) ACTUAL DEFERRAL PERCENT-
19 AGE TESTING.—In determining whether a
20 plan meets the requirements of subsection
21 (k)(3)(A)(ii) for a plan year, the plan may
22 apply the requirements of such subsection
23 separately with respect to all employees
24 who receive matching contributions de-

2094

1 scribed in paragraph (4)(A)(iii) for the
2 plan year.

3 “(C) EMPLOYER MAY RELY ON EMPLOYEE
4 CERTIFICATION.—The employer may rely on an
5 employee certification of payment under para-
6 graph (4)(D)(ii).”.

7 (d) SIMPLE RETIREMENT ACCOUNTS.—Paragraph
8 (2) of section 408(p) is amended by adding at the end
9 the following new subparagraph:

10 “(F) MATCHING CONTRIBUTIONS FOR
11 QUALIFIED STUDENT LOAN PAYMENTS.—

12 “(i) IN GENERAL.—Subject to the
13 rules of clause (iii), an arrangement shall
14 not fail to be treated as meeting the re-
15 quirements of subparagraph (A)(iii) solely
16 because under the arrangement, solely for
17 purposes of such subparagraph, qualified
18 student loan payments are treated as
19 amounts elected by the employee under
20 subparagraph (A)(i)(I) to the extent such
21 payments do not exceed—

22 “(I) the applicable dollar amount
23 under subparagraph (E) (after appli-
24 cation of section 414(v)) for the year
25 (or, if lesser, the employee’s com-

2095

1 pensation (as defined in section
2 415(c)(3)) for the year), reduced by

3 “(II) any other amounts elected
4 by the employee under subparagraph
5 (A)(i)(I) for the year.

6 “(ii) QUALIFIED STUDENT LOAN PAY-
7 MENT.—For purposes of this subpara-
8 graph—

9 “(I) IN GENERAL.—The term
10 ‘qualified student loan payment’
11 means a payment made by an em-
12 ployee in repayment of a qualified
13 education loan (as defined in section
14 221(d)(1)) incurred by the employee
15 to pay qualified higher education ex-
16 penses, but only if the employee cer-
17 tifies to the employer making the
18 matching contribution that such pay-
19 ment has been made on such a loan.

20 “(II) QUALIFIED HIGHER EDU-
21 CATION EXPENSES.—The term ‘quali-
22 fied higher education expenses’ has
23 the same meaning as when used in
24 section 401(m)(4)(D).

2096

1 “(iii) APPLICABLE RULES.—Clause (i)
2 shall apply to an arrangement only if,
3 under the arrangement—

4 “(I) matching contributions on
5 account of qualified student loan pay-
6 ments are provided only on behalf of
7 employees otherwise eligible to elect
8 contributions under subparagraph
9 (A)(i)(I), and

10 “(II) all employees otherwise eli-
11 gible to participate in the arrange-
12 ment are eligible to receive matching
13 contributions on account of qualified
14 student loan payments.”.

15 (e) 403(b) PLANS.—Subparagraph (A) of section
16 403(b)(12) is amended by adding at the end the following:
17 “The fact that the employer offers matching contributions
18 on account of qualified student loan payments as described
19 in section 401(m)(13) shall not be taken into account in
20 determining whether the arrangement satisfies the re-
21 quirements of clause (ii) (and any regulation there-
22 under).”.

23 (f) 457(b) PLANS.—Subsection (b) of section 457 is
24 amended by adding at the end the following: “A plan
25 which is established and maintained by an employer which

2097

1 is described in subsection (e)(1)(A) shall not be treated
2 as failing to meet the requirements of this subsection sole-
3 ly because the plan, or another plan maintained by the
4 employer which meets the requirements of section 401(a)
5 or 403(b), provides for matching contributions on account
6 of qualified student loan payments as described in section
7 401(m)(13).”.

8 (g) REGULATORY AUTHORITY.—The Secretary of the
9 Treasury (or such Secretary’s delegate) shall prescribe
10 regulations for purposes of implementing the amendments
11 made by this section, including regulations—

12 (1) permitting a plan to make matching con-
13 tributions for qualified student loan payments, as
14 defined in sections 401(m)(4)(D) and 408(p)(2)(F)
15 of the Internal Revenue Code of 1986, as added by
16 this section, at a different frequency than matching
17 contributions are otherwise made under the plan,
18 provided that the frequency is not less than annu-
19 ally;

20 (2) permitting employers to establish reasonable
21 procedures to claim matching contributions for such
22 qualified student loan payments under the plan, in-
23 cluding an annual deadline (not earlier than 3
24 months after the close of each plan year) by which
25 a claim must be made; and

1 (3) promulgating model amendments which
2 plans may adopt to implement matching contribu-
3 tions on such qualified student loan payments for
4 purposes of sections 401(m), 408(p), 403(b), and
5 457(b) of the Internal Revenue Code of 1986.

6 (h) EFFECTIVE DATE.—The amendments made by
7 this section shall apply to contributions made for plan
8 years beginning after December 31, 2023.

9 **SEC. 111. APPLICATION OF CREDIT FOR SMALL EMPLOYER**
10 **PENSION PLAN STARTUP COSTS TO EMPLOY-**
11 **ERS WHICH JOIN AN EXISTING PLAN.**

12 (a) IN GENERAL.—Section 45E(d)(3)(A) is amended
13 by striking “effective” and inserting “effective with re-
14 spect to the eligible employer”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 this section shall take effect as if included in the enact-
17 ment of section 104 of the Setting Every Community Up
18 for Retirement Enhancement Act of 2019.

19 **SEC. 112. MILITARY SPOUSE RETIREMENT PLAN ELIGI-**
20 **BILITY CREDIT FOR SMALL EMPLOYERS.**

21 (a) IN GENERAL.—Subpart D of part IV of sub-
22 chapter A of chapter 1 is amended by adding at the end
23 the following new section:

2099

1 **“SEC. 45AA. MILITARY SPOUSE RETIREMENT PLAN ELIGI-**
2 **BILITY CREDIT FOR SMALL EMPLOYERS.**

3 “(a) IN GENERAL.—For purposes of section 38, in
4 the case of any eligible small employer, the military spouse
5 retirement plan eligibility credit determined under this
6 section for any taxable year is an amount equal to the
7 sum of—

8 “(1) \$200 with respect to each military spouse
9 who is an employee of such employer and who par-
10 ticipates in an eligible defined contribution plan of
11 such employer at any time during such taxable year,
12 plus

13 “(2) so much of the contributions made by such
14 employer (other than an elective deferral (as defined
15 in section 402(g)(3)) to all such plans with respect
16 to such employee during such taxable year as do not
17 exceed \$300.

18 “(b) LIMITATION.—An individual shall only be taken
19 into account as a military spouse under subsection (a) for
20 the taxable year which includes the date on which such
21 individual began participating in the eligible defined con-
22 tribution plan of the employer and the 2 succeeding tax-
23 able years.

24 “(c) ELIGIBLE SMALL EMPLOYER.—For purposes of
25 this section, the term ‘eligible small employer’ means an
26 eligible employer (as defined in section 408(p)(2)(C)(i)(I).

2100

1 “(d) MILITARY SPOUSE.—For purposes of this sec-
2 tion—

3 “(1) IN GENERAL.—The term ‘military spouse’
4 means, with respect to any employer, any individual
5 who is married (within the meaning of section 7703
6 as of the first date that the employee is employed by
7 the employer) to an individual who is a member of
8 the uniformed services (as defined section 101(a)(5)
9 of title 10, United States Code) serving on active
10 duty. For purposes of this section, an employer may
11 rely on an employee’s certification that such employ-
12 ee’s spouse is a member of the uniformed services if
13 such certification provides the name, rank, and serv-
14 ice branch of such spouse.

15 “(2) EXCLUSION OF HIGHLY COMPENSATED
16 EMPLOYEES.—With respect to any employer, the
17 term ‘military spouse’ shall not include any indi-
18 vidual if such individual is a highly compensated em-
19 ployee of such employer (within the meaning of sec-
20 tion 414(q)).

21 “(e) ELIGIBLE DEFINED CONTRIBUTION PLAN.—
22 For purposes of this section, the term ‘eligible defined con-
23 tribution plan’ means, with respect to any eligible small
24 employer, any defined contribution plan (as defined in sec-

1 tion 414(i)) of such employer if, under the terms of such
2 plan—

3 “(1) military spouses employed by such em-
4 ployer are eligible to participate in such plan not
5 later than the date which is 2 months after the date
6 on which such individual begins employment with
7 such employer, and

8 “(2) military spouses who are eligible to partici-
9 pate in such plan—

10 “(A) are immediately eligible to receive an
11 amount of employer contributions under such
12 plan which is not less the amount of such con-
13 tributions that a similarly situated participant
14 who is not a military spouse would be eligible
15 to receive under such plan after 2 years of serv-
16 ice, and

17 “(B) immediately have a nonforfeitable
18 right to the employee’s accrued benefit derived
19 from employer contributions under such plan.

20 “(f) AGGREGATION RULE.—All persons treated as a
21 single employer under subsection (b), (c), (m), or (o) of
22 section 414 shall be treated as one employer for purposes
23 of this section.”.

24 (b) CREDIT ALLOWED AS PART OF GENERAL BUSI-
25 NESS CREDIT.—Section 38(b) is amended by striking

1 “plus” at the end of paragraph (39), by striking the period
2 at the end of paragraph (40) and inserting “, plus”, and
3 by adding at the end the following new paragraph:

4 “(41) in the case of an eligible small employer
5 (as defined in section 45AA(c)), the military spouse
6 retirement plan eligibility credit determined under
7 section 45AA(a).”.

8 (c) SPECIFIED CREDIT FOR PURPOSES OF CER-
9 TIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—
10 Section 3511(d)(2) is amended by redesignating subpara-
11 graphs (F), (G), and (H) as subparagraphs (G), (H), and
12 (I), respectively, and by inserting after subparagraph (E)
13 the following new subparagraph:

14 “(F) section 45AA (military spouse retire-
15 ment plan eligibility credit),”.

16 (d) CLERICAL AMENDMENT.—The table of sections
17 for subpart D of part IV of subchapter A of chapter 1
18 is amended by adding at the end the following new item:

“Sec. 45AA. Military spouse retirement plan eligibility credit for small employ-
ers.”.

19 (e) EFFECTIVE DATE.—The amendments made by
20 this section shall apply to taxable years beginning after
21 the date of the enactment of this Act.

1 **SEC. 113. SMALL IMMEDIATE FINANCIAL INCENTIVES FOR**
2 **CONTRIBUTING TO A PLAN.**

3 (a) IN GENERAL.—Subparagraph (A) of section
4 401(k)(4) is amended by inserting “(other than a de mini-
5 mis financial incentive (not paid for with plan assets) pro-
6 vided to employees who elect to have the employer make
7 contributions under the arrangement in lieu of receiving
8 cash)” after “any other benefit”.

9 (b) SECTION 403(b) PLANS.—Subparagraph (A) of
10 section 403(b)(12), as amended by the preceding provi-
11 sions of this Act, is further amended by adding at the end
12 the following: “A plan shall not fail to satisfy clause (ii)
13 solely by reason of offering a de minimis financial incen-
14 tive (not derived from plan assets) to employees to elect
15 to have the employer make contributions pursuant to a
16 salary reduction agreement.”.

17 (c) EXEMPTION FROM PROHIBITED TRANSACTION
18 RULES.—Subsection (d) of section 4975 is amended by
19 striking “or” at the end of paragraph (22), by striking
20 the period at the end of paragraph (23) and inserting “,
21 or”, and by adding at the end the following new para-
22 graph:

23 “(24) the provision of a de minimis financial in-
24 centive described in section 401(k)(4)(A).”.

25 (d) AMENDMENT OF EMPLOYEE RETIREMENT IN-
26 COME SECURITY ACT OF 1974.—Subsection (b) of section

1 408 of the Employee Retirement Income Security Act of
2 1974 (29 U.S.C. 1108(b)) is amended by adding at the
3 end the following new paragraph:

4 “(21) The provision of a de minimis financial
5 incentive described in section 401(k)(4)(A) or sec-
6 tion 403(b)(12)(A) of the Internal Revenue Code of
7 1986.”.

8 (e) EFFECTIVE DATE.—The amendments made by
9 this section shall apply with respect to plan years begin-
10 ning after the date of enactment of this Act.

11 **SEC. 114. DEFERRAL OF TAX FOR CERTAIN SALES OF EM-**
12 **PLOYER STOCK TO EMPLOYEE STOCK OWN-**
13 **ERSHIP PLAN SPONSORED BY S CORPORA-**
14 **TION.**

15 (a) IN GENERAL.—Section 1042(c)(1)(A) is amended
16 by striking “domestic C corporation” and inserting “do-
17 mestic corporation”.

18 (b) 10 PERCENT LIMITATION ON APPLICATION OF
19 GAIN ON SALE OF S CORPORATION STOCK.—Section
20 1042 is amended by adding at the end the following new
21 subsection:

22 “(h) APPLICATION OF SECTION TO SALE OF STOCK
23 IN S CORPORATION.—In the case of the sale of qualified
24 securities of an S corporation, the election under sub-
25 section (a) may be made with respect to not more than

1 10 percent of the amount realized on such sale for pur-
2 poses of determining the amount of gain not recognized
3 and the extent to which (if at all) the amount realized
4 on such sale exceeds the cost of qualified replacement
5 property. The portion of adjusted basis that is properly
6 allocable to the portion of the amount realized with respect
7 to which the election is made under this subsection shall
8 be taken into account for purposes of the preceding sen-
9 tence.”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to sales after December 31, 2027.

12 **SEC. 115. WITHDRAWALS FOR CERTAIN EMERGENCY EX-**
13 **PENSES.**

14 (a) IN GENERAL.—Paragraph (2) of section 72(t) is
15 amended by adding at the end the following new subpara-
16 graph:

17 “(I) DISTRIBUTIONS FOR CERTAIN EMER-
18 GENCY EXPENSES.—

19 “(i) IN GENERAL.—Any emergency
20 personal expense distribution.

21 “(ii) ANNUAL LIMITATION.—Not more
22 than 1 distribution per calendar year may
23 be treated as an emergency personal ex-
24 pense distribution by any individual.

2106

1 “(iii) DOLLAR LIMITATION.—The
2 amount which may be treated as an emer-
3 gency personal expense distribution by any
4 individual in any calendar year shall not
5 exceed the lesser of \$1,000 or an amount
6 equal to the excess of—

7 “(I) the individual’s total non-
8 forfeitable accrued benefit under the
9 plan (the individual’s total interest in
10 the plan in the case of an individual
11 retirement plan), determined as of the
12 date of each such distribution, over

13 “(II) \$1,000.

14 “(iv) EMERGENCY PERSONAL EX-
15 PENSE DISTRIBUTION.—For purposes of
16 this subparagraph, the term ‘emergency
17 personal expense distribution’ means any
18 distribution from an applicable eligible re-
19 tirement plan (as defined in subparagraph
20 (H)(vi)(I)) to an individual for purposes of
21 meeting unforeseeable or immediate finan-
22 cial needs relating to necessary personal or
23 family emergency expenses. The adminis-
24 trator of an applicable eligible retirement
25 plan may rely on an employee’s written

1 certification that the employee satisfies the
2 conditions of the preceding sentence in de-
3 termining whether any distribution is an
4 emergency personal expense distribution.
5 The Secretary may provide by regulations
6 for exceptions to the rule of the preceding
7 sentence in cases where the plan adminis-
8 trator has actual knowledge to the con-
9 trary of the employee’s certification, and
10 for procedures for addressing cases of em-
11 ployee misrepresentation.

12 “(v) TREATMENT OF PLAN DISTRIBU-
13 TIONS.—If a distribution to an individual
14 would (without regard to clause (ii) or
15 (iii)) be an emergency personal expense
16 distribution, a plan shall not be treated as
17 failing to meet any requirement of this
18 title merely because the plan treats the dis-
19 tribution as an emergency personal ex-
20 pense distribution, unless the number or
21 the aggregate amount of such distributions
22 from all plans maintained by the employer
23 (and any member of any controlled group
24 which includes the employer, determined as
25 provided in subparagraph (H)(iv)(II)) to

1 such individual exceeds the limitation de-
2 termined under clause (ii) or (iii).

3 “(vi) AMOUNT DISTRIBUTED MAY BE
4 REPAID.—Rules similar to the rules of sub-
5 paragraph (H)(v) shall apply with respect
6 to an individual who receives a distribution
7 to which clause (i) applies.

8 “(vii) LIMITATION ON SUBSEQUENT
9 DISTRIBUTIONS.—If a distribution is treat-
10 ed as an emergency personal expense dis-
11 tribution in any calendar year with respect
12 to a plan of the employee, no amount may
13 be treated as such a distribution during
14 the immediately following 3 calendar years
15 with respect to such plan unless—

16 “(I) such previous distribution is
17 fully repaid to such plan pursuant to
18 clause (vi), or

19 “(II) the aggregate of the elective
20 deferrals and employee contributions
21 to the plan (the total amounts con-
22 tributed to the plan in the case of an
23 individual retirement plan) subsequent
24 to such previous distribution is at
25 least equal to the amount of such pre-

1 vious distribution which has not been
2 so repaid.

3 “(viii) SPECIAL RULES.—Rules simi-
4 lar to the rules of subclauses (II) and (IV)
5 of subparagraph (H)(vi) shall apply to any
6 emergency personal expense distribution.”.

7 (b) CROSS-REFERENCE.—See section 311 of this Act
8 for amendment to section 72(t)(2)(H)(v)(I) of the Internal
9 Revenue Code of 1986 limiting repayment of distribution
10 to 3 years.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall apply to distributions made after Decem-
13 ber 31, 2023.

14 **SEC. 116. ALLOW ADDITIONAL NONELECTIVE CONTRIBU-**
15 **TIONS TO SIMPLE PLANS.**

16 (a) IN GENERAL.—

17 (1) MODIFICATION TO DEFINITION.—Subpara-
18 graph (A) of section 408(p)(2) is amended by strik-
19 ing “and” at the end of clause (iii), by redesignating
20 clause (iv) as clause (v), and by inserting after
21 clause (iii) the following new clause:

22 “(iv) the employer may make nonelec-
23 tive contributions of a uniform percentage
24 (up to 10 percent) of compensation for
25 each employee who is eligible to participate

1 in the arrangement, and who has at least
2 \$5,000 of compensation from the employer
3 for the year, but such contributions with
4 respect to any employee shall not exceed
5 \$5,000 for the year, and”.

6 (2) LIMITATION.—Subparagraph (A) of section
7 408(p)(2) is amended by adding at the end the fol-
8 lowing: “The compensation taken into account under
9 clause (iv) for any year shall not exceed the limita-
10 tion in effect for such year under section
11 401(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
21 following: ‘the sum of the dollar amount in ef-
22 fect under subsection (p)(2)(A)(ii), the em-
23 ployer contribution required under subsection
24 (p)(2)(A)(iii) or (p)(2)(B)(i), whichever is appli-
25 cable, and a contribution which meets the re-

1 requirement of subsection (p)(2)(A)(iv) with re-
2 spect to the employee’, 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
15 further amended by adding at the end the following
16 new subparagraph:

17 “(G) ADJUSTMENT FOR INFLATION.—In
18 the case of taxable years beginning after De-
19 cember 31, 2024, the \$5,000 amount in sub-
20 paragraph (A)(iv)(II) shall be increased by an
21 amount 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-

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
12 striking “and” at the end of subclause (II), by re-
13 designating subclause (III) as subclause (IV), and
14 by inserting after subclause (II) the following new
15 subclause:

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”.

1 (3) Section 401(k)(11)(B)(i)(IV), as redesignig-
2 nated by paragraph (2), is amended by striking “or
3 (II)” and inserting “, (II), or (III)”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall apply to taxable years beginning after
6 December 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
14 in 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,

2114

1 the application of this subclause for
2 the 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
10 dollar amount is an amount equal to 110
11 percent of the dollar amount in effect
12 under clause (i)(III) for calendar year
13 2024.”,

14 (3) by striking “ADJUSTMENT.—In the case of”
15 in clause (iii), as so redesignated, and inserting “AD-
16 JUSTMENT.—

17 “(I) CERTAIN LARGE EMPLOY-
18 ERS.—In the case of”,

19 (4) by striking “clause (i)” in such clause (iii)
20 and inserting “clause (i)(III)”, and

21 (5) by adding at the end of such clause (iii) the
22 following new subclause:

23 “(II) OTHER EMPLOYERS.—In
24 the case of a year beginning after De-
25 cember 31, 2024, the Secretary shall

2115

1 adjust annually the adjusted dollar
2 amount under clause (ii) in the man-
3 ner provided under subclause (I) of
4 this clause, except that the base pe-
5 riod taken into account shall be the
6 calendar quarter beginning July 1,
7 2023.”.

8 (b) CATCH-UP CONTRIBUTIONS.—Paragraph (2) of
9 section 414(v) is amended—

10 (1) in subparagraph (B)—

11 (A) by striking “the applicable” in clause
12 (ii), as amended by this Act, and inserting “ex-
13 cept as provided in clause (iii), the applicable”;
14 and

15 (B) by adding at the end the following new
16 clause:

17 “(iii) In the case of an applicable em-
18 ployer plan—

19 “(I) which is maintained by an
20 eligible employer described in section
21 408(p)(2)(E)(i)(I), or

22 “(II) to which an election under
23 section 408(p)(2)(E)(i)(II) applies for
24 the year (including a plan described in
25 section 401(k)(11) which is main-

2116

1 tained by an eligible employer de-
2 scribed in section 408(p)(2)(E)(i)(II)
3 and to which such election applies by
4 reason of subparagraphs (B)(i)(I) and
5 (E) of section 401(k)(11)),

6 the applicable dollar amount is an amount
7 equal to 110 percent of the dollar amount
8 in effect under clause (ii) for calendar year
9 2024.”, and

10 (2) in subparagraph (C), as amended by this
11 Act—

12 (A) by striking “ADJUSTMENT.—In the
13 case of” and inserting the following: “ADJUST-
14 MENT.—

15 “(i) CERTAIN LARGE EMPLOYERS.—In
16 the case of”, and

17 (B) by adding at the end the following new
18 clause:

19 “(ii) OTHER EMPLOYERS.—In the
20 case of a year beginning after December
21 31, 2024, the Secretary shall adjust annu-
22 ally the dollar amount described in sub-
23 paragraph (B)(iii) in the manner provided
24 under clause (i) of this subparagraph, ex-
25 cept that the base period taken into ac-

2117

1 count shall be the calendar quarter begin-
2 ning July 1, 2023.”.

3 (c) EMPLOYER MATCH.—Clause (ii) of section
4 408(p)(2)(C) is amended—

5 (1) by striking “The term” in subclause (I) and
6 inserting “Except as provided in subclause (IV), the
7 term”,

8 (2) by adding at the end the following new sub-
9 clause:

10 “(IV) SPECIAL RULE FOR ELECT-
11 ING LARGER EMPLOYERS.—In the
12 case of an employer which had more
13 than 25 employees who received at
14 least \$5,000 of compensation from the
15 employer for the preceding year, and
16 which makes the election under sub-
17 paragraph (E)(i)(II) for any year,
18 subclause (I) shall be applied for such
19 year by substituting ‘4 percent’ for ‘3
20 percent.’”, and

21 (3) by striking “3 percent” each place it ap-
22 pears in subclauses (II) and (III) and inserting “the
23 applicable percentage”.

24 (d) INCREASE IN NONELECTIVE EMPLOYER CON-
25 TRIBUTION FOR ELECTING LARGER EMPLOYERS.—Sub-

1 paragraph (B) of section 408(p)(2) is amended by adding
2 at the end the following new clause:

3 “(iii) SPECIAL RULE FOR ELECTING
4 LARGER EMPLOYERS.—In the case of an
5 employer which had more than 25 employ-
6 ees who received at least \$5,000 of com-
7 pensation from the employer for the pre-
8 ceding year, and which makes the election
9 under subparagraph (E)(i)(II) for any
10 year, clause (i) shall be applied for such
11 year by substituting ‘3 percent’ for ‘2 per-
12 cent’.”.

13 (e) TRANSITION RULE.—Paragraph (2) of section
14 408(p), as amended by this Act, is further amended by
15 adding at the end the following new subparagraph:

16 “(H) 2-YEAR GRACE PERIOD.—An eligible
17 employer which had not more than 25 employ-
18 ees who received at least \$5,000 of compensa-
19 tion from the employer for 1 or more years, and
20 which has more than 25 such employees for any
21 subsequent year, shall be treated for purposes
22 of subparagraph (E)(i) as having 25 such em-
23 ployees for the 2 years following the last year
24 the employer had not more than 25 such em-
25 ployees, and not as having made the election

2119

1 under subparagraph (E)(i)(II) for such 2 years.
2 Rules similar to the second sentence of sub-
3 paragraph (C)(i)(II) shall apply for purposes of
4 this subparagraph.”.

5 (f) AMENDMENTS APPLY ONLY IF EMPLOYER HAS
6 NOT HAD ANOTHER PLAN WITHIN 3 YEARS.—Subpara-
7 graph (E) of section 408(p)(2), as amended by subsection
8 (a), is further amended by adding at the end the following
9 new clause:

10 “(iv) EMPLOYER HAS NOT HAD AN-
11 OTHER PLAN WITHIN 3 YEARS.—An eligi-
12 ble employer is described in this clause
13 only if, during the 3-taxable-year period
14 immediately preceding the 1st year the em-
15 ployer maintains the qualified salary re-
16 duction arrangement under this paragraph,
17 neither the employer nor any member of
18 any controlled group including the em-
19 ployer (or any predecessor of either) estab-
20 lished or maintained any plan described in
21 clause (i), (ii), or (iv) of section
22 219(g)(5)(A) with respect to which con-
23 tributions were made, or benefits were ac-
24 crued, for substantially the same employees

1 as are eligible to participate in such quali-
2 fied salary reduction arrangement.”.

3 (g) CONFORMING AMENDMENTS RELATING TO SIM-
4 PLE 401(k)s.—

5 (1) Subclause (I) of section 401(k)(11)(B)(i) is
6 amended by inserting “(after the application of any
7 election under section 408(p)(2)(E)(i)(II))” before
8 the comma.

9 (2) Paragraph (11) of section 401(k) is amend-
10 ed by adding at the end the following new subpara-
11 graph:

12 “(E) EMPLOYERS ELECTING INCREASED
13 CONTRIBUTIONS.—In the case of an employer
14 which applies an election under section
15 408(p)(2)(E)(i)(II) for purposes of the con-
16 tribution requirements of this paragraph under
17 subparagraph (B)(i)(I), rules similar to the
18 rules of subparagraphs (B)(iii), (C)(ii)(IV), and
19 (G) of section 408(p)(2) shall apply for pur-
20 poses of subparagraphs (B)(i)(II) and (B)(ii) of
21 this paragraph.”.

22 (h) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to taxable years beginning after
24 December 31, 2023.

25 (i) REPORTS BY SECRETARY.—

1 (1) IN GENERAL.—The Secretary of the Treas-
2 ury shall, not later than December 31, 2024, and
3 annually thereafter, report to the Committees on Fi-
4 nance and Health, Education, Labor, and Pensions
5 of the Senate and the Committees on Ways and
6 Means and Education and Labor of the House of
7 Representatives on the data described in paragraph
8 (2), together with any recommendations the Sec-
9 retary deems appropriate.

10 (2) DATA DESCRIBED.—For purposes of the re-
11 port required under paragraph (1), the Secretary of
12 the Treasury shall collect data and information on—

13 (A) the number of plans described in sec-
14 tion 408(p) or 401(k)(11) of the Internal Rev-
15 enue Code of 1986 that are maintained or es-
16 tablished during a year;

17 (B) the number of participants eligible to
18 participate in such plans for such year;

19 (C) median contribution amounts for the
20 participants described in subparagraph (B);

21 (D) the types of investments that are most
22 common under such plans; and

23 (E) the fee levels charged in connection
24 with the maintenance of accounts under such
25 plans.

1 Such data and information shall be collected sepa-
2 rately for each type of plan. For purposes of col-
3 lecting such data, the Secretary of the Treasury may
4 use such data as is otherwise available to the Sec-
5 retary for publication and may use such approaches
6 as are appropriate under the circumstances, includ-
7 ing the use of voluntary surveys and collaboration on
8 studies.

9 **SEC. 118. TAX TREATMENT OF CERTAIN NONTRADE OR**
10 **BUSINESS SEP CONTRIBUTIONS.**

11 (a) **IN GENERAL.**—Subparagraph (B) of section
12 4972(c)(6) is amended—

13 (1) by striking “408(p) or” and inserting
14 “408(p),”; and

15 (2) by inserting “, or a simplified employee pen-
16 sion (within the meaning of section 408(k))” after
17 “401(k)(11)”.

18 (b) **EFFECTIVE DATE.**—

19 (1) **IN GENERAL.**—The amendments made by
20 this section shall apply to taxable years beginning
21 after the date of the enactment of this Act.

22 (2) **NO INFERENCE.**—Nothing in the amend-
23 ments made by this section shall be construed to
24 infer the proper treatment under section 4972(c)(6)
25 of the Internal Revenue Code of 1986 of nondeduct-

1 ible contributions to which the amendments made by
2 this section do not apply.

3 **SEC. 119. APPLICATION OF SECTION 415 LIMIT FOR CER-**
4 **TAIN EMPLOYEES OF RURAL ELECTRIC CO-**
5 **OPERATIVES.**

6 (a) IN GENERAL.—Section 415(b) is amended by
7 adding at the end the following new paragraph:

8 “(12) SPECIAL RULE FOR CERTAIN EMPLOYEES
9 OF RURAL ELECTRIC COOPERATIVES.—

10 “(A) IN GENERAL.—Subparagraph (B) of
11 paragraph (1) shall not apply to a participant
12 in an eligible rural electric cooperative plan, ex-
13 cept in the case of a participant who was a
14 highly compensated employee (as defined in sec-
15 tion 414(q)) of an employer maintaining such
16 plan for the earlier of—

17 “(i) the plan year in which the partici-
18 pant terminated employment with such
19 employer, or

20 “(ii) the plan year in which distribu-
21 tions commence under the plan with re-
22 spect to the participant, or

23 for any of the 5 plan years immediately pre-
24 ceding such earlier plan year.

1 “(B) ELIGIBLE RURAL ELECTRIC COOPER-
2 ATIVE PLAN.—For purposes of this para-
3 graph—

4 “(i) IN GENERAL.—The term ‘eligible
5 rural electric cooperative plan’ means a
6 plan maintained by more than 1 employer,
7 with respect to which at least 85 percent
8 of the employers maintaining the plan are
9 rural cooperatives described in clause (i) or
10 (ii) of section 401(k)(7)(B) or are a na-
11 tional association of such a rural coopera-
12 tive.

13 “(ii) ELECTION.—An employer main-
14 taining an eligible rural cooperative plan
15 may elect not to have subparagraph (A)
16 apply to its employees.

17 “(C) REGULATIONS.—The Secretary shall
18 prescribe such regulations and other guidance
19 as are necessary to limit the application of sub-
20 paragraph (A) such that it does not result in
21 increased benefits for highly compensated em-
22 ployees.”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 this section shall apply to limitation years ending after the
25 date of the enactment of this Act.

1 **SEC. 120. EXEMPTION FOR CERTAIN AUTOMATIC PORT-**
2 **ABILITY TRANSACTIONS.**

3 (a) IN GENERAL.—Section 4975(d), as amended by
4 the preceding provisions of this Act, is further amended
5 by striking “or” at the end of paragraph (23), by striking
6 the period at the end of paragraph (24) and inserting “,
7 or”, and by adding at the end the following new para-
8 graph:

9 “(25) the receipt of fees and compensation by
10 the automatic portability provider for services pro-
11 vided in connection with an automatic portability
12 transaction.”.

13 (b) OTHER DEFINITIONS AND SPECIAL RULES.—
14 Section 4975(f) is amended by adding at the end the fol-
15 lowing new paragraph:

16 “(12) RULES RELATING TO AUTOMATIC PORT-
17 ABILITY TRANSACTIONS.—

18 “(A) IN GENERAL.—For purposes of sub-
19 section (d)(25)—

20 “(i) AUTOMATIC PORTABILITY TRANS-
21 ACTION.—An automatic portability trans-
22 action is a transfer of assets made—

23 “(I) from an individual retire-
24 ment plan which is established on be-
25 half of an individual and to which

2126

1 amounts were transferred under sec-
2 tion 401(a)(31)(B)(i),

3 “(II) to an employer-sponsored
4 retirement plan described in clause
5 (iii), (iv), (v), or (vi) of section
6 402(c)(8)(B) (other than a defined
7 benefit plan) in which such individual
8 is an active participant, and

9 “(III) after such individual has
10 been given advance notice of the
11 transfer and has not affirmatively
12 opted out of such transfer.

13 “(ii) AUTOMATIC PORTABILITY PRO-
14 VIDER.—An automatic portability provider
15 is a person, other than an individual, who
16 executes transfers described in clause (i).

17 “(B) CONDITIONS FOR AUTOMATIC PORT-
18 ABILITY TRANSACTIONS.—Subsection (d)(25)
19 shall not apply to an automatic portability
20 transaction unless the following requirements
21 are satisfied:

22 “(i) ACKNOWLEDGMENT OF FIDU-
23 CIARY STATUS.—An automatic portability
24 provider shall acknowledge in writing, at
25 such time and format as specified by the

2127

1 Secretary of Labor, that the provider is a
2 fiduciary with respect to the individual re-
3 tirement plan described in subparagraph
4 (A)(i)(I).

5 “(ii) FEES.—The fees and compensa-
6 tion received, directly or indirectly, by the
7 automatic portability provider for services
8 provided in connection with the automatic
9 portability transaction (including any in-
10 crease in such fees or compensation and
11 any fees or compensation in connection
12 with, but received before, the trans-
13 action)—

14 “(I) shall not exceed reasonable
15 compensation, and

16 “(II) shall be fully disclosed to
17 and approved in writing in advance of
18 the transaction by a plan fiduciary of
19 the plan described in subparagraph
20 (A)(i)(II) which is independent of the
21 automatic portability provider.

22 An automatic portability provider shall not
23 receive any fees or compensation in con-
24 nection with an automatic portability
25 transaction involving a plan which is spon-

1 sored or maintained by the automatic port-
2 ability provider.

3 “(iii) DATA USAGE.—The automatic
4 portability provider shall not market or sell
5 data relating to the individual retirement
6 plan described in subparagraph (A)(i)(I) or
7 to the participants of the plan described in
8 subparagraph (A)(i)(II).

9 “(iv) OPEN PARTICIPATION.—The
10 automatic portability provider shall offer
11 automatic portability transactions on the
12 same terms to any plan described in sub-
13 paragraph (A)(i)(II).

14 “(v) PRE-TRANSACTION NOTICE.—At
15 least 60 days in advance of an automatic
16 portability transaction, the automatic port-
17 ability provider shall provide notice to the
18 individual on whose behalf the individual
19 retirement plan described in subparagraph
20 (A)(i)(I) is established which includes—

21 “(I) a description of the auto-
22 matic portability transaction and a
23 complete and accurate statement of
24 all fees which will be charged and all

2129

1 compensation which will be received in
2 connection with the transaction,

3 “(II) a clear and prominent de-
4 scription of the individual’s right to
5 affirmatively elect not to participate
6 in the transaction as well as the other
7 available distribution options, the
8 deadline by which the individual must
9 make an election, the procedures for
10 such an election, and a telephone
11 number for the automatic portability
12 provider that the individual may call
13 to make such election,

14 “(III) a description of the indi-
15 vidual’s right to designate a bene-
16 ficiary and the procedures to do so,
17 and

18 “(IV) such other disclosures as
19 the Secretary of Labor may require by
20 regulation.

21 “(vi) POST-TRANSACTION NOTICE.—
22 Not later than 3 business days after an
23 automatic portability transaction, the auto-
24 matic portability provider shall provide no-
25 tice to the individual on whose behalf the

2130

1 individual retirement plan described in
2 subparagraph (A)(i)(I) is established of—

3 “(I) the actions taken by the
4 automatic portability provider with re-
5 spect to the individual’s account,

6 “(II) all relevant information re-
7 garding the location and amount of
8 any transferred assets,

9 “(III) a statement of fees
10 charged against the account by the
11 automatic portability provider or its
12 affiliates in connection with the trans-
13 fer,

14 “(IV) a telephone number at
15 which the individual can contact the
16 automatic portability provider, and

17 “(V) such other disclosures as
18 the Secretary of Labor may require by
19 regulation.

20 “(vii) NOTICE REQUIREMENTS.—The
21 notices required under clauses (v) and (vi)
22 shall be written in a manner calculated to
23 be understood by the average person and
24 shall not include inaccurate or misleading
25 statements.

2131

1 “(viii) FREQUENCY OF SEARCHES.—

2 The automatic portability provider shall
3 query on at least a monthly basis whether
4 any individual with an individual retire-
5 ment plan described in subparagraph
6 (A)(i)(I) has an account in a plan de-
7 scribed in subparagraph (A)(i)(II).

8 “(ix) TIMELINESS OF EXECUTION.—

9 After liquidating the assets of an indi-
10 vidual retirement plan described in sub-
11 paragraph (A)(i)(I) to cash, an automatic
12 portability provider shall transfer the ac-
13 count balance of such plan as soon as
14 practicable to the plan described in sub-
15 paragraph (A)(i)(II).

16 “(x) LIMITATION ON EXERCISE OF

17 DISCRETION.—The automatic portability
18 provider shall neither have nor exercise dis-
19 cretion to affect the timing or amount of
20 the transfer pursuant to an automatic
21 portability transaction other than to de-
22 duct the appropriate fees as described in
23 clause (ii).

24 “(xi) RECORD RETENTION AND AU-

25 DITS.—

2132

1 “(I) IN GENERAL.—An automatic
2 portability provider shall, for not less
3 than 6 years after the automatic port-
4 ability transaction has occurred, main-
5 tain the records sufficient to dem-
6 onstrate the terms of this subpara-
7 graph have been met. The automatic
8 portability provider shall make such
9 records available to any authorized
10 employee of the Department of the
11 Treasury or the Department of Labor
12 within 30 calendar days of the date of
13 a written request for such records.

14 “(II) AUDITS.—An automatic
15 portability provider shall conduct an
16 annual audit, in accordance with regu-
17 lations promulgated by the Secretary
18 of Labor, of automatic portability
19 transactions occurring during the cal-
20 endar year to demonstrate compliance
21 with this paragraph and any regula-
22 tions thereunder and identify any in-
23 stances of noncompliance therewith,
24 and shall submit such audit annually
25 to the Secretary of Labor, in such

2133

1 form and manner as specified by such
2 Secretary.

3 “(xii) WEBSITE.—The automatic
4 portability provider shall maintain a
5 website which contains—

6 “(I) a list of recordkeepers for
7 each plan described in subparagraph
8 (A)(i)(II) with respect to which the
9 provider carries out automatic port-
10 ability transactions, and

11 “(II) a list of all fees described in
12 clause (ii)(II) paid to the provider.”.

13 (c) REGULATORY AUTHORITY.—Not later than 12
14 months after the date of the enactment of this Act, the
15 Secretary of Labor shall issue such guidance as may be
16 necessary to carry out the purposes of the amendments
17 made by this section, including regulations or other guid-
18 ance which—

19 (1) require an automatic portability provider to
20 provide a notice to individuals on whose behalf the
21 individual retirement plan described in paragraph
22 (12)(A)(i)(I) of section 4975(f) of the Internal Rev-
23 enue Code of 1986, as added by this section, is es-
24 tablished in advance of the notices specified in para-
25 graph (12)(B)(v) of such section, as so added,

1 (2) require an automatic portability provider to
2 disclose to plans described in paragraph
3 (12)(A)(i)(II) of section 4975(f) of the Internal Rev-
4 enue Code of 1986, as added by this section, infor-
5 mation required to be provided by a covered service
6 provider pursuant to section 2550.408b-2(c) of title
7 29, Code of Federal Regulations,

8 (3) require a plan described in such paragraph
9 (12)(A)(i)(II), as so added, to fully disclose fees re-
10 lated to an automatic portability transaction in its
11 summary plan description or summary of material
12 modifications, as relevant,

13 (4) require a plan described in such paragraph,
14 as so added, to invest amounts received on behalf of
15 a participant pursuant to an automatic portability
16 transaction in the participant's current investment
17 election under the plan or, if no election is made or
18 permitted, in the plan's qualified default investment
19 alternative (within the meaning of section
20 2550.404c-5 of title 29, Code of Federal Regula-
21 tions) or another investment selected by a fiduciary
22 with respect to such plan,

23 (5) prohibit or restrict the receipt or payment
24 of third party compensation (other than a direct fee
25 paid by a plan sponsor which is in lieu of a fee im-

1 posed on an individual retirement plan owner) by an
2 automatic portability provider in connection with an
3 automatic portability transaction,

4 (6) prohibit exculpatory provisions in an auto-
5 matic portability provider's contracts or communica-
6 tions with individuals disclaiming or limiting its li-
7 ability in the event that an automatic portability
8 transaction results in an improper transfer,

9 (7) require an automatic portability provider to
10 take actions necessary to reasonably ensure that
11 participant and beneficiary data is current and accu-
12 rate,

13 (8) limit the use of data related to automatic
14 portability transactions for any purpose other than
15 the execution of such transactions or locating miss-
16 ing participants, except as permitted by the Sec-
17 retary of Labor,

18 (9) provide for corrections procedures in the
19 event an auditor determines the automatic port-
20 ability provider was not in compliance with this pro-
21 vision and related regulations as specified in para-
22 graph (12)(B)(ix)(II) of section 4975(f) of such
23 Code, as so added, including deadlines, supplemental
24 audits, and corrective actions which may include a
25 temporary prohibition from relying on the exemption

1 provided by paragraph (25) of section 4975(d) of
2 such Code, as added by this section,

3 (10) ensure that the appropriate participants
4 and beneficiaries, in fact, receive all the required no-
5 tices and disclosures, and

6 (11) make clear that the exemption provided by
7 paragraph (25) of section 4975(d) of such Code, as
8 added by this section, applies solely to the automatic
9 portability transactions described therein, and, to
10 the extent the Secretary deems necessary or advis-
11 able, specify how the application of the exemption
12 relates to or coordinates with the application of
13 other statutory provisions, regulations, administra-
14 tive guidance, or exemptions.

15 Any term used in this subsection which is used in para-
16 graph (12) of section 4975(f) of such Code, as added by
17 this section, has the same meaning as when used in such
18 paragraph.

19 (d) REPORT TO CONGRESS.—

20 (1) IN GENERAL.—Not later than 2 years after
21 the date of the first audit report received by the Sec-
22 retary of Labor from any automatic portability pro-
23 vider, and every 3 years thereafter, the Secretary of
24 Labor shall report to the Committees on Health,
25 Education, Labor and Pensions and Finance of the

1 Senate and the Committees on Education and Labor
2 and Ways and Means of the House of Representa-
3 tives on—

4 (A) the effectiveness of automatic port-
5 ability transactions under the exemption pro-
6 vided by paragraph (25) of section 4975(d) of
7 the Internal Revenue Code of 1986, as added
8 by this section, detailing—

9 (i) the number of automatic cash outs
10 from qualified plans to individual retire-
11 ment plans described in section
12 4975(f)(12)(A)(i)(I) of such Code,

13 (ii) the number of completed auto-
14 matic portability transactions to employer-
15 sponsored retirement plans described in
16 section 4975(f)(12)(A)(i)(II) of such Code,

17 (iii) the number of individual retire-
18 ment plans described in section
19 4975(f)(12)(A)(i)(I) of such Code which
20 have been transferred to designated bene-
21 ficiaries,

22 (iv) the number of individual retire-
23 ment plans described in section
24 4975(f)(12)(A)(i)(I) of such Code for
25 which the automatic portability provider is

2138

1 searching for next of kin due to a deceased
2 account holder without a designated bene-
3 ficiary, and

4 (v) the number of accounts that were
5 reduced to a zero balance while in the
6 automatic portability provider's custody;

7 (B) a summary of any consumer com-
8 plaints submitted to the Employee Benefits Se-
9 curity Administration regarding automatic port-
10 ability transactions;

11 (C) a summary of compliance issues found
12 in the annual audit described in section
13 4975(f)(12)(B)(xiii)(II) of such Code, if any,
14 and their corrections;

15 (D) a summary of the fees individuals are
16 charged in connection with automatic port-
17 ability transactions, including whether those
18 fees have increased since the last report;

19 (E) recommendations of any necessary
20 statutory changes to this exemption to improve
21 the effectiveness of automatic portability trans-
22 actions, including repeal of this provision in the
23 event of a pattern of noncompliance; and

24 (F) any other information the Secretary of
25 Labor deems important.

1 The report required by this subsection shall be made
2 publicly available.

3 (2) REPORT ON NOTICES RELATING TO AUTO-
4 MATIC TRANSFERS.—Not later than 2 years after
5 the date of the enactment of this Act, the Secretary
6 of Treasury shall report to the Committee on Fi-
7 nance of the Senate and the Committee on Ways
8 and Means on the adequacy of the notices relating
9 to transfers under section 401(a)(31)(B)(i) of the
10 Internal Revenue Code of 1986.

11 (e) EFFECTIVE DATE.—The amendments made by
12 this section shall apply to transactions occurring on or
13 after the date which is 12 months after the date of the
14 enactment of this Act.

15 **SEC. 121. STARTER 401(k) PLANS FOR EMPLOYERS WITH NO**
16 **RETIREMENT PLAN.**

17 (a) IN GENERAL.—Section 401(k) is amended by
18 adding at the end the following new paragraph:

19 “(16) STARTER 401(k) DEFERRAL-ONLY PLANS
20 FOR EMPLOYERS WITH NO RETIREMENT PLAN.—

21 “(A) IN GENERAL.—A starter 401(k) de-
22 ferral-only arrangement maintained by an eligi-
23 ble employer shall be treated as meeting the re-
24 quirements of paragraph (3)(A)(ii).

2140

1 “(B) STARTER 401(k) DEFERRAL-ONLY
2 ARRANGEMENT.—For purposes of this para-
3 graph, the term ‘starter 401(k) deferral-only
4 arrangement’ means any cash or deferred ar-
5 rangement which meets—

6 “(i) the automatic deferral require-
7 ments of subparagraph (C),

8 “(ii) the contribution limitations of
9 subparagraph (D), and

10 “(iii) the requirements of subpara-
11 graph (E) of paragraph (13).

12 “(C) AUTOMATIC DEFERRAL.—

13 “(i) IN GENERAL.—The requirements
14 of this subparagraph are met if, under the
15 arrangement, each eligible employee is
16 treated as having elected to have the em-
17 ployer make elective contributions in an
18 amount equal to a qualified percentage of
19 compensation.

20 “(ii) ELECTION OUT.—The election
21 treated as having been made under clause
22 (i) shall cease to apply with respect to any
23 employee if such employee makes an af-
24 firmative election—

2141

1 “(I) to not have such contribu-
2 tions made, or

3 “(II) to make elective contribu-
4 tions at a level specified in such af-
5 firmative election.

6 “(iii) QUALIFIED PERCENTAGE.—For
7 purposes of this subparagraph, the term
8 ‘qualified percentage’ means, with respect
9 to any employee, any percentage deter-
10 mined under the arrangement if such per-
11 centage is applied uniformly and is not less
12 than 3 or more than 15 percent.

13 “(D) CONTRIBUTION LIMITATIONS.—

14 “(i) IN GENERAL.—The requirements
15 of this subparagraph are met if, under the
16 arrangement—

17 “(I) the only contributions which
18 may be made are elective contribu-
19 tions of employees described in sub-
20 paragraph (C), and

21 “(II) the aggregate amount of
22 such elective contributions which may
23 be made with respect to any employee
24 for any calendar year shall not exceed
25 \$6,000.

2142

1 “(ii) COST-OF-LIVING ADJUSTMENT.—

2 In the case of any calendar year beginning
3 after December 31, 2024, the \$6,000
4 amount under clause (i) shall be adjusted
5 in the same manner as under section
6 402(g)(4), except that ‘2023’ shall be sub-
7 stituted for ‘2005’.

8 “(iii) CATCH-UP CONTRIBUTIONS FOR
9 INDIVIDUALS AGE 50 OR OVER.—In the
10 case of an individual who has attained the
11 age of 50 before the close of the taxable
12 year, the limitation under clause (i)(II)
13 shall be increased by the applicable amount
14 determined under section 219(b)(5)(B)(ii)
15 (after the application of section
16 219(b)(5)(C)(iii)).

17 “(E) ELIGIBLE EMPLOYER.—For purposes
18 of this paragraph—

19 “(i) IN GENERAL.—The term ‘eligible
20 employer’ means any employer if the em-
21 ployer does not maintain a qualified plan
22 with respect to which contributions are
23 made, or benefits are accrued, for service
24 in the year for which the determination is
25 being made. If only individuals other than

1 employees described in subparagraph (A)
2 of section 410(b)(3) are eligible to partici-
3 pate in such arrangement, then the pre-
4 ceding sentence shall be applied without
5 regard to any qualified plan in which only
6 employees described in such subparagraph
7 are eligible to participate.

8 “(ii) RELIEF FOR ACQUISITIONS,
9 ETC.—Rules similar to the rules of section
10 408(p)(10) shall apply for purposes of
11 clause (i).

12 “(iii) QUALIFIED PLAN.—The term
13 ‘qualified plan’ means a plan, contract,
14 pension, account, or trust described in sub-
15 paragraph (A) or (B) of paragraph (5) of
16 section 219(g) (determined without regard
17 to the last sentence of such paragraph
18 (5)).

19 “(F) ELIGIBLE EMPLOYEE.—For purposes
20 of this paragraph—

21 “(i) IN GENERAL.—The term ‘eligible
22 employee’ means any employee of the em-
23 ployer who meets the minimum age and
24 service conditions described in section
25 410(a)(1).

1 “(ii) EXCLUSIONS.—The employer
2 may elect to exclude from such definition
3 any employee described in paragraph (3)
4 or (4) of section 410(b).”.

5 (b) CERTAIN ANNUITY CONTRACTS.—Section
6 403(b), as amended by the preceding provision of this Act,
7 is further amended by adding at the end the following new
8 paragraph:

9 “(16) SAFE HARBOR DEFERRAL-ONLY PLANS
10 FOR EMPLOYERS WITH NO RETIREMENT PLAN.—

11 “(A) IN GENERAL.—A safe harbor deferr-
12 ral-only plan maintained by an eligible employer
13 shall be treated as meeting the requirements of
14 paragraph (12).

15 “(B) SAFE HARBOR DEFERRAL-ONLY
16 PLAN.—For purposes of this paragraph, the
17 term ‘safe harbor deferral-only plan’ means any
18 plan which meets—

19 “(i) the automatic deferral require-
20 ments of subparagraph (C),

21 “(ii) the contribution limitations of
22 subparagraph (D), and

23 “(iii) the requirements of subpara-
24 graph (E) of section 401(k)(13).

25 “(C) AUTOMATIC DEFERRAL.—

2145

1 “(i) IN GENERAL.—The requirements
2 of this subparagraph are met if, under the
3 plan, each eligible employee is treated as
4 having elected to have the employer make
5 elective contributions in an amount equal
6 to a qualified percentage of compensation.

7 “(ii) ELECTION OUT.—The election
8 treated as having been made under clause
9 (i) shall cease to apply with respect to any
10 eligible employee if such eligible employee
11 makes an affirmative election—

12 “(I) to not have such contribu-
13 tions made, or

14 “(II) to make elective contribu-
15 tions at a level specified in such af-
16 firmative election.

17 “(iii) QUALIFIED PERCENTAGE.—For
18 purposes of this subparagraph, the term
19 ‘qualified percentage’ means, with respect
20 to any employee, any percentage deter-
21 mined under the plan if such percentage is
22 applied uniformly and is not less than 3 or
23 more than 15 percent.

24 “(D) CONTRIBUTION LIMITATIONS.—

2146

1 “(i) IN GENERAL.—The requirements
2 of this subparagraph are met if, under the
3 plan—

4 “(I) the only contributions which
5 may be made are elective contribu-
6 tions of eligible employees, and

7 “(II) the aggregate amount of
8 such elective contributions which may
9 be made with respect to any employee
10 for any calendar year shall not exceed
11 \$6,000.

12 “(ii) COST-OF-LIVING ADJUSTMENT.—
13 In the case of any calendar year beginning
14 after December 31, 2024, the \$6,000
15 amount under clause (i) shall be adjusted
16 in the same manner as under section
17 402(g)(4), except that ‘2023’ shall be sub-
18 stituted for ‘2005’.

19 “(iii) CATCH-UP CONTRIBUTIONS FOR
20 INDIVIDUALS AGE 50 OR OVER.—In the
21 case of an individual who has attained the
22 age of 50 before the close of the taxable
23 year, the limitation under clause (i)(II)
24 shall be increased by the applicable amount
25 determined under section 219(b)(5)(B)(ii)

2147

1 (after the application of section
2 219(b)(5)(C)(iii)).

3 “(E) ELIGIBLE EMPLOYER.—For purposes
4 of this paragraph—

5 “(i) IN GENERAL.—The term ‘eligible
6 employer’ means any employer if the em-
7 ployer does not maintain a qualified plan
8 with respect to which contributions are
9 made, or benefits are accrued, for service
10 in the year for which the determination is
11 being made. If only individuals other than
12 employees described in subparagraph (A)
13 of section 410(b)(3) are eligible to partici-
14 pate in such arrangement, then the pre-
15 ceding sentence shall be applied without
16 regard to any qualified plan in which only
17 employees described in such subparagraph
18 are eligible to participate.

19 “(ii) RELIEF FOR ACQUISITIONS,
20 ETC.—Rules similar to the rules of section
21 408(p)(10) shall apply for purposes of
22 clause (i).

23 “(iii) QUALIFIED PLAN.—The term
24 ‘qualified plan’ means a plan, contract,
25 pension, account, or trust described in sub-

2148

1 paragraph (A) or (B) of paragraph (5) of
2 section 219(g) (determined without regard
3 to the last sentence of such paragraph
4 (5)).

5 “(F) ELIGIBLE EMPLOYEE.—For purposes
6 of this paragraph, the term ‘eligible employee’
7 means any employee of the employer other than
8 an employee who is permitted to be excluded
9 under paragraph (12)(A).”.

10 (c) STARTER AND SAFE HARBOR PLANS NOT
11 TREATED AS TOP-HEAVY PLANS.—Subparagraph (H) of
12 section 416(g)(4) is amended—

13 (1) by striking “ARRANGEMENTS” in the head-
14 ing and inserting “ARRANGEMENTS OR PLANS”,

15 (2) by striking “, and” at the end of clause (i)
16 and inserting “and matching contributions with re-
17 spect to which the requirements of paragraph (11),
18 (12), or (13) of section 401(m) are met, or”, and

19 (3) by striking clause (ii) and inserting after
20 clause (i) the following new clause:

21 “(ii) a starter 401(k) deferral-only ar-
22 rangement described in section
23 401(k)(16)(B) or a safe harbor deferral-
24 only plan described in section
25 403(b)(16).”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to plan years beginning after De-
3 cember 31, 2023.

4 **SEC. 122. ASSIST STATES IN LOCATING OWNERS OF APPLI-**
5 **CABLE SAVINGS BONDS.**

6 (a) IN GENERAL.—Section 3105 of title 31, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 “(f)(1)(A) The Secretary shall provide each State, in
10 digital or other electronic form, with information describ-
11 ing any applicable savings bond which has an applicable
12 address that is within such State, including—

13 “(i) the name and applicable address of the reg-
14 istered owner; and

15 “(ii) the name and applicable address of any
16 registered co-owner or beneficiary.

17 “(B) The information provided under subparagraph
18 (A) may include the serial number of any applicable sav-
19 ings bond.

20 “(C)(i) For purposes of this paragraph, the term ‘ap-
21 plicable address’ means, with respect to any applicable
22 savings bond—

23 “(I) the registered address for the registered
24 owner, co-owner, or beneficiary (as applicable) of
25 such bond; or

1 “(II) if such information is available to the Sec-
2 retary, the last known address for the registered
3 owner, co-owner, or beneficiary (as applicable) of
4 such bond.

5 “(ii) For purposes of clause (i), if the information
6 described in subclause (II) of clause (i) with respect to
7 any individual is available to the Secretary, subclause (I)
8 of such clause shall not apply.

9 “(2)(A) Not later than 12 months after the date of
10 enactment of this subsection, the Secretary shall prescribe
11 such regulations or other guidance as may be necessary
12 to carry out the purposes of this subsection, including
13 rules to—

14 “(i) protect the privacy of the owners of appli-
15 cable savings bonds;

16 “(ii) prevent fraud; and

17 “(iii) ensure that any information provided to a
18 State under this subsection shall be used solely to
19 carry out the purposes of this subsection.

20 “(B) Except as deemed necessary to protect privacy
21 or prevent fraud or misuse of savings bond information,
22 any regulations or guidance prescribed by the Secretary
23 pursuant to subparagraph (A) shall not have the effect
24 of prohibiting, restricting, or otherwise preventing a State

1 from obtaining all information described in paragraph
2 (1)(A).

3 “(3) Not later than 12 months after the date of en-
4 actment of this subsection, and annually thereafter for
5 each year during the 5-year period beginning after the
6 date of enactment of this subsection, the Secretary shall
7 submit to the Committees on Appropriations of the House
8 of Representatives and the Senate, the Committee on
9 Ways and Means of the House of Representatives, and the
10 Committee on Finance of the Senate a report assessing
11 all efforts to satisfy the requirement under paragraph
12 (1)(A).

13 “(4) Any State that receives information described in
14 paragraph (1)(A) with respect to an applicable savings
15 bond may use such information to locate the owner of such
16 bond pursuant to the same standards and requirements
17 as are applicable under—

18 “(A) the abandoned property rules and regula-
19 tions of such State; and

20 “(B) any regulations or guidance promulgated
21 under this subsection.

22 “(5) For purposes of this subsection, the Secretary
23 may disclose to the public any information with respect
24 to any applicable savings bond which a State may disclose
25 to the public pursuant to paragraph (4).

1 “(6) For purposes of this subsection, the term ‘appli-
2 cable savings bond’ means a savings bond which—

3 “(A) is more than 3 years past its date of final
4 maturity;

5 “(B)(i) is in paper form; or

6 “(ii) is in paperless or electronic form and for
7 which—

8 “(I) there is no designated bank account
9 or routing information; or

10 “(II) the designated bank account or rout-
11 ing information is incorrect; and

12 “(C) has not been redeemed.”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 this section shall take effect on the date of enactment of
15 this Act.

16 **SEC. 123. CERTAIN SECURITIES TREATED AS PUBLICLY**
17 **TRADED IN CASE OF EMPLOYEE STOCK OWN-**
18 **ERSHIP PLANS.**

19 (a) IN GENERAL.—Section 401(a)(35) is amended by
20 adding at the end the following new subparagraph:

21 “(I) ESOP RULES RELATING TO PUBLICLY
22 TRADED SECURITIES.—In the case of an appli-
23 cable defined contribution plan which is an em-
24 ployee stock ownership plan, an employer secu-

1 rity shall be treated as described in subpara-
2 graph (G)(v) if—

3 “(i) the security is the subject of
4 priced quotations by at least 4 dealers,
5 published and made continuously available
6 on an interdealer quotation system (as
7 such term is used in section 13 of the Se-
8 curities Exchange Act of 1934) which has
9 made the request described in section 6(j)
10 of such Act to be treated as an alternative
11 trading system,

12 “(ii) the security is not a penny stock
13 (as defined by section 3(a)(51) of such
14 Act),

15 “(iii) the security is issued by a cor-
16 poration which is not a shell company (as
17 such term is used in section 4(d)(6) of the
18 Securities Act of 1933), a blank check
19 company (as defined in section 7(b)(3) of
20 such Act), or subject to bankruptcy pro-
21 ceedings,

22 “(iv) the security has a public float
23 (as such term is used in section 240.12b-
24 2 of title 17, Code of Federal Regulations)
25 which has a fair market value of at least

2154

1 \$1,000,000 and constitutes at least 10 per-
2 cent of the total shares issued and out-
3 standing.

4 “(v) in the case of a security issued
5 by a domestic corporation, the issuer pub-
6 lishes, not less frequently than annually, fi-
7 nancial statements audited by an inde-
8 pendent auditor registered with the Public
9 Company Accounting Oversight Board es-
10 tablished under the Sarbanes-Oxley Act of
11 2002, and

12 “(vi) in the case of a security issued
13 by a foreign corporation, the security is
14 represented by a depositary share (as de-
15 fined under section 240.12b-2 of title 17,
16 Code of Federal Regulations), or is issued
17 by a foreign corporation incorporated in
18 Canada and readily tradeable on an estab-
19 lished securities market in Canada, and
20 the issuer—

21 “(I) is subject to, and in compli-
22 ance with, the reporting requirements
23 of section 13 or 15(d) of the Securi-
24 ties Exchange Act of 1934 (15 U.S.C.
25 78m or 78o(d)),

2155

1 “(II) is subject to, and in compli-
2 ance with, the reporting requirements
3 of section 230.257 of title 17, Code of
4 Federal Regulations, or

5 “(III) is exempt from such re-
6 quirements under section 240.12g3-
7 2(b) of title 17, Code of Federal Reg-
8 ulations.”.

9 (b) **EFFECTIVE DATE.**—The amendments made by
10 this section shall apply to plan years beginning after De-
11 cember 31, 2027.

12 **SEC. 124. MODIFICATION OF AGE REQUIREMENT FOR**
13 **QUALIFIED ABLE PROGRAMS.**

14 (a) **IN GENERAL.**—Section 529A(e) is amended by
15 striking “age 26” each place it appears in paragraphs
16 (1)(A) and (2)(A)(i)(II) and inserting “age 46”.

17 (b) **EFFECTIVE DATE.**—The amendments made by
18 this section shall apply to taxable years beginning after
19 December 31, 2025.

20 **SEC. 125. IMPROVING COVERAGE FOR PART-TIME WORK-**
21 **ERS.**

22 (a) **IN GENERAL.**—

23 (1) **EMPLOYEE RETIREMENT INCOME SECURITY**
24 **ACT OF 1974.**—Section 202 of the Employee Retirement
25 **Income Security Act of 1974 (29 U.S.C. 1052)**

1 is amended by adding at the end the following new
2 subsection:

3 “(c) SPECIAL RULE FOR CERTAIN PART-TIME EM-
4 PLOYEES.—

5 “(1) IN GENERAL.—A pension plan that in-
6 cludes either a qualified cash or deferred arrange-
7 ment (as defined in section 401(k) of the Internal
8 Revenue Code of 1986) or a salary reduction agree-
9 ment (as described in section 403(b) of such Code)
10 shall not require, as a condition of participation in
11 the arrangement or agreement, that an employee
12 complete a period of service with the employer (or
13 employers) maintaining the plan extending beyond
14 the close of the earlier of—

15 “(A) the period permitted under subsection
16 (a)(1) (determined without regard to subpara-
17 graph (B)(i) thereof); or

18 “(B) the first 24-month period—

19 “(i) consisting of 2 consecutive 12-
20 month periods during each of which the
21 employee has at least 500 hours of service;
22 and

23 “(ii) by the close of which the em-
24 ployee has met the requirement of sub-
25 section (a)(1)(A)(i).

1 “(2) EXCEPTION.—Paragraph (1)(B) shall not
2 apply to any employee described in section 410(b)(3)
3 of the Internal Revenue Code of 1986.

4 “(3) COORDINATION WITH TIME OF PARTICIPA-
5 TION RULES.—In the case of employees who are eli-
6 gible to participate in the arrangement or agreement
7 solely by reason of paragraph (1)(B), or by reason
8 of such paragraph and section 401(k)(2)(D)(ii) of
9 such Code, the rules of subsection (a)(4) shall apply
10 to such employees.

11 “(4) 12-MONTH PERIOD.—For purposes of this
12 subsection, 12-month periods shall be determined in
13 the same manner as under the last sentence of sub-
14 section (a)(3)(A), except that 12-month periods be-
15 ginning before January 1, 2023, shall not be taken
16 into account.”.

17 (2) INTERNAL REVENUE CODE OF 1986.—

18 (A) IN GENERAL.—Section 403(b)(12) is
19 amended by adding at the end the following
20 new subparagraph:

21 “(D) RULES RELATING TO CERTAIN PART-
22 TIME EMPLOYEES.—

23 “(i) IN GENERAL.—In the case of em-
24 ployees who are eligible to participate in
25 the agreement solely by reason of section

2158

1 202(c)(1)(B) of the Employee Retirement
2 Income Security Act of 1974—

3 “(I) notwithstanding section
4 401(a)(4), an employer shall not be
5 required to make nonelective or
6 matching contributions on behalf of
7 such employees even if such contribu-
8 tions are made on behalf of other em-
9 ployees eligible to participate in the
10 plan, and

11 “(II) the employer may elect to
12 exclude such employees from the ap-
13 plication of subsections (a)(4), (k)(3),
14 (k)(12), (k)(13), and (m)(2) of section
15 401 and section 410(b).”.

16 (B) CONFORMING AMENDMENT.—

17 (i) The last sentence of section
18 403(b)(12)(A), as amended by this Act, is
19 further amended by inserting “and section
20 202(c) of the Employee Retirement Income
21 Security Act of 1974” after “under section
22 410(b)(4)”.

23 (ii) Section 401(k)(15)(B)(i) is
24 amended by inserting “, or by reason of
25 such paragraph and section 202(c)(1)(B)

1 of the Employee Retirement Income Secu-
2 rity Act of 1974” after “paragraph
3 (2)(D)(ii)”.

4 (b) VESTING.—Section 203(b) of the Employee Re-
5 tirement Income Security Act of 1974 (29 U.S.C.
6 1053(b)) is amended by redesignating paragraph (4) as
7 paragraph (5) and by inserting after paragraph (3) the
8 following new paragraph:

9 “(4) PART-TIME EMPLOYEES.—For purposes of
10 determining whether an employee who became eligi-
11 ble to participate in a qualified cash or deferred ar-
12 rangement or a salary reduction agreement under a
13 plan solely by reason of section 202(c)(1)(B) has a
14 nonforfeitable right to employer contributions—

15 “(A) except as provided in subparagraph
16 (B), each 12-month period for which the em-
17 ployee has at least 500 hours of service shall be
18 treated as a year of service; and

19 “(B) paragraph (3) shall be applied by
20 substituting ‘at least 500 hours of service’ for
21 ‘more than 500 hours of service’ in subpara-
22 graph (A) thereof.

23 For purposes of this paragraph, 12-month periods
24 shall be determined in the same manner as under
25 the last sentence of section 202(a)(3)(A), except that

1 12-month periods beginning before January 1, 2023,
2 shall not be taken into account.”.

3 (c) REDUCTION IN PERIOD SERVICE REQUIREMENT
4 FOR QUALIFIED CASH AND DEFERRED ARRANGE-
5 MENTS.—Section 401(k)(2)(D)(ii) is amended by striking
6 “3” and inserting “2”.

7 (d) PRE-2021 SERVICE.—Section 112(b) of the Set-
8 ting Every Community Up for Retirement Enhancement
9 Act of 2019 (26 U.S.C. 401 note) is amended by striking
10 “section 401(k)(2)(D)(ii)” and inserting “paragraphs
11 (2)(D)(ii) and (15)(B)(iii) of section 401(k)”.

12 (e) COORDINATION WITH RULES FOR TOP-HEAVY
13 PLANS.—Subparagraph (H) of section 416(g)(4), as
14 amended by this Act, is further amended by inserting be-
15 fore “If, but” the following: “Such term shall not include
16 a plan solely because such plan does not provide nonelec-
17 tive or matching contributions to employees described in
18 section 401(k)(15)(B)(i).”.

19 (f) EFFECTIVE DATES.—

20 (1) IN GENERAL.—Except as provided in para-
21 graph (2), the amendments made by this section
22 shall apply to plan years beginning after December
23 31, 2024.

24 (2) SUBSECTION (d) AND (e).—The amend-
25 ments made by subsections (d) and (e) shall take ef-

1 fect as if included in the enactment of section 112
2 of the Setting Every Community Up for Retirement
3 Enhancement Act of 2019.

4 **SEC. 126. SPECIAL RULES FOR CERTAIN DISTRIBUTIONS**
5 **FROM LONG-TERM QUALIFIED TUITION PRO-**
6 **GRAMS TO ROTH IRAS.**

7 (a) IN GENERAL.—Paragraph (3) of section 529(c)
8 is amended by adding at the end the following new sub-
9 paragraph:

10 “(E) SPECIAL ROLLOVER TO ROTH IRAS
11 FROM LONG-TERM QUALIFIED TUITION PRO-
12 GRAMS.—

13 “(i) IN GENERAL.—In the case of a
14 distribution from a qualified tuition pro-
15 gram of a designated beneficiary which has
16 been maintained for the 15-year period
17 ending on the date of such distribution,
18 subparagraph (A) shall not apply to so
19 much the portion of such distribution
20 which—

21 “(I) does not exceed the aggre-
22 gate amount contributed to the pro-
23 gram (and earnings attributable
24 thereto) before the 5-year period end-

2162

1 ing on the date of the distribution,
2 and

3 “**(II)** is paid in a direct trustee-
4 to-trustee transfer to a Roth IRA
5 maintained for the benefit of such
6 designated beneficiary.

7 “**(ii)** **LIMITATIONS.**—

8 “**(I)** **ANNUAL LIMITATION.**—
9 Clause (i) shall only apply to so much
10 of any distribution as does not exceed
11 the amount applicable to the des-
12 ignated beneficiary under section
13 408A(c)(2) for the taxable year (re-
14 duced by the amount of aggregate
15 contributions made during the taxable
16 year to all individual retirement plans
17 maintained for the benefit of the des-
18 ignated beneficiary).

19 “**(II)** **AGGREGATE LIMITATION.**—
20 This subparagraph shall not apply to
21 any distribution described in clause (i)
22 to the extent that the aggregate
23 amount of such distributions with re-
24 spect to the designated beneficiary for

1 such taxable year and all prior taxable
2 years exceeds \$35,000.”.

3 (b) TREATMENT UNDER ROTH IRA RULES.—

4 (1) IN GENERAL.—Paragraph (1) of section
5 408A(e) is amended—

6 (A) by striking the period at the end of
7 subparagraph (B) and inserting “, and”,

8 (B) by inserting after subparagraph (B)
9 the following new subparagraph:

10 “(C) from a qualified tuition program to
11 the extent provided in section 529(c)(3)(E).”,
12 and

13 (C) by adding at the end the following new
14 sentence: “The earnings and contributions of
15 any qualified tuition program from which a
16 qualified rollover contribution is made under
17 subparagraph (C) shall be treated in the same
18 manner as the earnings and contributions of a
19 Roth IRA from which a qualified rollover con-
20 tribution is made under subparagraph (A).”.

21 (2) APPLICATION OF CONTRIBUTION LIMITA-
22 TIONS.—

23 (A) IN GENERAL.—Section 408A(c)(5)(B)
24 is amended—

1 (i) by striking “A qualified rollover
2 contribution” and inserting the following:

3 “(i) IN GENERAL.—A qualified roll-
4 over contribution”, and

5 (ii) by adding at the end the fol-
6 lowing:

7 “(ii) EXCEPTION FOR ROLLOVERS
8 FROM QUALIFIED TUITION PROGRAMS.—
9 Clause (i) shall not apply to any qualified
10 rollover contribution described in sub-
11 section (e)(1)(C).”.

12 (B) WAIVER OF ROTH IRA INCOME LIMITA-
13 TION.—Section 408A(c)(3) is amended by add-
14 ing at the end the following new subparagraph:

15 “(E) SPECIAL RULE FOR CERTAIN TRANS-
16 FERS FROM QUALIFIED TUITION PROGRAMS.—
17 The amount determined under subparagraph
18 (A) shall be increased by the lesser of—

19 “(i) the amount of contributions de-
20 scribed in section 529(c)(3)(E) for the tax-
21 able year, or

22 “(ii) the amount of the reduction de-
23 termined under such subparagraph (deter-
24 mined without regard to this subpara-
25 graph).”.

1 (c) REPORTING.—Section 529(d) is amended—

2 (1) by striking “Each officer” and inserting the
3 following:

4 “(1) IN GENERAL.—Each officer”,

5 (2) by striking “by this subsection” and insert-
6 ing “by this paragraph”, and

7 (3) by adding at the end the following new
8 paragraph:

9 “(2) ROLLOVER DISTRIBUTIONS.—In the case
10 of any distribution described in subsection (c)(3)(E),
11 the officer or employee having control of the quali-
12 fied tuition program (or their designee) shall provide
13 a report to the trustee of the Roth IRA to which the
14 distribution is made. Such report shall be filed at
15 such time and in such manner as the Secretary may
16 require and shall include information with respect to
17 the contributions, distributions, and earnings of the
18 qualified tuition program as of the date of the dis-
19 tribution described in subsection (c)(3)(A), together
20 with such other matters as the Secretary may re-
21 quire.”.

22 (d) EFFECTIVE DATE.—The amendments made by
23 this section shall apply with respect to distributions after
24 December 31, 2023.

2166

1 **SEC. 127. EMERGENCY SAVINGS ACCOUNTS LINKED TO IN-**
2 **DIVIDUAL ACCOUNT PLANS.**

3 (a) EMPLOYEE PENSION BENEFIT PLANS.—Section
4 3 of the Employee Retirement Income Security Act of
5 1974 (29 U.S.C. 1002) is amended by adding at the end
6 the following:

7 “(45) PENSION-LINKED EMERGENCY SAVINGS
8 ACCOUNT.—The term ‘pension-linked emergency sav-
9 ings account’ means a short-term savings account
10 established and maintained as part of an individual
11 account plan, in accordance with section 801, on be-
12 half of an eligible participant (as such term is de-
13 fined in section 801(b)) that—

14 “(A) is a designated Roth account (within
15 the meaning of section 402A of the Internal
16 Revenue Code of 1986) and accepts only partic-
17 ipant contributions, as described in section
18 801(d)(1)(A), which are designated Roth con-
19 tributions subject to the rules of section
20 402A(e) of such Code; and

21 “(B) meets the requirements of part 8 of
22 subtitle B.”.

23 (b) PENSION-LINKED EMERGENCY SAVINGS AC-
24 COUNTS.—

25 (1) IN GENERAL.—Subtitle B of title I of the
26 Employee Retirement Income Security Act of 1974

1 (29 U.S.C. 1021 et seq.) is amended by adding at
2 the end the following:

3 **“PART 8—PENSION-LINKED EMERGENCY**

4 **SAVINGS ACCOUNTS**

5 **“SEC. 801. PENSION-LINKED EMERGENCY SAVINGS AC-**
6 **COUNTS.**

7 “(a) IN GENERAL.—A plan sponsor of an individual
8 account plan may—

9 “(1) include in such individual account plan a
10 pension-linked emergency savings account meeting
11 the requirements of subsection (c); and

12 “(2)(A) offer to enroll an eligible participant in
13 such pension-linked emergency savings account; or

14 “(B) automatically enroll an eligible participant
15 in such account pursuant to an automatic contribu-
16 tion arrangement described in paragraph (2) of sub-
17 section (c).

18 “(b) ELIGIBLE PARTICIPANT.—

19 “(1) IN GENERAL.—For purposes of this part,
20 the term ‘eligible participant’, with regard to an in-
21 dividual account plan, means an individual who—

22 “(A) meets any age, service, and other eli-
23 gibility requirements of the plan; and

24 “(B) is not a highly compensated em-
25 ployee.

1 “(2) ELIGIBLE PARTICIPANT WHO BECOMES A
2 HIGHLY COMPENSATED EMPLOYEE.—Notwith-
3 standing paragraph (1)(B), an individual who is en-
4 rolled in a pension-linked emergency savings account
5 and thereafter becomes a highly compensated em-
6 ployee may not make further contributions to such
7 account, but retains the right to withdraw any ac-
8 count balance of such account in accordance with
9 subsection (c)(1)(A)(ii).

10 “(3) DEFINITION.—For purposes of this sub-
11 section, the term ‘highly compensated employee’ has
12 the meaning given the term in section 414(q) of the
13 Internal Revenue Code of 1986.

14 “(c) ACCOUNT REQUIREMENTS.—

15 “(1) IN GENERAL.—A pension-linked emer-
16 gency savings account—

17 “(A) shall—

18 “(i) not have a minimum contribution
19 or account balance requirement;

20 “(ii) allow for withdrawal by the par-
21 ticipant of the account balance, in whole or
22 in part at the discretion of the participant,
23 at least once per calendar month and for
24 distribution of such withdrawal to the par-
25 ticipant as soon as practicable from the

1 date on which the participant elects to
2 make such withdrawal; and

3 “(iii) be, as selected by the plan spon-
4 sor, held as cash, in an interest-bearing de-
5 posit account, or in an investment prod-
6 uct—

7 “(I) designed to—

8 “(aa) maintain over the
9 term of the investment, the dollar
10 value that is equal to the amount
11 invested in the product; and

12 “(bb) preserve principal and
13 provide a reasonable rate of re-
14 turn, whether or not such return
15 is guaranteed, consistent with the
16 need for liquidity; and

17 “(II) offered by a State- or feder-
18 ally-regulated financial institution;

19 “(B) may be subject to, as permitted by
20 the Secretary, reasonable restrictions; and

21 “(C)(i) may not, for not less than the first
22 4 withdrawals of funds from the account in a
23 plan year, be subject to any fees or charges
24 solely on the basis of such a withdrawal; and

1 “(ii) may, for any subsequent withdrawal
2 in a plan year, be subject to reasonable fees or
3 charges in connection with such a withdrawal,
4 including reasonable reimbursement fees im-
5 posed for the incidental costs of handling of
6 paper checks.

7 “(2) ESTABLISHMENT AND TERMINATION OF
8 ACCOUNT.—

9 “(A) ESTABLISHMENT OF ACCOUNT.—The
10 pension-linked emergency savings account fea-
11 ture shall be included in the plan document of
12 the individual account plan. Such individual ac-
13 count plan shall—

14 “(i) separately account for contribu-
15 tions to the pension-linked emergency sav-
16 ings account of the individual account plan
17 and any earnings properly allocable to the
18 contributions;

19 “(ii) maintain separate recordkeeping
20 with respect to each such pension-linked
21 emergency savings account; and

22 “(iii) allow withdrawals from such ac-
23 count in accordance with section
24 402A(e)(7) of the Internal Revenue Code
25 of 1986.

1 “(B) TERMINATION OF ACCOUNT.—A plan
2 sponsor may terminate the pension-linked emer-
3 gency savings account feature of an individual
4 account plan at any time.

5 “(d) ACCOUNT CONTRIBUTIONS.—

6 “(1) LIMITATION.—

7 “(A) IN GENERAL.—Subject to subpara-
8 graph (B), no contribution shall be accepted to
9 a pension-linked emergency savings account to
10 the extent such contribution would cause the
11 portion of the account balance attributable to
12 participant contributions to exceed the lesser
13 of—

14 “(i) \$2,500; or

15 “(ii) an amount determined by the
16 plan sponsor of the pension-linked emer-
17 gency savings account.

18 In the case of contributions made in taxable
19 years beginning after December 31, 2024, the
20 Secretary shall adjust the amount under clause
21 (i) at the same time and in the same manner
22 as the adjustment made by the Secretary of the
23 Treasury under section 415(d) of the Internal
24 Revenue Code of 1986, except that the base pe-
25 riod shall be the calendar quarter beginning

2172

1 July 1, 2023. Any increase under the preceding
2 sentence which is not a multiple of \$100 shall
3 be rounded to the next lowest multiple of \$100.

4 “(B) EXCESS CONTRIBUTIONS.—To the
5 extent any contribution to the pension-linked
6 emergency savings account of a participant for
7 a taxable year would exceed the limitation of
8 subparagraph (A)—

9 “(i) in the case of a participant with
10 another designated Roth account under the
11 individual account plan, such plan may
12 provide that—

13 “(I) the participant may elect to
14 increase the participant’s contribution
15 to such other account; and

16 “(II) in the absence of such a
17 participant election, the participant is
18 deemed to have elected to increase the
19 participant’s contributions to such
20 other account at the rate at which
21 contributions were being made to the
22 pension-linked emergency savings ac-
23 count; and

1 “(ii) in any other case, such plan shall
2 provide that such excess contributions will
3 not be accepted.

4 “(2) AUTOMATIC CONTRIBUTION ARRANGE-
5 MENT.—For purposes of this section—

6 “(A) IN GENERAL.—An automatic con-
7 tribution arrangement described in this para-
8 graph is an arrangement under which an eligi-
9 ble participant is treated as having elected to
10 have the plan sponsor make elective contribu-
11 tions to a pension-linked emergency savings ac-
12 count at a participant contribution rate that is
13 not more than 3 percent of the compensation of
14 the eligible participant, unless the eligible par-
15 ticipant, at any time (subject to such reasonable
16 advance notice as is required by the plan ad-
17 ministrator), affirmatively elects to—

18 “(i) make contributions at a different
19 rate or amount; or

20 “(ii) opt out of such contributions.

21 “(B) PARTICIPANT CONTRIBUTION
22 RATE.—For purposes of an automatic contribu-
23 tion arrangement described in subparagraph
24 (A), the plan sponsor—

1 “(i) shall select a participant contribu-
2 tion rate under such automatic contribu-
3 tion arrangement that meets the require-
4 ments of subparagraph (A); and

5 “(ii) may amend (prior to the plan
6 year in which an amendment would take
7 effect) such rate not more than once annu-
8 ally.

9 “(3) DISCLOSURE BY PLAN ADMINISTRATOR OF
10 CONTRIBUTIONS.—

11 “(A) IN GENERAL.—With respect to an in-
12 dividual account plan with a pension-linked
13 emergency savings account feature, the admin-
14 istrator of the plan shall, not less than 30 days
15 and not more than 90 days prior to date of the
16 first contribution to the pension-linked emer-
17 gency savings account, including any contribu-
18 tion under an automatic contribution arrange-
19 ment described in subsection (d)(2), or the date
20 of any adjustment to the participant contribu-
21 tion rate under subsection (d)(2)(B)(ii), and
22 not less than annually thereafter, shall furnish
23 to the participant a notice describing—

24 “(i) the purpose of the account, which
25 is for short-term, emergency savings;

2175

1 “(ii) the limits on, and tax treatment
2 of, contributions to the pension-linked
3 emergency savings account of the partici-
4 pant;

5 “(iii) any fees, expenses, restrictions,
6 or charges associated with such pension-
7 linked emergency savings account;

8 “(iv) procedures for electing to make
9 contributions to or opting out of the pen-
10 sion-linked emergency savings account, for
11 changing participant contribution rates for
12 such pension-linked emergency savings ac-
13 count, and for making participant with-
14 drawals from such pension-linked emer-
15 gency savings account, including any limits
16 on frequency;

17 “(v) as applicable, the amount of the
18 intended contribution to such pension-
19 linked emergency savings account or the
20 change in the percentage of the compensa-
21 tion of the participant of such contribu-
22 tion;

23 “(vi) the amount in the emergency
24 savings account and the amount or per-
25 centage of compensation that a participant

2176

1 has contributed to the pension-linked emer-
2 gency savings account;

3 “(vii) the designated investment op-
4 tion under subsection (c)(1)(A)(iii) for
5 amounts contributed to the pension-linked
6 emergency savings account;

7 “(viii) the options under subsection
8 (e) for the account balance of the pension-
9 linked emergency savings account after ter-
10 mination of the employment of the partici-
11 pant or termination by the plan sponsor of
12 the pension-linked emergency savings ac-
13 count; and

14 “(ix) the ability of a participant who
15 becomes a highly compensated employee
16 (as such term is defined in paragraph (3)
17 of subsection (b)) to, as described in para-
18 graph (2) of such subsection, withdraw any
19 account balance from a pension-linked
20 emergency savings account and the restric-
21 tion on the ability of such a participant to
22 make further contributions to the pension-
23 linked emergency savings account.

1 “(B) NOTICE REQUIREMENTS.—A notice
2 furnished to a participant under subparagraph
3 (A) shall be—

4 “(i) sufficiently accurate and com-
5 prehensive to apprise the participant of the
6 rights and obligations of the participant
7 with regard to the pension-linked emer-
8 gency savings account of the participant;
9 and

10 “(ii) written in a manner calculated to
11 be understood by the average participant.

12 “(C) CONSOLIDATED NOTICES.—The re-
13 quired notices under subparagraph (A) may be
14 included with any other notice under this Act,
15 including under section 404(c)(5)(B) or
16 514(e)(3), or under section 401(k)(13)(E) or
17 414(w)(4) of the Internal Revenue Code of
18 1986, if such other notice is provided to the
19 participant at the time required for such notice.

20 “(4) EMPLOYER MATCHING CONTRIBUTIONS TO
21 AN INDIVIDUAL ACCOUNT PLAN FOR EMPLOYEE
22 CONTRIBUTIONS TO A PENSION-LINKED EMERGENCY
23 SAVINGS ACCOUNT.—

24 “(A) IN GENERAL.—If an employer makes
25 any matching contributions to an individual ac-

1 count plan of which a pension-linked emergency
2 savings account is part, subject to the limita-
3 tions of paragraph (1)(A), the employer shall
4 make matching contributions on behalf of a
5 participant on account of the contributions by
6 the participant to the pension-linked emergency
7 savings account at the same rate as any other
8 matching contribution on account of an elective
9 contribution by such participant. The matching
10 contributions shall be made to the participant's
11 account under the individual account plan that
12 is not the pension-linked emergency savings ac-
13 count. Such matching contributions on account
14 of contributions under paragraph (1)(A) shall
15 not exceed the maximum account balance under
16 paragraph (1)(A) for such plan year.

17 “(B) COORDINATION RULE.—For purposes
18 of any applicable limitation on matching con-
19 tributions, any matching contributions made
20 under the plan shall be treated first as attrib-
21 utable to the elective deferrals of the partici-
22 pant other than contributions to a pension-
23 linked emergency savings account.

24 “(C) MATCHING CONTRIBUTIONS.—For
25 purposes of subparagraph (A), the term ‘match-

1 ing contribution’ has the meaning given such
2 term in section 401(m)(4) of the Internal Rev-
3 enue Code of 1986.

4 “(e) ACCOUNT BALANCE AFTER TERMINATION.—

5 Upon termination of employment of the participant, or
6 termination by the plan sponsor of the pension-linked
7 emergency savings account, the pension-linked emergency
8 savings account of such participant in an individual ac-
9 count plan shall—

10 “(1) allow, at the election of the participant, for
11 transfer by the participant of the account balance of
12 such account, in whole or in part, into another des-
13 ignated Roth account of the participant under the
14 individual account plan; and

15 “(2) for any amounts in such account not
16 transferred under paragraph (1), make such
17 amounts available within a reasonable time to the
18 participant.

19 “(f) ANTI-ABUSE RULES.—

20 “(1) IN GENERAL.—A plan of which a pension-
21 linked emergency savings account is part—

22 “(A) may employ reasonable procedures to
23 limit the frequency or amount of matching con-
24 tributions with respect to contributions to such
25 account, solely to the extent necessary to pre-

1 vent manipulation of the rules of the plan to
2 cause matching contributions to exceed the in-
3 tended amounts or frequency; and

4 “(B) shall not be required to suspend
5 matching contributions following any partici-
6 pant withdrawal of contributions, including
7 elective deferrals and employee contributions,
8 whether or not matched and whether or not
9 made pursuant to an automatic contribution ar-
10 rangement described in section 402A(e)(4) of
11 the Internal Revenue Code of 1986.

12 “(2) REGULATIONS OR OTHER GUIDANCE.—
13 The Secretary of the Treasury, in consultation with
14 the Secretary of Labor, shall issue regulations or
15 other guidance not later than 12 months after the
16 date of the enactment of the SECURE 2.0 Act of
17 2022 with respect to the anti-abuse rules described
18 in paragraph (1).

19 **“SEC. 802. PREEMPTION OF STATE ANTI-GARNISHMENT**
20 **LAWS.**

21 “Notwithstanding any other provision of law, this
22 part shall supersede any law of a State which would di-
23 rectly or indirectly prohibit or restrict the use of an auto-
24 matic contribution arrangement, described in section
25 801(d)(2), for a pension-linked emergency savings ac-

1 count. The Secretary may promulgate regulations to es-
2 tablish minimum standards that such an arrangement
3 would be required to satisfy in order for this subsection
4 to apply with respect to such an account.

5 **“SEC. 803. REPORTING AND DISCLOSURE REQUIREMENTS.**

6 “The Secretary shall—

7 “(1) prescribe such regulations as may be nec-
8 essary to address reporting and disclosure require-
9 ments for pension-linked emergency savings ac-
10 counts; and

11 “(2) seek to prevent unnecessary reporting and
12 disclosure for such accounts under this Act, includ-
13 ing for purposes of any reporting or disclosure re-
14 lated to pension plans required by this title or under
15 the Internal Revenue Code of 1986.

16 **“SEC. 804. REPORT TO CONGRESS ON EMERGENCY SAVINGS**
17 **ACCOUNTS.**

18 “The Secretary of Labor and the Secretary of the
19 Treasury shall—

20 “(1) conduct a study on the use of emergency
21 savings from individual account plan accounts, in-
22 cluding emergency savings from a pension-linked
23 emergency savings account regarding—

24 “(A) whether the amount of the dollar lim-
25 itation under section 801(d)(1)(A) is sufficient;

1 “(B) whether the limitation on the con-
2 tribution rate under section 801(d)(2)(A) is ap-
3 propriate; and

4 “(C) the extent to which plan sponsors
5 offer such accounts and participants participate
6 in such accounts and the resulting impact on
7 participant retirement savings, including the
8 impact on retirement savings leakage and the
9 effect of such accounts on retirement plan par-
10 ticipation by low- and moderate-income house-
11 holds; and

12 “(2) not later than 7 years after the date of en-
13 actment of the SECURE 2.0 Act of 2022, submit to
14 Congress a report on the findings of the study under
15 paragraph (1).”.

16 (2) CLERICAL AMENDMENT.—The table of con-
17 tents in section 1 of the Employee Retirement In-
18 come Security Act of 1974 (29 U.S.C. 1001 note) is
19 amended by inserting after the item relating to sec-
20 tion 734 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.”.

21 (c) REPORTING FOR A PENSION-LINKED EMERGENCY
22 SAVINGS ACCOUNT.—

1 (1) ALTERNATIVE METHODS OF COMPLI-
2 ANCE.—Section 110(a) of the Employee Retirement
3 Income Security Act of 1974 (29 U.S.C. 1030(a)) is
4 amended by inserting “(including pension-linked
5 emergency savings account features within a pension
6 plan)” after “class of pension plans”.

7 (2) MINIMIZED REPORTING BURDEN FOR PEN-
8 SION-LINKED EMERGENCY SAVINGS ACCOUNTS.—
9 Section 101 of such Act (29 U.S.C. 1021) is amend-
10 ed—

11 (A) by redesignating subsection (n) as sub-
12 section (o); and

13 (B) by inserting after subsection (m) the
14 following:

15 “(n) PENSION-LINKED EMERGENCY SAVINGS AC-
16 COUNTS.—Nothing in this section shall preclude the Sec-
17 retary from providing, by regulations or otherwise, sim-
18 plified reporting procedures or requirements regarding
19 such a pension-linked emergency savings account.”.

20 (d) FIDUCIARY DUTY.—Section 404(c) of the Em-
21 ployee Retirement Income Security Act of 1974 (29
22 U.S.C. 1104(c)) is amended by adding at the end the fol-
23 lowing:

24 “(6) DEFAULT INVESTMENT ARRANGEMENTS
25 FOR A PENSION-LINKED EMERGENCY SAVINGS AC-

1 COUNT.—For purposes of paragraph (1), a partici-
2 pant in a pension-linked emergency savings account
3 shall be treated as exercising control over the assets
4 in the account with respect to the amount of con-
5 tributions and earnings which are invested in accord-
6 ance with section 801(c)(1)(A)(iii).”.

7 (e) TAX TREATMENT OF PENSION-LINKED EMER-
8 GENCY 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, ex-
22 cept as otherwise provided in this sub-
23 section, shall be treated for purposes of
24 this title as a designated Roth account,
25 and

2185

1 “(ii) either—

2 “(I) offer to enroll an eligible
3 participant in such pension-linked
4 emergency savings account, or

5 “(II) automatically enroll an eli-
6 gible participant in such account pur-
7 suant to an automatic contribution ar-
8 rangement described in paragraph
9 (4), and

10 “(B) shall—

11 “(i) separately account for contribu-
12 tions to such account and any earnings
13 properly allocable to the contributions,

14 “(ii) maintain separate recordkeeping
15 with respect to each such account, and

16 “(iii) allow withdrawals from such ac-
17 count in accordance with paragraph (7).

18 “(2) ELIGIBLE PARTICIPANT.—

19 “(A) IN GENERAL.—For purposes of this
20 subsection, the term ‘eligible participant’, with
21 regard to a defined contribution plan, means an
22 individual, without regard to whether the indi-
23 vidual is otherwise a participant in such plan,
24 who—

1 “(i) meets any age, service, and other
2 eligibility requirements of the plan, and

3 “(ii) is not a highly compensated em-
4 ployee (as defined in section 414(q)).

5 “(B) ELIGIBLE PARTICIPANT WHO BE-
6 COMES A HIGHLY COMPENSATED EMPLOYEE.—
7 Notwithstanding subparagraph (A)(ii), an indi-
8 vidual on whose behalf a pension-linked emer-
9 gency savings account is established who there-
10 after becomes a highly compensated employee
11 (as so defined) may not make further contribu-
12 tions to such account, but retains the right to
13 withdraw any account balance of such account
14 in accordance with paragraphs (7) and (8).

15 “(3) CONTRIBUTION LIMITATION.—

16 “(A) IN GENERAL.—Subject to subpara-
17 graph (B), no contribution shall be accepted to
18 a pension-linked emergency savings account to
19 the extent such contribution would cause the
20 portion of the account balance attributable to
21 participant contributions to exceed the lesser
22 of—

23 “(i) \$2,500; or

2187

1 “(ii) an amount determined by the
2 plan sponsor of the pension-linked emer-
3 gency savings account.

4 In the case of contributions made in taxable
5 years beginning after December 31, 2024, the
6 Secretary shall adjust the amount under clause
7 (i) at the same time and in the same manner
8 as the adjustment made under section 415(d),
9 except that the base period shall be the cal-
10 endar quarter beginning July 1, 2023. Any in-
11 crease under the preceding sentence which is
12 not a multiple of \$100 shall be rounded to the
13 next lowest multiple of \$100.

14 “(B) EXCESS CONTRIBUTIONS.—To the
15 extent any contribution to the pension-linked
16 emergency savings account of a participant for
17 a taxable year would exceed the limitation of
18 subparagraph (A)—

19 “(i) in the case of an eligible partici-
20 pant with another designated Roth account
21 under the defined contribution plan, the
22 plan may provide that—

23 “(I) the participant may elect to
24 increase the participant’s contribution
25 to such other account, and

2188

1 “(II) in the absence of such a
2 participant election, the participant is
3 deemed to have elected to increase the
4 participant’s contributions to such ac-
5 count at the rate at which contribu-
6 tions were being made to the pension-
7 linked emergency savings account, and
8 “(ii) in any other case, such plan shall
9 provide that such excess contributions will
10 not be accepted.

11 “(4) AUTOMATIC CONTRIBUTION ARRANGE-
12 MENT.—For purposes of this section—

13 “(A) IN GENERAL.—An automatic con-
14 tribution arrangement described in this para-
15 graph is an arrangement under which an eligi-
16 ble participant is treated as having elected to
17 have the plan sponsor make elective contribu-
18 tions to a pension-linked emergency savings ac-
19 count at a participant contribution rate that is
20 not more than 3 percent of the compensation of
21 the eligible participant, unless the eligible par-
22 ticipant, at any time (subject to such reasonable
23 advance notice as is required by the plan ad-
24 ministrator), affirmatively elects to—

1 “(i) make contributions at a different
2 rate, or

3 “(ii) opt out of such contributions.

4 “(B) PARTICIPANT CONTRIBUTION
5 RATE.—For purposes of an automatic contribu-
6 tion arrangement described in subparagraph
7 (A), the plan sponsor—

8 “(i) shall select a participant contribu-
9 tion rate under such automatic contribu-
10 tion arrangement which meets the require-
11 ments of subparagraph (A), and

12 “(ii) may amend such rate (prior to
13 the plan year for which such amendment
14 would take effect) not more than once an-
15 nually.

16 “(5) DISCLOSURE BY PLAN SPONSOR.—

17 “(A) IN GENERAL.—With respect to a de-
18 fined contribution plan which includes a pen-
19 sion-linked emergency savings account, the ad-
20 ministrator of the plan shall, not less than 30
21 days and not more than 90 days prior to the
22 date of the first contribution to the pension-
23 linked emergency savings account, including
24 any contribution under an automatic contribu-
25 tion arrangement described in section 801(d)(2)

2190

1 of the Employee Retirement Income Security
2 Act of 1974, or the date of any adjustment to
3 the participant contribution rate under section
4 801(d)(2)(B)(ii) of such Act, and not less than
5 annually thereafter, shall furnish to the partici-
6 pant a notice describing—

7 “(i) the purpose of the account, which
8 is for short-term, emergency savings;

9 “(ii) the limits on, and tax treatment
10 of, contributions to the pension-linked
11 emergency savings account of the partici-
12 pant;

13 “(iii) any fees, expenses, restrictions,
14 or charges associated with such pension-
15 linked emergency savings account;

16 “(iv) procedures for electing to make
17 contributions or opting out of the pension-
18 linked emergency savings account, chang-
19 ing participant contribution rates for such
20 account, and making participant with-
21 drawals from such pension-linked emer-
22 gency savings account, including any limits
23 on frequency;

24 “(v) the amount of the intended con-
25 tribution or the change in the percentage

1 of the compensation of the participant of
2 such contribution, if applicable;

3 “(vi) the amount in the pension-linked
4 emergency savings account and the amount
5 or percentage of compensation that a par-
6 ticipant has contributed to such account;

7 “(vii) the designated investment op-
8 tion under section 801(c)(1)(A)(iii) of the
9 Employee Retirement Income Security Act
10 of 1974 for amounts contributed to the
11 pension-linked emergency savings account;

12 “(viii) the options under section
13 801(e) of such Act for the account balance
14 of the pension-linked emergency savings
15 account after termination of the employ-
16 ment of the participant; and

17 “(ix) the ability of a participant who
18 becomes a highly compensated employee
19 (as such term is defined in section 414(q))
20 to, as described in section 801(b)(2) of the
21 Employee Retirement Income Security Act
22 of 1974, withdraw any account balance
23 from a pension-linked emergency savings
24 account and the restriction on the ability
25 of such a participant to make further con-

1 tributions to the pension-linked emergency
2 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 emer-
10 gency savings account of the participant;
11 and

12 “(ii) written in a manner calculated to
13 be understood by the average participant.

14 “(C) CONSOLIDATED NOTICES.—The re-
15 quired notices under subparagraph (A) may be
16 included with any other notice under the Em-
17 ployee Retirement Income Security Act of 1974,
18 including under section 404(c)(5)(B) or
19 514(e)(3) of such Act, or under section
20 401(k)(13)(E) or 414(w)(4), if such other no-
21 tice is provided to the participant at the time
22 required for such notice.

23 “(6) EMPLOYER MATCHING CONTRIBUTIONS TO
24 A DEFINED CONTRIBUTION PLAN FOR EMPLOYEE

1 CONTRIBUTIONS TO A PENSION-LINKED EMERGENCY
2 SAVINGS ACCOUNT.—

3 “(A) IN GENERAL.—If an employer makes
4 any matching contributions to a defined con-
5 tribution plan of which a pension-linked emer-
6 gency savings account is part, subject to the
7 limitations of paragraph (3), the employer shall
8 make matching contributions on behalf of an el-
9 igible participant on account of the partici-
10 pant’s contributions to the pension-linked emer-
11 gency savings account at the same rate as any
12 other matching contribution on account of an
13 elective contribution by such participant. The
14 matching contributions shall be made to the
15 participant’s account under the defined con-
16 tribution plan which is not the pension-linked
17 emergency savings account. Such matching con-
18 tributions on account of contributions to the
19 pension-linked emergency savings account shall
20 not exceed the maximum account balance under
21 paragraph (3)(A) for such plan year.

22 “(B) COORDINATION RULE.—For purposes
23 of any applicable limitation on matching con-
24 tributions, any matching contributions made
25 under the plan shall be treated first as attrib-

1 utable to the elective deferrals of the partici-
2 pant other than contributions to a pension-
3 linked emergency savings account.

4 “(C) MATCHING CONTRIBUTIONS.—For
5 purposes of subparagraph (A), the term ‘match-
6 ing contribution’ has the meaning given such
7 term in section 401(m)(4).

8 “(7) DISTRIBUTIONS.—

9 “(A) IN GENERAL.—A pension-linked
10 emergency savings account shall allow for with-
11 drawal by the participant on whose behalf the
12 account is established of the account balance, in
13 whole or in part at the discretion of the partici-
14 pant, at least once per calendar month and for
15 distribution of such withdrawal to the partici-
16 pant as soon as practicable after the date on
17 which the participant elects to make such with-
18 drawal.

19 “(B) TREATMENT OF DISTRIBUTIONS.—
20 Any distribution from a pension-linked emer-
21 gency savings account in accordance with sub-
22 paragraph (A)—

23 “(i) shall be treated as a qualified dis-
24 tribution for purposes of subsection (d),
25 and

1 “(ii) shall be treated as meeting the
2 requirements of sections 401(k)(2)(B)(i),
3 403(b)(7)(A)(i), 403(b)(11), and
4 457(d)(1)(A).

5 “(8) ACCOUNT BALANCE AFTER TERMI-
6 NATION.—

7 “(A) IN GENERAL.—Upon termination of
8 employment of the participant, or termination
9 by the plan sponsor of the pension-linked emer-
10 gency savings account, the pension-linked emer-
11 gency savings account of such participant in a
12 defined contribution plan shall—

13 “(i) allow, at the election of the par-
14 ticipant, for transfer by the participant of
15 the account balance of such account, in
16 whole or in part, into another designated
17 Roth account of the participant under the
18 defined contribution plan; and

19 “(ii) for any amounts in such account
20 not transferred under paragraph (1), make
21 such amounts available within a reasonable
22 time to the participant.

23 “(B) PROHIBITION OF CERTAIN TRANS-
24 FERS.—No amounts shall be transferred by the
25 participant from another account of the partici-

1 pant under any plan of the employer into the
2 pension-linked emergency savings account of
3 the participant.

4 “(C) COORDINATION WITH SECTION 72.—
5 Subparagraph (F) of section 408A(d)(3) shall
6 not apply (including by reason of subsection
7 (c)(4)(D) of this section) to any rollover con-
8 tribution of amounts in a pension-linked emer-
9 gency savings account under subparagraph (A).

10 “(9) COORDINATION WITH DISTRIBUTION OF
11 EXCESS DEFERRALS.—If any excess deferrals are
12 distributed under section 402(g)(2)(A) to a partici-
13 pant, such amounts shall be distributed first from
14 any pension-linked emergency savings account of the
15 participant to the extent contributions were made to
16 such account for the taxable year.

17 “(10) TREATMENT OF ACCOUNT BALANCES.—

18 “(A) IN GENERAL.—Except as provided in
19 subparagraph (B), a distribution from a pen-
20 sion-linked emergency savings account shall not
21 be treated as an eligible rollover distribution for
22 purposes of sections 401(a)(31), 402(f), and
23 3405.

24 “(B) TERMINATION.—In the case of termi-
25 nation of employment of the participant, or ter-

1 mination by the plan sponsor of the pension-
2 linked emergency savings account, except for
3 purposes of 401(a)(31)(B), a distribution from
4 a pension-linked emergency savings account
5 which is contributed as provided in paragraph
6 (8)(A)(i) shall be treated as an eligible rollover
7 distribution.

8 “(11) EXCEPTION TO PLAN AMENDMENT
9 RULES.—Notwithstanding section 411(d)(6), a plan
10 which includes a pension-linked emergency savings
11 account may cease to offer such accounts at any
12 time.

13 “(12) ANTI-ABUSE RULES.—A plan of which a
14 pension-linked emergency savings account is part—

15 “(A) may employ reasonable procedures to
16 limit the frequency or amount of matching con-
17 tributions with respect to contributions to such
18 account, solely to the extent necessary to pre-
19 vent manipulation of the rules of the plan to
20 cause matching contributions to exceed the in-
21 tended amounts or frequency, and

22 “(B) shall not be required to suspend
23 matching contributions following any partici-
24 pant withdrawal of contributions, including
25 elective deferrals and employee contributions,

1 whether or not matched and whether or not
2 made pursuant to an automatic contribution ar-
3 rangement described in paragraph (4).

4 The Secretary, in consultation with the Secretary of
5 Labor, shall issue regulations or other guidance not
6 later than 12 months after the date of the enact-
7 ment of the SECURE 2.0 Act of 2022 with respect
8 to the anti-abuse rules described in the preceding
9 sentence.”.

10 (2) TREATMENT FOR PURPOSES OF ADDI-
11 TIONAL TAX ON EARLY DISTRIBUTIONS.—Section
12 72(t)(2), as amended by the preceding provisions of
13 this Act, is further amended by adding at the end
14 the following new subparagraph:

15 “(J) DISTRIBUTIONS FROM PENSION-
16 LINKED EMERGENCY SAVINGS ACCOUNT.—Dis-
17 tributions from a pension-linked emergency sav-
18 ings account pursuant to section 402A(e).”.

19 (3) BASIS RECOVERY.—Section 72(d) is amend-
20 ed by adding at the end the following new para-
21 graph:

22 “(3) TREATMENT OF CONTRIBUTIONS TO A
23 PENSION-LINKED EMERGENCY SAVINGS ACCOUNT.—
24 For purposes of this section, contributions to a pen-
25 sion-linked emergency savings account to which sec-

1 tion 402A(e) applies (and any income allocable
2 thereto) may be treated as a separate contract.”.

3 (f) REGULATORY AUTHORITY.—The Secretary of
4 Labor and the Secretary of the Treasury (or a delegate
5 of either such Secretary) shall have authority to issue reg-
6 ulations or other guidance, and to coordinate in developing
7 regulations or other guidance, to carry out the purposes
8 of this Act, including—

9 (1) adjustment of the limitation under section
10 801(d)(1) of the Employee Retirement Income Secu-
11 rity Act of 1974 and section 402A(e)(3) of the In-
12 ternal Revenue Code of 1986, as added by this Act,
13 to account for inflation;

14 (2) expansion of corrections programs, if nec-
15 essary;

16 (3) model plan language and notices relating to
17 pension-linked emergency savings accounts; and

18 (4) with regard to interactions with section
19 401(k)(13) of the Internal Revenue Code of 1986.

20 (g) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to plan years beginning after De-
22 cember 31, 2023.

23 **SEC. 128. ENHANCEMENT OF 403(b) PLANS.**

24 (a) IN GENERAL.—Subparagraph (A) of section
25 403(b)(7) is amended by striking “if the amounts are to

2200

1 be invested in regulated investment company stock to be
2 held in that custodial account” and inserting “if the
3 amounts are to be held in that custodial account and are
4 invested in regulated investment company stock or a group
5 trust intended to satisfy the requirements of Internal Rev-
6 enue Service Revenue Ruling 81–100 (or any successor
7 guidance)”.

8 (b) CONFORMING AMENDMENT.—The heading of
9 paragraph (7) of section 403(b) is amended by striking
10 “FOR REGULATED INVESTMENT COMPANY STOCK”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall apply to amounts invested after the date
13 of the enactment of this Act.

14 **TITLE II—PRESERVATION OF** 15 **INCOME**

16 **SEC. 201. REMOVE REQUIRED MINIMUM DISTRIBUTION** 17 **BARRIERS FOR LIFE ANNUITIES.**

18 (a) IN GENERAL.—Section 401(a)(9) is amended by
19 adding at the end the following new subparagraph:

20 “(J) CERTAIN INCREASES IN PAYMENTS
21 UNDER A COMMERCIAL ANNUITY.—Nothing in
22 this section shall prohibit a commercial annuity
23 (within the meaning of section 3405(e)(6)) that
24 is issued in connection with any eligible retire-
25 ment plan (within the meaning of section

2201

1 402(c)(8)(B), other than a defined benefit plan)
2 from providing one or more of the following
3 types of payments on or after the annuity start-
4 ing date:

5 “(i) annuity payments that increase
6 by a constant percentage, applied not less
7 frequently than annually, at a rate that is
8 less than 5 percent per year,

9 “(ii) a lump sum payment that—

10 “(I) results in a shortening of the
11 payment period with respect to an an-
12 nuity or a full or partial commutation
13 of the future annuity payments, pro-
14 vided that such lump sum is deter-
15 mined using reasonable actuarial
16 methods and assumptions, as deter-
17 mined in good faith by the issuer of
18 the contract, or

19 “(II) accelerates the receipt of
20 annuity payments that are scheduled
21 to be received within the ensuing 12
22 months, regardless of whether such
23 acceleration shortens the payment pe-
24 riod with respect to the annuity, re-
25 duces the dollar amount of benefits to

1 be paid under the contract, or results
2 in a suspension of annuity payments
3 during the period being accelerated,

4 “(iii) an amount which is in the na-
5 ture of a dividend or similar distribution,
6 provided that the issuer of the contract de-
7 termines such amount using reasonable ac-
8 tuarial methods and assumptions, as deter-
9 mined in good faith by the issuer of the
10 contract, when calculating the initial annu-
11 ity payments and the issuer’s experience
12 with respect to those factors, or

13 “(iv) a final payment upon death that
14 does not exceed the excess of the total
15 amount of the consideration paid for the
16 annuity payments, less the aggregate
17 amount of prior distributions or payments
18 from or under the contract.”.

19 (b) **EFFECTIVE DATE.**—This section shall apply to
20 calendar years ending after the date of the enactment of
21 this Act.

22 **SEC. 202. QUALIFYING LONGEVITY ANNUITY CONTRACTS.**

23 (a) **IN GENERAL.**—Not later than the date which is
24 18 months after the date of the enactment of this Act,
25 the Secretary of the Treasury (or the Secretary’s delegate)

1 shall amend the regulation issued by the Department of
2 the Treasury relating to “Longevity Annuity Contracts”
3 (79 Fed. Reg. 37633 (July 2, 2014)), as follows:

4 (1) REPEAL 25-PERCENT PREMIUM LIMIT.—The
5 Secretary (or delegate) shall amend Q&A–17(b)(3)
6 of Treas. Reg. section 1.401(a)(9)–6 and Q&A–
7 12(b)(3) of Treas. Reg. section 1.408–8 to eliminate
8 the requirement that premiums for qualifying lon-
9 gevity annuity contracts be limited to 25 percent of
10 an individual’s account balance, and to make such
11 corresponding changes to the regulations and related
12 forms as are necessary to reflect the elimination of
13 this requirement.

14 (2) INCREASE DOLLAR LIMITATION.—

15 (A) IN GENERAL.—The Secretary (or dele-
16 gate) shall amend Q&A–17(b)(2)(i) of Treas.
17 Reg. section 1.401(a)(9)–6 and Q&A–
18 12(b)(2)(i) of Treas. Reg. section 1.408–8 to
19 increase the dollar limitation on premiums for
20 qualifying longevity annuity contracts from
21 \$125,000 to \$200,000, and to make such cor-
22 responding changes to the regulations and re-
23 lated forms as are necessary to reflect this in-
24 crease in the dollar limitation.

1 (B) ADJUSTMENTS FOR INFLATION.—The
2 Secretary (or delegate) shall amend Q&A–
3 17(d)(2)(i) of Treas. Reg. section 1.401(a)(9)–
4 6 to provide that, in the case of calendar years
5 beginning on or after January 1 of the second
6 year following the year of enactment of this
7 Act, the \$200,000 dollar limitation (as in-
8 creased by subparagraph (A)) will be adjusted
9 at the same time and in the same manner as
10 the limits are adjusted under section 415(d) of
11 the Internal Revenue Code of 1986, except that
12 the base period shall be the calendar quarter
13 beginning July 1 of the year of enactment of
14 this Act, and any increase to such dollar limita-
15 tion which is not a multiple of \$10,000 will be
16 rounded to the next lowest multiple of \$10,000.

17 (3) FACILITATE JOINT AND SURVIVOR BENE-
18 FITS.—The Secretary (or delegate) shall amend
19 Q&A–17(c) of Treas. Reg. section 1.401(a)(9)–6,
20 and make such corresponding changes to the regula-
21 tions and related forms as are necessary, to provide
22 that, in the case of a qualifying longevity annuity
23 contract which was purchased with joint and sur-
24 vivor annuity benefits for the individual and the in-
25 dividual’s spouse which were permissible under the

1 regulations at the time the contract was originally
2 purchased, a divorce occurring after the original
3 purchase and before the annuity payments com-
4 mence under the contract will not affect the permis-
5 sibility of the joint and survivor annuity benefits or
6 other benefits under the contract, or require any ad-
7 justment to the amount or duration of benefits pay-
8 able under the contract, provided that any qualified
9 domestic relations order (within the meaning of sec-
10 tion 414(p) of the Internal Revenue Code of 1986)
11 or, in the case of an arrangement not subject to sec-
12 tion 414(p) of such Code or section 206(d) of the
13 Employee Retirement Income Security Act of 1974,
14 any divorce or separation instrument (as defined in
15 subsection (b))—

16 (A) provides that the former spouse is en-
17 titled to the survivor benefits under the con-
18 tract;

19 (B) provides that the former spouse is
20 treated as a surviving spouse for purposes of
21 the contract;

22 (C) does not modify the treatment of the
23 former spouse as the beneficiary under the con-
24 tract who is entitled to the survivor benefits; or

1 (D) does not modify the treatment of the
2 former spouse as the measuring life for the sur-
3 vivor benefits under the contract.

4 (4) PERMIT SHORT FREE LOOK PERIOD.—The
5 Secretary (or delegate) shall amend Q&A–17(a)(4)
6 of Treas. Reg. section 1.401(a)(9)–6 to ensure that
7 such Q&A does not preclude a contract from includ-
8 ing a provision under which an employee may re-
9 scind the purchase of the contract within a period
10 not exceeding 90 days from the date of purchase.

11 (b) DIVORCE OR SEPARATION INSTRUMENT.—For
12 purposes of subsection (a)(3), the term “divorce or separa-
13 tion instrument” means—

14 (1) a decree of divorce or separate maintenance
15 or a written instrument incident to such a decree;

16 (2) a written separation agreement; or

17 (3) a decree (not described in paragraph (1))
18 requiring a spouse to make payments for the sup-
19 port or maintenance of the other spouse.

20 (c) EFFECTIVE DATES, ENFORCEMENT, AND INTER-
21 PRETATIONS.—

22 (1) EFFECTIVE DATES.—

23 (A) Paragraphs (1) and (2) of subsection

24 (a) shall be effective with respect to contracts

1 purchased or received in an exchange on or
2 after the date of the enactment of this Act.

3 (B) Paragraphs (3) and (4) of subsection
4 (a) shall be effective with respect to contracts
5 purchased or received in an exchange on or
6 after July 2, 2014.

7 (2) ENFORCEMENT AND INTERPRETATIONS.—
8 Prior to the date on which the Secretary of the
9 Treasury issues final regulations pursuant to sub-
10 section (a)—

11 (A) the Secretary (or delegate) shall ad-
12 minister and enforce the law in accordance with
13 subsection (a) and the effective dates in para-
14 graph (1) of this subsection; and

15 (B) taxpayers may rely upon their reason-
16 able good faith interpretations of subsection (a).

17 (d) REGULATORY SUCCESSOR PROVISION.—Any ref-
18 erence to a regulation under this section shall be treated
19 as including a reference to any successor regulation there-
20 to.

21 **SEC. 203. INSURANCE-DEDICATED EXCHANGE-TRADED**
22 **FUNDS.**

23 (a) IN GENERAL.—Not later than the date which is
24 7 years after the date of the enactment of this Act, the
25 Secretary of the Treasury (or the Secretary's delegate)

1 shall amend the regulation issued by the Department of
2 the Treasury relating to “Income Tax; Diversification Re-
3 quirements for Variable Annuity, Endowment, and Life
4 Insurance Contracts”, 54 Fed. Reg. 8728 (March 2,
5 1989), and make any necessary corresponding amend-
6 ments to other regulations, in order to facilitate the use
7 of exchange-traded funds as investment options under
8 variable contracts within the meaning of section 817(d)
9 of the Internal Revenue Code of 1986, in accordance with
10 subsections (b) and (c) of this section.

11 (b) DESIGNATE CERTAIN AUTHORIZED PARTICI-
12 PANTS AND MARKET MAKERS AS ELIGIBLE INVESTORS.—
13 The Secretary of the Treasury (or the Secretary’s dele-
14 gate) shall amend Treas. Reg. section 1.817–5(f)(3) to
15 provide that satisfaction of the requirements in Treas.
16 Reg. section 1.817–5(f)(2)(i) with respect to an exchange-
17 traded fund shall not be prevented by reason of beneficial
18 interests in such a fund being held by 1 or more author-
19 ized participants or market makers.

20 (c) DEFINE RELEVANT TERMS.—In amending Treas.
21 Reg. section 1.817–5(f)(3) in accordance with subsection
22 (b), the Secretary of the Treasury (or the Secretary’s dele-
23 gate) shall provide definitions consistent with the fol-
24 lowing:

1 (1) EXCHANGE-TRADED FUND.—The term “ex-
2 change-traded fund” means a regulated investment
3 company, partnership, or trust—

4 (A) that is registered with the Securities
5 and Exchange Commission as an open-end in-
6 vestment company or a unit investment trust;

7 (B) the shares of which can be purchased
8 or redeemed directly from the fund only by an
9 authorized participant; and

10 (C) the shares of which are traded
11 throughout the day on a national stock ex-
12 change at market prices that may or may not
13 be the same as the net asset value of the
14 shares.

15 (2) AUTHORIZED PARTICIPANT.—The term
16 “authorized participant” means a financial institu-
17 tion that is a member or participant of a clearing
18 agency registered under section 17A(b) of the Secu-
19 rities Exchange Act of 1934 that enters into a con-
20 tractual relationship with an exchange-traded fund
21 pursuant to which the financial institution is per-
22 mitted to purchase and redeem shares directly from
23 the fund and to sell such shares to third parties, but
24 only if the contractual arrangement or applicable law
25 precludes the financial institution from—

2210

1 (A) purchasing the shares for its own in-
2 vestment purposes rather than for the exclusive
3 purpose of creating and redeeming such shares
4 on behalf of third parties; and

5 (B) selling the shares to third parties who
6 are not market makers or otherwise described
7 in Treas. Reg. section 1.817-5(f) (1) and (3).

8 (3) MARKET MAKER.—The term “market
9 maker” means a financial institution that is a reg-
10 istered broker or dealer under section 15(b) of the
11 Securities Exchange Act of 1934 that maintains li-
12 quidity for an exchange-traded fund on a national
13 stock exchange by being always ready to buy and sell
14 shares of such fund on the market, but only if the
15 financial institution is contractually or legally pre-
16 cluded from selling or buying such shares to or from
17 persons who are not authorized participants or oth-
18 erwise described in Treas. Reg. section 1.817-5(f)
19 (2) and (3).

20 (d) EFFECTIVE DATE.—This section shall apply to
21 segregated asset account investments made on or after the
22 date which is 7 years after the date of the enactment of
23 this Act.

2211

1 **SEC. 204. ELIMINATING A PENALTY ON PARTIAL**
2 **ANNUITIZATION.**

3 (a) **ELIMINATING A PENALTY ON PARTIAL**
4 **ANNUITIZATION.**—The Secretary of the Treasury (or the
5 Secretary’s delegate) shall amend the regulations under
6 section 401(a)(9) of the Internal Revenue Code of 1986
7 to provide that if an employee’s benefit is in the form of
8 an individual account under a defined contribution plan,
9 the plan may allow the employee to elect to have the
10 amount required to be distributed from such account
11 under such section for a year to be calculated as the excess
12 of the total required amount for such year over the annu-
13 ity amount for such year.

14 (b) **DEFINITIONS.**—For purposes of this section—

15 (1) **TOTAL REQUIRED AMOUNT.**—The term
16 “total required amount”, with respect to a year,
17 means the amount which would be required to be
18 distributed under Treas. Reg. section 1.401(a)(9)–5
19 (or any successor regulation) for the year, deter-
20 mined by treating the account balance as of the last
21 valuation date in the immediately preceding calendar
22 year as including the value on that date of all annu-
23 ity contracts which were purchased with a portion of
24 the account and from which payments are made in
25 accordance with Treas. Reg. section 1.401(a)(9)–6.

2212

1 (2) ANNUITY AMOUNT.—The term “annuity
2 amount”, with respect to a year, is the total amount
3 distributed in the year from all annuity contracts de-
4 scribed in paragraph (1).

5 (c) CONFORMING REGULATORY AMENDMENTS.—The
6 Secretary of the Treasury (or the Secretary’s delegate)
7 shall amend the regulations under sections 403(b)(10),
8 408(a)(6), 408(b)(3), and 457(d)(2) of the Internal Rev-
9 enue Code of 1986 to conform to the amendments de-
10 scribed in subsection (a). Such conforming amendments
11 shall treat all individual retirement plans (as defined in
12 section 7701(a)(37) of such Code) which an individual
13 holds as the owner, or which an individual holds as a bene-
14 ficiary of the same decedent, as one such plan for purposes
15 of the amendments described in subsection (a). Such con-
16 forming amendments shall also treat all contracts de-
17 scribed in section 403(b) of such Code which an individual
18 holds as an employee, or which an individual holds as a
19 beneficiary of the same decedent, as one such contract for
20 such purposes.

21 (d) EFFECTIVE DATE.—The modifications and
22 amendments required under subsections (a) and (c) shall
23 be deemed to have been made as of the date of the enact-
24 ment of this Act, and as of such date—

1 (1) all applicable laws shall be applied in all re-
2 spects as though the actions which the Secretary of
3 the Treasury (or the Secretary’s delegate) is re-
4 quired to take under such subsections had been
5 taken, and

6 (2) until such time as such actions are taken,
7 taxpayers may rely upon their reasonable good faith
8 interpretations of this section.

9 **TITLE III—SIMPLIFICATION AND**
10 **CLARIFICATION OF RETIRE-**
11 **MENT PLAN RULES**

12 **SEC. 301. RECOVERY OF RETIREMENT PLAN OVERPAY-**
13 **MENTS.**

14 (a) OVERPAYMENTS UNDER ERISA.—Section 206 of
15 the Employee Retirement Income Security Act of 1974
16 (29 U.S.C. 1056) is amended by adding at the end the
17 following new subsection:

18 “(h) SPECIAL RULES APPLICABLE TO BENEFIT
19 OVERPAYMENTS.—

20 “(1) GENERAL RULE.—In the case of an inad-
21 vertent benefit overpayment by any pension plan, the
22 responsible plan fiduciary shall not be considered to
23 have failed to comply with the requirements of this
24 title merely because such fiduciary determines, in

1 the exercise of its discretion, not to seek recovery of
2 all or 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
12 the overpayment, allocated to such account
13 pursuant to the nonforfeitability require-
14 ments of section 203 (for example, out of
15 the plan’s forfeiture account, additional
16 employer contributions, or recoveries from
17 those responsible for the overpayment), or

18 “(ii) a defined benefit pension plan
19 subject to the funding rules in part 3 of
20 this subtitle B, unless the responsible plan
21 fiduciary determines, in the exercise of its
22 fiduciary discretion, that failure to recover
23 all or part of the overpayment faster than
24 required under such funding rules would
25 materially affect the plan’s ability to pay

2215

1 benefits due to other participants and
2 beneficiaries, 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 PAY-
14 MENTS AND RECOVERY FROM RESPONSIBLE
15 PARTY.—Paragraph (1) shall not fail to apply with
16 respect to any inadvertent benefit overpayment
17 merely because, after discovering such overpayment,
18 the responsible plan fiduciary—

19 “(A) reduces future benefit payments to
20 the correct amount provided for under the
21 terms of the plan, or

22 “(B) seeks recovery from the person or
23 persons responsible for the overpayment.

24 “(3) EMPLOYER FUNDING OBLIGATIONS.—
25 Nothing in this subsection shall relieve an employer

1 of any obligation imposed on it to make contribu-
2 tions to a plan to meet the minimum funding stand-
3 ards under part 3 of this subtitle B or to prevent
4 or restore an impermissible forfeiture in accordance
5 with section 203.

6 “(4) RECOUPMENT FROM PARTICIPANTS AND
7 BENEFICIARIES.—If the responsible plan fiduciary,
8 in the exercise of its fiduciary discretion, decides to
9 seek recoupment from a participant or beneficiary of
10 all or part of an inadvertent benefit overpayment
11 made by the plan to such participant or beneficiary,
12 it may 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
20 plan has recovered the full dollar amount
21 of the overpayment,

22 “(ii) the amount recouped each cal-
23 endar year does not exceed 10 percent of
24 the full dollar amount of the overpayment,
25 and

2217

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 re-
10 ductions that would be permitted in such year
11 under 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
16 of this subparagraph.

17 “(D) Efforts to recoup overpayments are—

18 “(i) not accompanied by threats of
19 litigation, unless the responsible plan fidu-
20 ciary makes a determination that there is
21 a reasonable likelihood of success to re-
22 cover an amount greater than the cost of
23 recovery, and

24 “(ii) not made through a collection
25 agency or similar third party, unless the

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
8 a participant is not sought from any beneficiary
9 of 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
13 before the participant or beneficiary is first no-
14 tified in writing of the error, except in the case
15 of fraud or misrepresentation by the partici-
16 pant.

17 “(G) A participant or beneficiary from
18 whom recoupment is sought is entitled to con-
19 test all or part of the recoupment pursuant to
20 the claims procedures of the plan that made the
21 overpayment to the extent such procedures are
22 consistent with section 503 of this title and in
23 the case of an inadvertent benefit overpayment
24 from a plan to which paragraph (1) applies that
25 is transferred to an eligible retirement plan (as

1 defined in section 402(c)(8)(B) of the Internal
2 Revenue Code of 1986) by or on behalf of a
3 participant or beneficiary—

4 “(i) such plan shall notify the plan re-
5 ceiving the rollover of such dispute,

6 “(ii) the plan receiving the rollover
7 shall retain such overpayment on behalf of
8 the participant or beneficiary (and shall be
9 entitled to treat such overpayment as plan
10 assets) pending the outcome of such proce-
11 dures, and

12 “(iii) the portion of such overpayment
13 with respect to which recoupment is sought
14 on behalf of the plan shall be permitted to
15 be returned to such plan if it is determined
16 to be an overpayment (and the plans mak-
17 ing and receiving such transfer shall be
18 treated as permitting such transfer).

19 “(H) In determining the amount of
20 recoupment to seek, the responsible plan fidu-
21 ciary may take into account the hardship that
22 recoupment likely would impose on the partici-
23 pant or beneficiary.

24 “(5) EFFECT OF CULPABILITY.—Subpara-
25 graphs (A) through (F) of paragraph (4) shall not

1 apply to protect a participant or beneficiary who is
2 culpable. For purposes of this paragraph, a partici-
3 pant or beneficiary is culpable if the individual bears
4 responsibility for the overpayment (such as through
5 misrepresentations or omissions that led to the over-
6 payment), or if the individual knew that the benefit
7 payment or payments were materially in excess of
8 the correct amount. Notwithstanding the preceding
9 sentence, an individual is not culpable merely be-
10 cause the individual believed the benefit payment or
11 payments were or might be in excess of the correct
12 amount, if the individual raised that question with
13 an authorized plan representative and was told the
14 payment or payments were not in excess of the cor-
15 rect amount.”.

16 (b) OVERPAYMENTS UNDER INTERNAL REVENUE
17 CODE OF 1986.—

18 (1) QUALIFICATION REQUIREMENTS.—Section
19 414 is amended by adding at the end the following
20 new subsection:

21 “(aa) SPECIAL RULES APPLICABLE TO BENEFIT
22 OVERPAYMENTS.—

23 “(1) IN GENERAL.—A plan shall not fail to be
24 treated as described in clause (i), (ii), (iii), or (iv)
25 of section 219(g)(5)(A) (and shall not fail to be

2221

1 treated as satisfying the requirements of section
2 401(a) or 403) merely because—

3 “(A) the plan fails to obtain payment from
4 any participant, beneficiary, employer, plan
5 sponsor, fiduciary, or other party on account of
6 any inadvertent benefit overpayment made by
7 the plan, or

8 “(B) the plan sponsor amends the plan to
9 increase past, or decrease future, benefit pay-
10 ments to affected participants and beneficiaries
11 in order to adjust for prior inadvertent benefit
12 overpayments.

13 “(2) REDUCTION IN FUTURE BENEFIT PAY-
14 MENTS AND RECOVERY FROM RESPONSIBLE
15 PARTY.—Paragraph (1) shall not fail to apply to a
16 plan merely because, after discovering a benefit over-
17 payment, such plan—

18 “(A) reduces future benefit payments to
19 the correct amount provided for under the
20 terms of the plan, or

21 “(B) seeks recovery from the person or
22 persons responsible for such overpayment.

23 “(3) EMPLOYER FUNDING OBLIGATIONS.—
24 Nothing in this subsection shall relieve an employer
25 of any obligation imposed on it to make contribu-

2222

1 tions to a plan to meet the minimum funding stand-
2 ards under sections 412 and 430 or to prevent or re-
3 store an impermissible forfeiture in accordance with
4 section 411.

5 “(4) OBSERVANCE OF BENEFIT LIMITATIONS.—
6 Notwithstanding paragraph (1), a plan to which
7 paragraph (1) applies shall observe any limitations
8 imposed on it by section 401(a)(17) or 415. The
9 plan may enforce such limitations using any method
10 approved by the Secretary for recouping benefits
11 previously paid or allocations previously made in ex-
12 cess of such limitations.

13 “(5) COORDINATION WITH OTHER QUALIFICA-
14 TION REQUIREMENTS.—The Secretary may issue
15 regulations or other guidance of general applicability
16 specifying how benefit overpayments and their
17 recoupment or non-recoupment from a participant or
18 beneficiary shall be taken into account for purposes
19 of satisfying any requirement applicable to a plan to
20 which paragraph (1) applies.”

21 (2) ROLLOVERS.—Section 402(c) is amended
22 by adding at the end the following new paragraph:

23 “(12) In the case of an inadvertent benefit
24 overpayment from a plan to which section
25 414(aa)(1) applies that is transferred to an eligible

1 retirement plan by or on behalf of a participant or
2 beneficiary—

3 “(A) the portion of such overpayment with
4 respect to which recoupment is not sought on
5 behalf of the plan shall be treated as having
6 been paid in an eligible rollover distribution if
7 the payment would have been an eligible roll-
8 over distribution but for being an overpayment,
9 and

10 “(B) the portion of such overpayment with
11 respect to which recoupment is sought on behalf
12 of the plan shall be permitted to be returned to
13 such plan and in such case shall be treated as
14 an eligible rollover distribution transferred to
15 such plan by the participant or beneficiary who
16 received such overpayment (and the plans mak-
17 ing and receiving such transfer shall be treated
18 as permitting such transfer).”.

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall apply as of the date of the enactment
21 of this Act.

22 (d) CERTAIN ACTIONS BEFORE DATE OF ENACT-
23 MENT.—Plans, fiduciaries, employers, and plan sponsors
24 are entitled to rely on—

1 (1) a reasonable good faith interpretation of
2 then existing administrative guidance for inadvertent
3 benefit overpayment recoupments and recoveries
4 that commenced before the date of enactment of this
5 Act, and

6 (2) determinations made before the date of en-
7 actment of this Act by the responsible plan fidu-
8 ciary, in the exercise of its fiduciary discretion, not
9 to seek recoupment or recovery of all or part of an
10 inadvertent benefit overpayment.

11 In the case of a benefit overpayment that occurred prior
12 to the date of enactment of this Act, any installment pay-
13 ments by the participant or beneficiary to the plan or any
14 reduction in periodic benefit payments to the participant
15 or beneficiary, which were made in recoupment of such
16 overpayment and which commenced prior to such date,
17 may continue after such date. Nothing in this subsection
18 shall relieve a fiduciary from responsibility for an overpay-
19 ment that resulted from a breach of its fiduciary duties.

20 **SEC. 302. REDUCTION IN EXCISE TAX ON CERTAIN ACCU-**
21 **MULATIONS IN QUALIFIED RETIREMENT**
22 **PLANS.**

23 (a) IN GENERAL.—Section 4974(a) is amended by
24 striking “50 percent” and inserting “25 percent”.

2225

1 (b) REDUCTION IN EXCISE TAX ON FAILURES TO
2 TAKE REQUIRED MINIMUM DISTRIBUTIONS.—Section
3 4974 is amended by adding at the end the following new
4 subsection:

5 “(e) REDUCTION OF TAX IN CERTAIN CASES.—

6 “(1) REDUCTION.—In the case of a taxpayer
7 who—

8 “(A) receives a distribution, during the
9 correction window, of the amount which re-
10 sulted in imposition of a tax under subsection
11 (a) from the same plan to which such tax re-
12 lates, and

13 “(B) submits a return, during the correc-
14 tion window, reflecting such tax (as modified by
15 this subsection),
16 the first sentence of subsection (a) shall be applied
17 by substituting ‘10 percent’ for ‘25 percent’.

18 “(2) CORRECTION WINDOW.—For purposes of
19 this subsection, the term ‘correction window’ means
20 the period of time beginning on the date on which
21 the tax under subsection (a) is imposed with respect
22 to a shortfall of distributions from a plan described
23 in subsection (a), and ending on the earliest of—

2226

1 “(A) the date of mailing a notice of defi-
2 ciency with respect to the tax imposed by sub-
3 section (a) under section 6212,

4 “(B) the date on which the tax imposed by
5 subsection (a) is assessed, or

6 “(C) the last day of the second taxable
7 year that begins after the end of the taxable
8 year in which the tax under subsection (a) is
9 imposed.”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to taxable years beginning after
12 the date of the enactment of this Act.

13 **SEC. 303. RETIREMENT SAVINGS LOST AND FOUND.**

14 (a) IN GENERAL.—Part 5 of subtitle B of title I of
15 the Employee Retirement Income Security Act of 1974
16 (29 U.S.C. 1131 et seq.) is amended by adding at the end
17 the following:

18 **“SEC. 523. RETIREMENT SAVINGS LOST AND FOUND.**

19 “(a) ESTABLISHMENT.—

20 “(1) IN GENERAL.—Not later than 2 years
21 after the date of the enactment of this section, the
22 Secretary, in consultation with the Secretary of the
23 Treasury, shall establish an online searchable data-
24 base (to be managed by the Secretary in accordance
25 with this section) to be known as the ‘Retirement

2227

1 Savings Lost and Found'. The Retirement Savings
2 Lost and Found shall—

3 “(A) allow an individual to search for in-
4 formation that enables the individual to locate
5 the administrator of any plan described in para-
6 graph (2) with respect to which the individual
7 is or was a participant or beneficiary, and pro-
8 vide contact information for the administrator
9 of any such plan;

10 “(B) allow the Secretary to assist such an
11 individual in locating any such plan of the indi-
12 vidual; and

13 “(C) allow the Secretary to make any nec-
14 essary changes to contact information on record
15 for the administrator based on any changes to
16 the plan due to merger or consolidation of the
17 plan with any other plan, division of the plan
18 into two or more plans, bankruptcy, termi-
19 nation, change in name of the plan, change in
20 name or address of the administrator, or other
21 causes.

22 “(2) PLANS DESCRIBED.—A plan described in
23 this paragraph is a plan to which the vesting stand-
24 ards of section 203 apply.

1 “(b) ADMINISTRATION.—The Retirement Savings
2 Lost and Found established under subsection (a) shall
3 provide individuals described in subsection (a)(1) only
4 with the ability to search for information that enables the
5 individual to locate the administrator and contact informa-
6 tion for the administrator of any plan with respect to
7 which the individual is or was a participant or beneficiary,
8 sufficient to allow the individual to locate the individual’s
9 plan in order to make a claim for benefits owing to the
10 individual under the plan.

11 “(c) SAFEGUARDING PARTICIPANT PRIVACY AND SE-
12 CURITY.—In establishing the Retirement Savings Lost
13 and Found under subsection (a), the Secretary, in con-
14 sultation with the Secretary of the Treasury, shall take
15 all necessary and proper precautions to—

16 “(1) ensure that individuals’ plan and personal
17 information maintained by the Retirement Savings
18 Lost and Found is protected; and

19 “(2) allow any individual to contact the Sec-
20 retary to opt out of inclusion in the Retirement Sav-
21 ings Lost and Found.

22 “(d) DEFINITION OF ADMINISTRATOR.—For pur-
23 poses of this section, the term ‘administrator’ has the
24 meaning given such term in section 3(16)(A).

1 “(e) INFORMATION COLLECTION FROM PLANS.—Ef-
2 fective with respect to plan years beginning after the sec-
3 ond December 31 occurring after the date of the enact-
4 ment of this subsection, the administrator of a plan to
5 which the vesting standards of section 203 apply shall sub-
6 mit to the Secretary, at such time and in such form and
7 manner as is prescribed in regulations—

8 “(1) the information described in paragraphs
9 (1) through (4) of section 6057(b) of the Internal
10 Revenue Code of 1986;

11 “(2) the information described in subpara-
12 graphs (A) and (B) of section 6057(a)(2) of such
13 Code;

14 “(3) the name and taxpayer identifying number
15 of each participant or former participant in the
16 plan—

17 “(A) who, during the current plan year or
18 any previous plan year, was reported under sec-
19 tion 6057(a)(2)(C) of such Code, and with re-
20 spect to whom the benefits described in clause
21 (ii) thereof were fully paid during the plan year;

22 “(B) with respect to whom any amount
23 was distributed under section 401(a)(31)(B) of
24 such Code during the plan year; or

1 “(C) with respect to whom a deferred an-
2 nuity contract was distributed during the plan
3 year; and

4 “(4) in the case of a participant or former par-
5 ticipant to whom paragraph (3) applies—

6 “(A) in the case of a participant described
7 in subparagraph (B) thereof, the name and ad-
8 dress of the designated trustee or issuer de-
9 scribed in section 401(a)(31)(B)(i) of such
10 Code and the account number of the individual
11 retirement plan to which the amount was dis-
12 tributed; and

13 “(B) in the case of a participant described
14 in subparagraph (C) thereof, the name and ad-
15 dress of the issuer of such annuity contract and
16 the contract or certificate number.

17 “(f) USE OF INFORMATION COLLECTED.—The Sec-
18 retary—

19 “(1) may use or disclose information collected
20 under this section only for the purpose described in
21 subsection (a)(1)(B), and

22 “(2) may disclose such information only to such
23 employees of the Department of Labor whose official
24 duties relate to the purpose described in such sub-
25 section.

1 “(g) PROGRAM INTEGRITY AUDIT.—On an annual
2 basis for each of the first 5 years beginning one year after
3 the establishment of the database in subsection (a)(1) and
4 every 5 years thereafter, the Inspector General of the De-
5 partment of Labor shall—

6 “(1) conduct an audit of the administration of
7 the Retirement Savings Lost and Found; and

8 “(2) submit a report on such audit to the Com-
9 mittee on Health, Education, Labor, and Pensions
10 and the Committee on Finance of the Senate and
11 the Committee on Ways and Means and the Com-
12 mittee on Education and Labor of the House of
13 Representatives.”.

14 (b) CONFORMING AMENDMENT.—The table of con-
15 tents for the Employee Retirement Income Security Act
16 of 1974 (29 U.S.C. 1001 et seq.) is amended by inserting
17 after the item relating to section 522 the following:

“Sec. 523. Retirement Savings Lost and Found.”.

18 **SEC. 304. UPDATING DOLLAR LIMIT FOR MANDATORY DIS-**
19 **TRIBUTIONS.**

20 (a) IN GENERAL.—Section 203(e)(1) of the Em-
21 ployee Retirement Income Security Act of 1974 (29
22 U.S.C. 1053(e)(1)) and sections 401(a)(31)(B)(ii) and
23 411(a)(11)(A) are each amended by striking “\$5,000”
24 and inserting “\$7,000”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to distributions made after Decem-
3 ber 31, 2023.

4 **SEC. 305. EXPANSION OF EMPLOYEE PLANS COMPLIANCE**
5 **RESOLUTION SYSTEM.**

6 (a) IN GENERAL.—Except as otherwise provided in
7 the Internal Revenue Code of 1986, regulations, or other
8 guidance of general applicability prescribed by the Sec-
9 retary of the Treasury or the Secretary’s delegate (re-
10 ferred to in this section as the “Secretary”), any eligible
11 inadvertent failure to comply with the rules applicable
12 under section 401(a), 403(a), 403(b), 408(p), or 408(k)
13 of such Code may be self-corrected under the Employee
14 Plans Compliance Resolution System (as described in Rev-
15 enue Procedure 2021–30, or any successor guidance, and
16 hereafter in this section referred to as the “EPCRS”), ex-
17 cept to the extent that (1) such failure was identified by
18 the Secretary prior to any actions which demonstrate a
19 specific commitment to implement a self-correction with
20 respect to such failure, or (2) the self-correction is not
21 completed within a reasonable period after such failure is
22 identified. For purposes of self-correction of an eligible in-
23 advertent failure, the correction period under section 9.02
24 of Revenue Procedure 2021–30 (or any successor guid-
25 ance), except as otherwise provided under such Code, reg-

1 ulations, or other guidance of general applicability pre-
2 scribed by the Secretary, is indefinite and has no last day,
3 other than with respect to failures identified by the Sec-
4 retary prior to any actions which demonstrate a specific
5 commitment to implement a self-correction with respect
6 to such failure or with respect to a self-correction that is
7 not completed within a reasonable period, as described in
8 the preceding sentence.

9 (b) LOAN ERRORS.—In the case of an eligible inad-
10 vertent failure relating to a loan from a plan to a partici-
11 pant—

12 (1) such failure may be self-corrected under
13 subsection (a) according to the rules of section 6.07
14 of Revenue Procedure 2021–30 (or any successor
15 guidance), including the provisions related to wheth-
16 er a deemed distribution must be reported on Form
17 1099–R,

18 (2) the Secretary of Labor shall treat any such
19 failure which is so self-corrected under subsection
20 (a) as meeting the requirements of the Voluntary Fi-
21 duciary Correction Program of the Department of
22 Labor if, with respect to the violation of the fidu-
23 ciary standards of the Employee Retirement Income
24 Security Act of 1974, there is a similar loan error

1 eligible for correction under EPCRS and the loan
2 error is corrected in such manner, and

3 (3) the Secretary of Labor may impose report-
4 ing or other procedural requirements with respect to
5 parties that intend to rely on the Voluntary Fidu-
6 ciary Correction Program for self-corrections de-
7 scribed in paragraph (2).

8 (c) EPCRS FOR IRAS.—The Secretary shall expand
9 the EPCRS to allow custodians of individual retirement
10 plans (as defined in section 7701(a)(37) of the Internal
11 Revenue Code of 1986) to address eligible inadvertent fail-
12 ures with respect to an individual retirement plan (as so
13 defined), including (but not limited to)—

14 (1) waivers of the excise tax which would other-
15 wise apply under section 4974 of the Internal Rev-
16 enue Code of 1986, and

17 (2) rules permitting a nonspouse beneficiary to
18 return distributions to an inherited individual retire-
19 ment plan described in section 408(d)(3)(C) of the
20 Internal Revenue Code of 1986 in a case where, due
21 to an inadvertent error by a service provider, the
22 beneficiary had reason to believe that the distribu-
23 tion could be rolled over without inclusion in income
24 of any part of the distributed amount.

1 (d) CORRECTION METHODS FOR ELIGIBLE INAD-
2 VERTENT FAILURES.—The Secretary shall issue guidance
3 on correction methods that are required to be used to cor-
4 rect eligible inadvertent failures, including general prin-
5 ciples of correction if a specific correction method is not
6 specified by the Secretary.

7 (e) ELIGIBLE INADVERTENT FAILURE.—For pur-
8 poses of this section—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), the term “eligible inadvertent failure”
11 means a failure that occurs despite the existence of
12 practices and procedures which—

13 (A) satisfy the standards set forth in sec-
14 tion 4.04 of Revenue Procedure 2021–30 (or
15 any successor guidance), or

16 (B) satisfy similar standards in the case of
17 an individual retirement plan.

18 (2) EXCEPTION.—The term “eligible inad-
19 vertent failure” shall not include any failure which
20 is egregious, relates to the diversion or misuse of
21 plan assets, or is directly or indirectly related to an
22 abusive tax avoidance transaction.

23 (f) APPLICATION OF CERTAIN REQUIREMENTS FOR
24 CORRECTING ERRORS.—This section shall not apply to
25 any failure unless the correction of such failure under this

1 section is made in conformity with the general principles
2 that apply to corrections of such failures under the Inter-
3 nal Revenue Code of 1986, including regulations or other
4 guidance issued thereunder and including those principles
5 and corrections set forth in Revenue Procedure 2021–30
6 (or any successor guidance).

7 (g) ISSUANCE OF GUIDANCE.—The Secretary of the
8 Treasury, or the Secretary’s delegate, shall revise Revenue
9 Procedure 2021–30 (or any successor guidance) to take
10 into account the provisions of this section not later than
11 the date which is 2 years after the date of enactment of
12 this Act.

13 **SEC. 306. ELIMINATE THE “FIRST DAY OF THE MONTH” RE-**
14 **QUIREMENT FOR GOVERNMENTAL SECTION**
15 **457(b) PLANS.**

16 (a) IN GENERAL.—Section 457(b)(4) is amended to
17 read as follows:

18 “(4) which provides that compensation—

19 “(A) in the case of an eligible employer de-
20 scribed in subsection (e)(1)(A), will be deferred
21 only if an agreement providing for such deferral
22 has been entered into before the compensation
23 is currently available to the individual, and

24 “(B) in any other case, will be deferred for
25 any calendar month only if an agreement pro-

1 viding for such deferral has been entered into
2 before the beginning of such month.”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 this section shall apply to taxable years beginning after
5 the date of the enactment of this Act.

6 **SEC. 307. ONE-TIME ELECTION FOR QUALIFIED CHARITABLE**
7 **TABLE DISTRIBUTION TO SPLIT-INTEREST**
8 **ENTITY; INCREASE IN QUALIFIED CHARITABLE**
9 **TABLE DISTRIBUTION LIMITATION.**

10 (a) **ONE-TIME ELECTION FOR QUALIFIED CHARITABLE**
11 **TABLE DISTRIBUTION TO SPLIT-INTEREST ENTITY.**—Sec-
12 tion 408(d)(8) is amended by adding at the end the fol-
13 lowing new subparagraph:

14 “(F) **ONE-TIME ELECTION FOR QUALIFIED**
15 **CHARITABLE DISTRIBUTION TO SPLIT-INTEREST**
16 **ENTITY.**—

17 “(i) **IN GENERAL.**—A taxpayer may
18 for a taxable year elect under this subpara-
19 graph to treat as meeting the requirement
20 of subparagraph (B)(i) any distribution
21 from an individual retirement account
22 which is made directly by the trustee to a
23 split-interest entity, but only if—

2238

1 “(I) an election is not in effect
2 under this subparagraph for a pre-
3 ceding taxable year,

4 “(II) the aggregate amount of
5 distributions of the taxpayer with re-
6 spect to which an election under this
7 subparagraph is made does not exceed
8 \$50,000, and

9 “(III) such distribution meets the
10 requirements of clauses (iii) and (iv).

11 “(ii) SPLIT-INTEREST ENTITY.—For
12 purposes of this subparagraph, the term
13 ‘split-interest entity’ means—

14 “(I) a charitable remainder annu-
15 ity trust (as defined in section
16 664(d)(1)), but only if such trust is
17 funded exclusively by qualified chari-
18 table distributions,

19 “(II) a charitable remainder
20 unitrust (as defined in section
21 664(d)(2)), but only if such unitrust
22 is funded exclusively by qualified char-
23 itable distributions, or

24 “(III) a charitable gift annuity
25 (as defined in section 501(m)(5)), but

2239

1 only if such annuity is funded exclu-
2 sively by qualified charitable distribu-
3 tions and commences fixed payments
4 of 5 percent or greater not later than
5 1 year from the date of funding.

6 “(iii) CONTRIBUTIONS MUST BE OTH-
7 ERWISE DEDUCTIBLE.—A distribution
8 meets the requirements of this clause only
9 if—

10 “(I) in the case of a distribution
11 to a charitable remainder annuity
12 trust or a charitable remainder
13 unitrust, a deduction for the entire
14 value of the remainder interest in the
15 distribution for the benefit of a speci-
16 fied charitable organization would be
17 allowable under section 170 (deter-
18 mined without regard to subsection
19 (b) thereof and this paragraph), and

20 “(II) in the case of a charitable
21 gift annuity, a deduction in an
22 amount equal to the amount of the
23 distribution reduced by the value of
24 the annuity described in section
25 501(m)(5)(B) would be allowable

2240

1 under section 170 (determined with-
2 out regard to subsection (b) thereof
3 and this paragraph).

4 “(iv) LIMITATION ON INCOME INTER-
5 ESTS.—A distribution meets the require-
6 ments of this clause only if—

7 “(I) no person holds an income
8 interest in the split-interest entity
9 other than the individual for whose
10 benefit such account is maintained,
11 the spouse of such individual, or both,
12 and

13 “(II) the income interest in the
14 split-interest entity is nonassignable.

15 “(v) SPECIAL RULES.—

16 “(I) CHARITABLE REMAINDER
17 TRUSTS.—Notwithstanding section
18 664(b), distributions made from a
19 trust described in subclause (I) or (II)
20 of clause (ii) shall be treated as ordi-
21 nary income in the hands of the bene-
22 ficiary to whom the annuity described
23 in section 664(d)(1)(A) or the pay-
24 ment described in section
25 664(d)(2)(A) is paid.

2241

1 “(II) CHARITABLE GIFT ANNU-
2 ITIES.—Qualified charitable distribu-
3 tions made to fund a charitable gift
4 annuity shall not be treated as an in-
5 vestment in the contract for purposes
6 of section 72(c).”.

7 (b) INFLATION ADJUSTMENT.—Section 408(d)(8), as
8 amended by subsection (a), is further amended by adding
9 at the end the following new subparagraph:

10 “(G) INFLATION ADJUSTMENT.—

11 “(i) IN GENERAL.—In the case of any
12 taxable year beginning after 2023, each of
13 the dollar amounts in subparagraphs (A)
14 and (F) shall be increased by an amount
15 equal to—

16 “(I) such dollar amount, multi-
17 plied by

18 “(II) the cost-of-living adjust-
19 ment determined under section 1(f)(3)
20 for the calendar year in which the tax-
21 able year begins, determined by sub-
22 stituting ‘calendar year 2022’ for ‘cal-
23 endar year 2016’ in subparagraph
24 (A)(ii) thereof.

1 “(ii) ROUNDING.—If any dollar
2 amount increased under clause (i) is not a
3 multiple of \$1,000, such dollar amount
4 shall be rounded to the nearest multiple of
5 \$1,000.”.

6 (c) EFFECTIVE DATE.—The amendment made by
7 this section shall apply to distributions made in taxable
8 years beginning after the date of the enactment of this
9 Act.

10 **SEC. 308. DISTRIBUTIONS TO FIREFIGHTERS.**

11 (a) IN GENERAL.—Subparagraph (A) of section
12 72(t)(10) is amended by striking “414(d)” and inserting
13 “414(d) or a distribution from a plan described in clause
14 (iii), (iv), or (vi) of section 402(c)(8)(B) to an employee
15 who provides firefighting services”.

16 (b) CONFORMING AMENDMENT.—The heading of
17 paragraph (10) of section 72(t) is amended by striking
18 “IN GOVERNMENTAL PLANS” and inserting “AND PRIVATE
19 SECTOR FIREFIGHTERS”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to distributions made after the
22 date of the enactment of this Act.

1 **SEC. 309. EXCLUSION OF CERTAIN DISABILITY-RELATED**
2 **FIRST RESPONDER RETIREMENT PAYMENTS.**

3 (a) IN GENERAL.—Part III of subchapter B of chap-
4 ter 1 is amended by inserting after section 139B the fol-
5 lowing new section:

6 **“SEC. 139C. CERTAIN DISABILITY-RELATED FIRST RE-**
7 **SPONDER RETIREMENT PAYMENTS.**

8 “(a) IN GENERAL.—In the case of an individual who
9 receives qualified first responder retirement payments for
10 any taxable year, gross income shall not include so much
11 of such payments as do not exceed the annualized exclud-
12 able disability amount with respect to such individual.

13 “(b) QUALIFIED FIRST RESPONDER RETIREMENT
14 PAYMENTS.—For purposes of this section, the term ‘quali-
15 fied first responder retirement payments’ means, with re-
16 spect to any taxable year, any pension or annuity which
17 but for this section would be includible in gross income
18 for such taxable year and which is received—

19 “(1) from a plan described in clause (iii), (iv),
20 (v), or (vi) of section 402(c)(8)(B), and

21 “(2) in connection with such individual’s quali-
22 fied first responder service.

23 “(c) ANNUALIZED EXCLUDABLE DISABILITY
24 AMOUNT.—For purposes of this section—

25 “(1) IN GENERAL.—The term ‘annualized ex-
26 cludable disability amount’ means, with respect to

1 any individual, the service-connected excludable dis-
2 ability amounts which are properly attributable to
3 the 12-month period immediately preceding the date
4 on which such individual attains retirement age.

5 “(2) SERVICE-CONNECTED EXCLUDABLE DIS-
6 ABILITY AMOUNT.—The term ‘service-connected ex-
7 cludable disability amount’ means periodic payments
8 received by an individual which—

9 “(A) are not includible in such individual’s
10 gross income under section 104(a)(1),

11 “(B) are received in connection with such
12 individual’s qualified first responder service,
13 and

14 “(C) terminate when such individual at-
15 tains retirement age.

16 “(3) SPECIAL RULE FOR PARTIAL-YEAR PAY-
17 MENTS.—In the case of an individual who only re-
18 ceives service-connected excludable disability
19 amounts properly attributable to a portion of the 12-
20 month period described in paragraph (1), such para-
21 graph shall be applied by multiplying such amounts
22 by the ratio of 365 to the number of days in such
23 period to which such amounts were properly attrib-
24 utable.

1 “(d) **QUALIFIED FIRST RESPONDER SERVICE.**—For
2 purposes of this section, the term ‘qualified first responder
3 service’ means service as a law enforcement officer, fire-
4 fighter, paramedic, or emergency medical technician.”.

5 (b) **CLERICAL AMENDMENT.**—The table of sections
6 for part III of subchapter B of chapter 1 is amended by
7 inserting after the item relating to section 139B the fol-
8 lowing new item:

 “Sec. 139C. Certain disability-related first responder retirement payments.”.

9 (c) **EFFECTIVE DATE.**—The amendments made by
10 this section shall apply to amounts received with respect
11 to taxable years beginning after December 31, 2026.

12 **SEC. 310. APPLICATION OF TOP HEAVY RULES TO DEFINED**
13 **CONTRIBUTION PLANS COVERING EXCLUD-**
14 **ABLE EMPLOYEES.**

15 (a) **IN GENERAL.**—Paragraph (2) of section 416(c)
16 is amended by adding at the end the following new sub-
17 paragraph:

18 “(C) **APPLICATION TO EMPLOYEES NOT**
19 **MEETING AGE AND SERVICE REQUIREMENTS.**—
20 Any employees not meeting the age or service
21 requirements of section 410(a)(1) (without re-
22 gard to subparagraph (B) thereof) may be ex-
23 cluded from consideration in determining
24 whether any plan of the employer meets the re-
25 quirements of subparagraphs (A) and (B).”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply to plan years beginning after
3 December 31, 2023.

4 **SEC. 311. REPAYMENT OF QUALIFIED BIRTH OR ADOPTION**
5 **DISTRIBUTION LIMITED TO 3 YEARS.**

6 (a) IN GENERAL.—Section 72(t)(2)(H)(v)(I) is
7 amended by striking “may make” and inserting “may, at
8 any time during the 3-year period beginning on the day
9 after the date on which such distribution was received,
10 make”.

11 (b) EFFECTIVE DATE.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (2), the amendment made by this section shall
14 apply to distributions made after the date of the en-
15 actment of this Act.

16 (2) TEMPORARY RULE WITH RESPECT TO DIS-
17 TRIBUTIONS ALREADY MADE.—In the case of a
18 qualified birth or adoption distribution (as defined in
19 section 72(t)(2)(H)(iii)(I) of the Internal Revenue
20 Code of 1986) made on or before the date of the en-
21 actment of this Act, section 72(t)(2)(H)(v)(I) of
22 such Code (as amended by this Act) shall apply to
23 such distribution by substituting “after such dis-
24 tribution and before January 1, 2026” for “during

1 the 3-year period beginning on the day after the
2 date on which such distribution was received”.

3 **SEC. 312. EMPLOYER MAY RELY ON EMPLOYEE CERTI-**
4 **FYING THAT DEEMED HARDSHIP DISTRIBUTI-**
5 **ON CONDITIONS ARE MET.**

6 (a) CASH OR DEFERRED ARRANGEMENTS.—Section
7 401(k)(14) is amended by adding at the end the following
8 new subparagraph:

9 “(C) EMPLOYEE CERTIFICATION.—In de-
10 termining whether a distribution is upon the
11 hardship of an employee, the administrator of
12 the plan may rely on a written certification by
13 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 imme-
17 diate 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
23 exceptions to the rule of the preceding sentence
24 in cases where the plan administrator has ac-
25 tual knowledge to the contrary of the employ-

1 ee's certification, and for procedures for ad-
2 dressing cases of employee misrepresentation.”.

3 (b) 403(b) PLANS.—

4 (1) CUSTODIAL ACCOUNTS.—Section 403(b)(7)
5 is amended by adding at the end the following new
6 subparagraph:

7 “(D) EMPLOYEE CERTIFICATION.—In de-
8 termining whether a distribution is upon the fi-
9 nancial hardship of an employee, the adminis-
10 trator of the plan may rely on a written certifi-
11 cation by the employee that the distribution
12 is—

13 “(i) on account of a financial need of
14 a type which is deemed in regulations pre-
15 scribed by the Secretary to be an imme-
16 diate and heavy financial need, and

17 “(ii) not in excess of the amount re-
18 quired to satisfy such financial need, and
19 that the employee has no alternative means rea-
20 sonably available to satisfy such financial need.
21 The Secretary may provide by regulations for
22 exceptions to the rule of the preceding sentence
23 in cases where the plan administrator has ac-
24 tual knowledge to the contrary of the employ-

1 ee’s certification, and for procedures for ad-
2 dressing cases of employee misrepresentation.”.

3 (2) ANNUITY CONTRACTS.—Section 403(b)(11)
4 is amended by adding at the end the following: “In
5 determining whether a distribution is upon hardship
6 of an employee, the administrator of the plan may
7 rely on a written certification by the employee that
8 the distribution is on account of a financial need of
9 a type which is deemed in regulations prescribed by
10 the Secretary to be an immediate and heavy finan-
11 cial need and is not in excess of the amount required
12 to satisfy such financial need, and that the employee
13 has no alternative means reasonably available to sat-
14 isfy such financial need. The Secretary may provide
15 by regulations for exceptions to the rule of the pre-
16 ceding sentence in cases where the plan adminis-
17 trator has actual knowledge to the contrary of the
18 employee’s certification, and for procedures for ad-
19 dressing cases of employee misrepresentation.”.

20 (c) 457(b) PLAN.—Section 457(d) is amended by
21 adding 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

1 maintained by an eligible employer described in sub-
2 section (e)(1)(A) may rely on a written certification
3 by the participant that the distribution is—

4 “(A) made when the participant is faced
5 with an unforeseeable emergency of a type
6 which is described in regulations prescribed by
7 the Secretary as an unforeseeable emergency,
8 and

9 “(B) not in excess of the amount required
10 to satisfy the emergency need, and

11 that the participant has no alternative means rea-
12 sonably available to satisfy such emergency need.

13 The Secretary may provide by regulations for excep-
14 tions to the rule of the preceding sentence in cases
15 where the plan administrator has actual knowledge
16 to the contrary of the participant’s certification, and
17 for procedures for addressing cases of participant
18 misrepresentation.”.

19 (d) EFFECTIVE DATE.—The amendments made by
20 this section shall apply to plan years beginning after the
21 date of the enactment of this Act.

1 **SEC. 313. INDIVIDUAL RETIREMENT PLAN STATUTE OF LIM-**
2 **ITATIONS FOR EXCISE TAX ON EXCESS CON-**
3 **TRIBUTIONS AND CERTAIN ACCUMULATIONS.**

4 (a) IN GENERAL.—Section 6501(l) is amended by
5 adding at the end the following new paragraph:

6 “(4) INDIVIDUAL RETIREMENT PLANS.—

7 “(A) IN GENERAL.—For purposes of any
8 tax imposed by section 4973 or 4974 in connec-
9 tion with an individual retirement plan, the re-
10 turn referred to in this section shall include the
11 income tax return filed by the person on whom
12 the tax under such section is imposed for the
13 year in which the act (or failure to act) giving
14 rise to the liability for such tax occurred.

15 “(B) RULE IN CASE OF INDIVIDUALS NOT
16 REQUIRED TO FILE RETURN.—In the case of a
17 person who is not required to file an income tax
18 return for such year—

19 “(i) the return referred to in this sec-
20 tion shall be the income tax return that
21 such person would have been required to
22 file but for the fact that such person was
23 not required to file such return, and

24 “(ii) the 3-year period referred to in
25 subsection (a) with respect to the return
26 shall be deemed to begin on the date by

1 which the return would have been required
2 to be filed (excluding any extension there-
3 of).

4 “(C) PERIOD FOR ASSESSMENT IN CASE
5 OF INCOME TAX RETURN.—In any case in
6 which the return with respect to a tax imposed
7 by section 4973 is the individual’s income tax
8 return for purposes of this section, subsection
9 (a) shall be applied by substituting a 6-year pe-
10 riod in lieu of the 3-year period otherwise re-
11 ferred to in such subsection.

12 “(D) EXCEPTION FOR CERTAIN ACQUISI-
13 TIONS OF PROPERTY.—In the case of any tax
14 imposed by section 4973 that is attributable to
15 acquiring property for less than fair market
16 value, subparagraph (A) shall not apply.”.

17 (b) EFFECTIVE DATE.—The amendments made by
18 this section shall take effect on the date of the enactment
19 of this Act.

20 **SEC. 314. PENALTY-FREE WITHDRAWAL FROM RETIRE-**
21 **MENT PLANS FOR INDIVIDUAL IN CASE OF**
22 **DOMESTIC ABUSE.**

23 (a) IN GENERAL.—Paragraph (2) of section 72(t), as
24 amended by this Act, is further amended by adding at the
25 end the following new subparagraph:

2253

1 “(K) DISTRIBUTION FROM RETIREMENT
2 PLAN IN CASE OF DOMESTIC ABUSE.—

3 “(i) IN GENERAL.—Any eligible dis-
4 tribution to a domestic abuse victim.

5 “(ii) LIMITATION.—The aggregate
6 amount which may be treated as an eligi-
7 ble distribution to a domestic abuse victim
8 by any individual shall not exceed an
9 amount equal to the lesser of—

10 “(I) \$10,000, or

11 “(II) 50 percent of the present
12 value of the nonforfeitable accrued
13 benefit of the employee under the
14 plan.

15 “(iii) ELIGIBLE DISTRIBUTION TO A
16 DOMESTIC ABUSE VICTIM.—For purposes
17 of this subparagraph—

18 “(I) IN GENERAL.—A distribu-
19 tion shall be treated as an eligible dis-
20 tribution to a domestic abuse victim if
21 such distribution is from an applicable
22 eligible retirement plan and is made
23 to an individual during the 1-year pe-
24 riod beginning on any date on which
25 the individual is a victim of domestic

2254

1 abuse by a spouse or domestic part-
2 ner.

3 “(II) DOMESTIC ABUSE.—The
4 term ‘domestic abuse’ means physical,
5 psychological, sexual, emotional, or
6 economic abuse, including efforts to
7 control, isolate, humiliate, or intimi-
8 date the victim, or to undermine the
9 victim’s ability to reason independ-
10 ently, including by means of abuse of
11 the victim’s child or another family
12 member living in the household.

13 “(iv) TREATMENT OF PLAN DISTRIBUTI-
14 TIONS.—If a distribution to an individual
15 would (without regard to clause (ii)) be an
16 eligible distribution to a domestic abuse
17 victim, a plan shall not be treated as fail-
18 ing to meet any requirement of this title
19 merely because the plan treats the dis-
20 tribution as an eligible distribution to a do-
21 mestic abuse victim, unless the aggregate
22 amount of such distributions from all plans
23 maintained by the employer (and any
24 member of any controlled group which in-
25 cludes the employer, determined as pro-

1 vided in subparagraph (H)(iv)(II)) to such
2 individual exceeds the limitation under
3 clause (ii).

4 “(v) AMOUNT DISTRIBUTED MAY BE
5 REPAID.—Rules similar to the rules of sub-
6 paragraph (H)(v) shall apply with respect
7 to an individual who receives a distribution
8 to which clause (i) applies.

9 “(vi) DEFINITION AND SPECIAL
10 RULES.—For purposes of this subpara-
11 graph:

12 “(I) APPLICABLE ELIGIBLE RE-
13 TIREMENT PLAN.—The term ‘applica-
14 ble eligible retirement plan’ means an
15 eligible retirement plan (as defined in
16 section 402(c)(8)(B)) other than a de-
17 fined benefit plan or a plan to which
18 sections 401(a)(11) and 417 apply.

19 “(II) EXEMPTION OF DISTRIBU-
20 TIONS FROM TRUSTEE TO TRUSTEE
21 TRANSFER AND WITHHOLDING
22 RULES.—For purposes of sections
23 401(a)(31), 402(f), and 3405, an eli-
24 gible distribution to a domestic abuse

2256

1 victim shall not be treated as an eligi-
2 ble rollover distribution.

3 “(III) DISTRIBUTIONS TREATED
4 AS MEETING PLAN DISTRIBUTION RE-
5 QUIREMENTS; SELF-CERTIFICATION.—
6 Any distribution which the employee
7 or participant certifies as being an eli-
8 gible distribution to a domestic abuse
9 victim shall be treated as meeting the
10 requirements of sections
11 401(k)(2)(B)(i), 403(b)(7)(A)(i),
12 403(b)(11), and 457(d)(1)(A).

13 “(vii) INFLATION ADJUSTMENT.—In
14 the case of a taxable year beginning in a
15 calendar year after 2024, the \$10,000
16 amount in clause (ii)(I) shall be increased
17 by an amount equal to—

18 “(I) such dollar amount, multi-
19 plied by

20 “(II) the cost-of-living adjust-
21 ment determined under section 1(f)(3)
22 for the calendar year in which the tax-
23 able year begins, determined by sub-
24 stituting ‘calendar year 2023’ for ‘cal-

2257

1 endar year 2016’ in subparagraph
2 (A)(ii) thereof.

3 If any amount after adjustment under the
4 preceding sentence is not a multiple of
5 \$100, such amount shall be rounded to the
6 nearest multiple of \$100.”.

7 (b) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to distributions made after Decem-
9 ber 31, 2023.

10 **SEC. 315. REFORM OF FAMILY ATTRIBUTION RULE.**

11 (a) IN GENERAL.—Section 414 is amended—

12 (1) in subsection (b)—

13 (A) by striking “For purposes of” and in-
14 serting the following:

15 “(1) IN GENERAL.—For purposes of”, and

16 (B) by adding at the end the following new
17 paragraphs:

18 “(2) SPECIAL RULES FOR APPLYING FAMILY
19 ATTRIBUTION.—For purposes of applying the attri-
20 bution rules under section 1563 with respect to
21 paragraph (1), the following rules apply:

22 “(A) Community property laws shall be
23 disregarded for purposes of determining owner-
24 ship.

1 “(B) Except as provided by the Secretary,
2 stock of an individual not attributed under sec-
3 tion 1563(e)(5) to such individual’s spouse shall
4 not be attributed to such spouse by reason of
5 the combined application of paragraphs (1) and
6 (6)(A) of section 1563(e).

7 “(C) Except as provided by the Secretary,
8 in the case of stock in different corporations
9 that is attributed to a child under section
10 1563(e)(6)(A) from each parent, and is not at-
11 tributed to such parents as spouses under sec-
12 tion 1563(e)(5), such attribution to the child
13 shall not by itself result in such corporations
14 being members of the same controlled group.

15 “(3) PLAN SHALL NOT FAIL TO BE TREATED AS
16 SATISFYING THIS SECTION.—If application of para-
17 graph (2) causes 2 or more entities to be a con-
18 trolled group or to no longer be in a controlled
19 group, such change shall be treated as a transaction
20 to which section 410(b)(6)(C) applies.”, and

21 (2) in subsection (m)(6)(B)—

22 (A) by striking “OWNERSHIP.—In deter-
23 mining” and inserting the following: “OWNER-
24 SHIP.—

25 “(i) IN GENERAL.—In determining”,

2259

1 (B) by adding at the end the following new
2 clauses:

3 “(ii) SPECIAL RULES FOR APPLYING
4 FAMILY ATTRIBUTION.—For purposes of
5 applying the attribution rules under section
6 318 with respect to clause (i), the following
7 rules apply:

8 “(I) Community property laws
9 shall be disregarded for purposes of
10 determining ownership.

11 “(II) Except as provided by the
12 Secretary, stock of an individual not
13 attributed under section
14 318(a)(1)(A)(i) to such individual’s
15 spouse shall not be attributed by rea-
16 son of the combined application of
17 paragraphs (1)(A)(ii) and (4) of sec-
18 tion 318(a) to such spouse from a
19 child who has not attained the age of
20 21 years.

21 “(III) Except as provided by the
22 Secretary, in the case of stock in dif-
23 ferent organizations which is attrib-
24 uted under section 318(a)(1)(A)(ii)
25 from each parent to a child who has

2260

1 not attained the age of 21 years, and
2 is not attributed to such parents as
3 spouses under section 318(a)(1)(A)(i),
4 such attribution to the child shall not
5 by itself result in such organizations
6 being members of the same affiliated
7 service group.

8 “(iii) PLAN SHALL NOT FAIL TO BE
9 TREATED AS SATISFYING THIS SECTION.—

10 If the application of clause (ii) causes two
11 or more entities to be an affiliated service
12 group, or to no longer be in an affiliated
13 service group, such change shall be treated
14 as a transaction to which section
15 410(b)(6)(C) applies.”, and

16 (C) by striking “apply” in clause (i), as so
17 added, and inserting “apply, except that com-
18 munity property laws shall be disregarded for
19 purposes of determining ownership”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to plan years beginning after De-
22 cember 31, 2023.

2261

1 **SEC. 316. AMENDMENTS TO INCREASE BENEFIT ACCRUALS**
2 **UNDER PLAN FOR PREVIOUS PLAN YEAR AL-**
3 **LOWED UNTIL EMPLOYER TAX RETURN DUE**
4 **DATE.**

5 (a) IN GENERAL.—Section 401(b) is amended by
6 adding at the end the following new paragraph:

7 “(3) RETROACTIVE PLAN AMENDMENTS THAT
8 INCREASE BENEFIT ACCRUALS.—If—

9 “(A) an employer amends a stock bonus,
10 pension, profit-sharing, or annuity plan to in-
11 crease benefits accrued under the plan effective
12 as of any date during the immediately pre-
13 ceding plan year (other than increasing the
14 amount of matching contributions (as defined
15 in subsection (m)(4)(A))),

16 “(B) such amendment would not otherwise
17 cause the plan to fail to meet any of the re-
18 quirements of this subchapter, and

19 “(C) such amendment is adopted before
20 the time prescribed by law for filing the return
21 of the employer for the taxable year (including
22 extensions thereof) which includes the date de-
23 scribed in subparagraph (A),

24 the employer may elect to treat such amendment as
25 having been adopted as of the last day of the plan
26 year in which the amendment is effective.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to plan years beginning after De-
3 cember 31, 2023.

4 **SEC. 317. RETROACTIVE FIRST YEAR ELECTIVE DEFER-**
5 **RAIS FOR SOLE PROPRIETORS.**

6 (a) IN GENERAL.—Section 401(b)(2) is amended by
7 adding at the end the following: “In the case of an indi-
8 vidual who owns the entire interest in an unincorporated
9 trade or business, and who is the only employee of such
10 trade or business, any elective deferrals (as defined in sec-
11 tion 402(g)(3)) under a qualified cash or deferred ar-
12 rangement to which the preceding sentence applies, which
13 are made by such individual before the time for filing the
14 return of such individual for the taxable year (determined
15 without regard to any extensions) ending after or with the
16 end of the plan’s first plan year, shall be treated as having
17 been made before the end of such first plan year.”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 this section shall apply to plan years beginning after the
20 date of the enactment of this Act.

21 **SEC. 318. PERFORMANCE BENCHMARKS FOR ASSET ALLO-**
22 **CATION FUNDS.**

23 (a) IN GENERAL.—Not later than 2 years after the
24 date of enactment of this Act, the Secretary of Labor shall
25 promulgate regulations under section 404 of the Employee

1 Retirement Income Security Act of 1974 (29 U.S.C. 1104)
2 providing that, in the case of a designated investment al-
3 ternative that contains a mix of asset classes, the adminis-
4 trator of a plan may, but is not required to, use a bench-
5 mark that is a blend of different broad-based securities
6 market indices if—

7 (1) the blend is reasonably representative of the
8 asset class holdings of the designated investment al-
9 ternative;

10 (2) for purposes of determining the blend's re-
11 turns for 1-, 5-, and 10-calendar-year periods (or for
12 the life of the alternative, if shorter), the blend is
13 modified at least once per year if needed to reflect
14 changes in the asset class holdings of the designated
15 investment alternative;

16 (3) the blend is furnished to participants and
17 beneficiaries in a manner that is reasonably cal-
18 culated to be understood by the average plan partici-
19 pant; and

20 (4) each securities market index that is used for
21 an associated asset class would separately satisfy the
22 requirements of such regulation for such asset class.

23 (b) STUDY.—Not later than 3 years after the applica-
24 bility date of regulations issued under this section, the
25 Secretary of Labor shall deliver a report to the Commit-

1 tees on Finance and Health, Education, Labor, and Pen-
2 sions of the Senate and the Committees on Ways and
3 Means and Education and Labor of the House of Rep-
4 resentatives regarding the utilization, and participants'
5 understanding, of the benchmarking requirements under
6 this section.

7 **SEC. 319. REVIEW AND REPORT TO CONGRESS RELATING**
8 **TO REPORTING AND DISCLOSURE REQUIRE-**
9 **MENTS.**

10 (a) **STUDY.**—As soon as practicable after the date of
11 enactment of this Act, the Secretary of Labor, the Sec-
12 retary of the Treasury, and the Director of the Pension
13 Benefit Guaranty Corporation shall review the reporting
14 and disclosure requirements as applicable to each such
15 agency head, of—

16 (1) the Employee Retirement Income Security
17 Act of 1974 applicable to pension plans (as defined
18 in section 3(2) of such Act (29 U.S.C. 1002(2)) cov-
19 ered by title I of such Act; and

20 (2) the Internal Revenue Code of 1986 applica-
21 ble to qualified retirement plans (as defined in sec-
22 tion 4974(c) of such Code, without regard to para-
23 graphs (4) and (5) of such section).

24 (b) **REPORT.**—

1 (1) IN GENERAL.—Not later than 3 years after
2 the date of enactment of this Act, the Secretary of
3 Labor, the Secretary of the Treasury, and the Direc-
4 tor of the Pension Benefit Guaranty Corporation,
5 jointly, and after consultation with a balanced group
6 of participant and employer representatives, shall
7 with respect to plans referenced in subsection (a) re-
8 port on the effectiveness of the applicable reporting
9 and disclosure requirements and make such rec-
10 ommendations as may be appropriate to the Com-
11 mittee on Education and Labor and the Committee
12 on Ways and Means of the House of Representatives
13 and the Committee on Health, Education, Labor,
14 and Pensions and the Committee on Finance of the
15 Senate to consolidate, simplify, standardize, and im-
16 prove such requirements so as to simplify reporting
17 for, and disclosure from, such plans and ensure that
18 plans can furnish and participants and beneficiaries
19 timely receive and better understand the information
20 they need to monitor their plans, plan for retire-
21 ment, and obtain the benefits they have earned.

22 (2) ANALYSIS OF EFFECTIVENESS.—To assess
23 the effectiveness of the applicable reporting and dis-
24 closure requirements, the report shall include an
25 analysis of how participants and beneficiaries are

1 providing preferred contact information, the methods
2 by which plan sponsors and plans are furnishing dis-
3 closures, and the rate at which participants and
4 beneficiaries are receiving, accessing, understanding,
5 and retaining disclosures.

6 (3) COLLECTION OF INFORMATION.—The agen-
7 cies shall conduct appropriate surveys and data col-
8 lection to obtain any needed information.

9 **SEC. 320. ELIMINATING UNNECESSARY PLAN REQUIRE-**
10 **MENTS RELATED TO UNENROLLED PARTICI-**
11 **PANTS.**

12 (a) AMENDMENT OF ERISA.—

13 (1) IN GENERAL.—Part 1 of subtitle B of title
14 I of the Employee Retirement Income Security Act
15 of 1974 (29 U.S.C. 1021 et seq.) is amended by re-
16 designating section 111 as section 112 and by in-
17 serting after section 110 the following new section:

18 **“SEC. 111. ELIMINATING UNNECESSARY PLAN REQUIRE-**
19 **MENTS RELATED TO UNENROLLED PARTICI-**
20 **PANTS.**

21 “(a) IN GENERAL.—Notwithstanding any other pro-
22 vision of this title, with respect to any individual account
23 plan, no disclosure, notice, or other plan document (other
24 than the notices and documents described in paragraphs
25 (1) and (2)) shall be required to be furnished under this

1 title to any unenrolled participant if the unenrolled partici-
2 pant is furnished—

3 “(1) an annual reminder notice of such partici-
4 pant’s eligibility to participate in such plan and any
5 applicable election deadlines under the plan; and

6 “(2) any document requested by such partici-
7 pant that the participant would be entitled to receive
8 notwithstanding this section.

9 “(b) UNENROLLED PARTICIPANT.—For purposes of
10 this section, the term ‘unenrolled participant’ means an
11 employee who—

12 “(1) is eligible to participate in an individual
13 account plan;

14 “(2) has been furnished—

15 “(A) the summary plan description pursu-
16 ant to section 104(b), and

17 “(B) any other notices related to eligibility
18 under the plan required to be furnished under
19 this title, or the Internal Revenue Code of
20 1986, in connection with such participant’s ini-
21 tial eligibility to participate in such plan;

22 “(3) is not participating in such plan; and

23 “(4) satisfies such other criteria as the Sec-
24 retary of Labor may determine appropriate, as pre-

1 scribed in guidance issued in consultation with the
2 Secretary of Treasury.

3 For purposes of this section, any eligibility to participate
4 in the plan following any period for which such employee
5 was not eligible to participate shall be treated as initial
6 eligibility.

7 “(c) ANNUAL REMINDER NOTICE.—For purposes of
8 this section, the term ‘annual reminder notice’ means a
9 notice provided in accordance with section 2520.104b-1
10 of title 29, Code of Federal Regulations (or any successor
11 regulation), which—

12 “(1) is furnished in connection with the annual
13 open season election period with respect to the plan
14 or, if there is no such period, is furnished within a
15 reasonable period prior to the beginning of each plan
16 year;

17 “(2) notifies the unenrolled participant of—

18 “(A) the unenrolled participant’s eligibility
19 to participate in the plan; and

20 “(B) the key benefits and rights under the
21 plan, with a focus on employer contributions
22 and vesting provisions; and

23 “(3) provides such information in a prominent
24 manner calculated to be understood by the average
25 participant.”.

1 “(B) any document requested by such par-
2 ticipant that the participant would be entitled
3 to receive notwithstanding this subsection.

4 “(2) UNENROLLED PARTICIPANT.—For pur-
5 poses of this subsection, the term ‘unenrolled partici-
6 pant’ means an employee who—

7 “(A) is eligible to participate in a defined
8 contribution plan,

9 “(B) has been furnished—

10 “(i) the summary plan description
11 pursuant to section 104(b) of the Em-
12 ployee Retirement Income Security Act of
13 1974, and

14 “(ii) any other notices related to eligi-
15 bility under the plan and required to be
16 furnished under this title, or the Employee
17 Retirement Income Security Act of 1974,
18 in connection with such participant’s initial
19 eligibility to participate in such plan,

20 “(C) is not participating in such plan, and

21 “(D) satisfies such other criteria as the
22 Secretary of the Treasury may determine ap-
23 propriate, as prescribed in guidance issued in
24 consultation with the Secretary of Labor.

2271

1 For purposes of this subsection, any eligibility to
2 participate in the plan following any period for
3 which such employee was not eligible to participate
4 shall be treated as initial eligibility.

5 “(3) ANNUAL REMINDER NOTICE.—For pur-
6 poses of this subsection, the term ‘annual reminder
7 notice’ means the notice described in section 111(c)
8 of the Employee Retirement Income Security Act of
9 1974.”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to plan years beginning after De-
12 cember 31, 2022.

13 **SEC. 321. REVIEW OF PENSION RISK TRANSFER INTERPRE-**
14 **TIVE BULLETIN.**

15 Not later than 1 year after the date of enactment
16 of this Act, the Secretary of Labor shall—

17 (1) review section 2509.95–1 of title 29, Code
18 of Federal Regulations (relating to the fiduciary
19 standards under the Employee Retirement Income
20 Security Act of 1974 when selecting an annuity pro-
21 vider for a defined benefit pension plan) and consult
22 with the Advisory Council on Employee Welfare and
23 Pension Benefit Plans (established under section
24 512 of the Employee Retirement Income Security
25 Act of 1974 (29 U.S.C. 1142)), to determine wheth-

1 er amendments to section 2509.95–1 of title 29,
2 Code of Federal Regulations are warranted; and

3 (2) report to Congress on the findings of such
4 review and consultation, including an assessment of
5 any risk to participants.

6 **SEC. 322. TAX TREATMENT OF IRA INVOLVED IN A PROHIB-**
7 **ITED TRANSACTION.**

8 (a) IN GENERAL.—Section 408(e)(2)(A) is amended
9 by striking “and” at the end of clause (i), by striking the
10 period at the end of clause (ii) and inserting “, and”, and
11 by adding at the end the following new clause:

12 “(iii) each individual retirement plan
13 of the individual shall be treated as a sepa-
14 rate contract.”.

15 (b) EFFECTIVE DATE.—

16 (1) IN GENERAL.—The amendments made by
17 this section shall apply to taxable years beginning
18 after the date of the enactment of this Act.

19 (2) NO INFERENCE.—Nothing in the amend-
20 ments made by this section shall be construed to
21 infer the proper treatment under the Internal Rev-
22 enue Code of 1986 of individual retirement plans as
23 1 contract in the case of any other provision of such
24 Code to which the amendments made by this section
25 do not apply.

1 **SEC. 323. CLARIFICATION OF SUBSTANTIALLY EQUAL PERI-**
2 **ODIC PAYMENT RULE.**

3 (a) IN GENERAL.—Paragraph (4) of section 72(t) is
4 amended by inserting at the end the following new sub-
5 paragraph:

6 “(C) ROLLOVERS TO SUBSEQUENT
7 PLAN.—If—

8 “(i) payments described in paragraph
9 (2)(A)(iv) are being made from a qualified
10 retirement plan,

11 “(ii) a transfer or a rollover from such
12 qualified retirement plan of all or a portion
13 of the taxpayer’s benefit under the plan is
14 made to another qualified retirement plan,
15 and

16 “(iii) distributions from the transferor
17 and transferee plans would in combination
18 continue to satisfy the requirements of
19 paragraph (2)(A)(iv) if they had been
20 made only from the transferor plan,

21 such transfer or rollover shall not be treated as
22 a modification under subparagraph (A)(ii), and
23 compliance with paragraph (2)(A)(iv) shall be
24 determined on the basis of the combined dis-
25 tributions described in clause (iii).”.

1 (b) NONQUALIFIED ANNUITY CONTRACTS.—Para-
2 graph (3) of section 72(q) is amended—

3 (1) by redesignating clauses (i) and (ii) of sub-
4 paragraph (B) as subclauses (I) and (II), and by
5 moving such subclauses 2 ems to the right;

6 (2) by redesignating subparagraphs (A) and
7 (B) as clauses (i) and (ii), by moving such clauses
8 2 ems to the right, and by adjusting the flush lan-
9 guage at the end accordingly;

10 (3) by striking “PAYMENTS.—If” and inserting
11 “PAYMENTS.—

12 “(A) IN GENERAL.—If—”; and

13 (4) by adding at the end the following new sub-
14 paragraph:

15 “(B) EXCHANGES TO SUBSEQUENT CON-
16 TRACTS.—If—

17 “(i) payments described in paragraph
18 (2)(D) are being made from an annuity
19 contract,

20 “(ii) an exchange of all or a portion of
21 such contract for another contract is made
22 under section 1035, and

23 “(iii) the aggregate distributions from
24 the contracts involved in the exchange con-
25 tinue to satisfy the requirements of para-

2275

1 graph (2)(D) as if the exchange had not
2 taken place,
3 such exchange shall not be treated as a modi-
4 fication under subparagraph (A)(ii), and com-
5 pliance with paragraph (2)(D) shall be deter-
6 mined on the basis of the combined distribu-
7 tions described in clause (iii).”.

8 (c) INFORMATION REPORTING.—Section 6724 is
9 amended by inserting at the end the following new sub-
10 section:

11 “(g) SPECIAL RULE FOR REPORTING CERTAIN ADDI-
12 TIONAL TAXES.—No penalty shall be imposed under sec-
13 tion 6721 or 6722 if—

14 “(1) a person makes a return or report under
15 section 6047(d) or 408(i) with respect to any dis-
16 tribution,

17 “(2) such distribution is made following a roll-
18 over, transfer, or exchange described in section
19 72(t)(4)(C) or section 72(q)(3)(C),

20 “(3) in making such return or report the person
21 relies upon a certification provided by the taxpayer
22 that the distributions satisfy the requirements of
23 section 72(t)(4)(C)(iii) or section 72(q)(3)(B)(iii), as
24 applicable, and

1 “(4) such person does not have actual knowl-
2 edge that the distributions do not satisfy such re-
3 quirements.”.

4 (d) SAFE HARBOR FOR ANNUITY PAYMENTS.—

5 (1) QUALIFIED RETIREMENT PLANS.—Subpara-
6 graph (A) of section 72(t)(2) is amended by adding
7 at the end the following flush sentence:

8 “For purposes of clause (iv), periodic payments
9 shall not fail to be treated as substantially
10 equal merely because they are amounts received
11 as an annuity, and such periodic payments shall
12 be deemed to be substantially equal if they are
13 payable over a period described in clause (iv)
14 and satisfy the requirements applicable to an-
15 nuity payments under section 401(a)(9).”.

16 (2) OTHER ANNUITY CONTRACTS.—Paragraph
17 (2) of section 72(q) is amended by adding at the end
18 the following flush sentence:

19 “For purposes of subparagraph (D), periodic pay-
20 ments shall not fail to be treated as substantially
21 equal merely because they are amounts received as
22 an annuity, and such periodic payments shall be
23 deemed to be substantially equal if they are payable
24 over a period described in subparagraph (D) and
25 would satisfy the requirements applicable to annuity

2277

1 payments under section 401(a)(9) if such require-
2 ments applied.”.

3 (e) EFFECTIVE DATES.—

4 (1) IN GENERAL.—The amendments made by
5 subsections (a), (b), and (c) shall apply to transfers,
6 rollovers, and exchanges occurring after December
7 31, 2023.

8 (2) ANNUITY PAYMENTS.—The amendment
9 made by subsection (d) shall apply to distributions
10 commencing on or after the date of the enactment
11 of this Act.

12 (3) NO INFERENCE.—Nothing in the amend-
13 ments made by this section shall be construed to
14 create an inference with respect to the law in effect
15 prior to the effective date of such amendments.

16 **SEC. 324. TREASURY GUIDANCE ON ROLLOVERS.**

17 (a) IN GENERAL.—Not later than January 1, 2025,
18 the Secretary of the Treasury or the Secretary’s delegate
19 shall, to simplify, standardize, facilitate, and expedite the
20 completion of rollovers to eligible retirement plans (as de-
21 fined in section 402(c)(8)(B) of the Internal Revenue
22 Code of 1986) and trustee-to-trustee transfers from indi-
23 vidual retirement plans (as defined in section 7701(a)(37)
24 of such Code), develop and issue—

1 (1) guidance in the form of sample forms (in-
2 cluding relevant procedures and protocols) for roll-
3 overs of eligible rollover distributions from a retire-
4 ment to an eligible retirement plan which—

5 (A) are written in a manner calculated to
6 be understood by the average person, and

7 (B) can be used by both distributing eligi-
8 ble retirement plans and receiving retirement
9 plans, and

10 (2) guidance in the form of sample forms (in-
11 cluding relevant procedures and protocols) for trust-
12 ee-to-trustee transfers of amounts from an individual
13 retirement plan to another individual retirement
14 plan which—

15 (A) are written in a manner calculated to
16 be understood by the average person, and

17 (B) can be used by both transferring indi-
18 vidual retirement plans and individual retire-
19 ment plans receiving the transfer.

20 (b) OTHER REQUIREMENTS.—In developing the sam-
21 ple forms under subsection (a), the Secretary (or Sec-
22 retary's delegate) shall obtain relevant information from
23 participants and plan sponsor representatives and consider
24 potential coordination with sections 319 and 336 of this
25 Act.

1 **SEC. 325. ROTH PLAN DISTRIBUTION RULES.**

2 (a) IN GENERAL.—Subsection (d) of section 402A is
3 amended by adding at the end the following new para-
4 graph:

5 “(5) MANDATORY DISTRIBUTION RULES NOT
6 TO APPLY BEFORE DEATH.—Notwithstanding sec-
7 tions 403(b)(10) and 457(d)(2), the following provi-
8 sions shall not apply to any designated Roth ac-
9 count:

10 “(A) Section 401(a)(9)(A).

11 “(B) The incidental death benefit require-
12 ments of section 401(a).”.

13 (b) EFFECTIVE DATE.—

14 (1) IN GENERAL.—Except as provided in para-
15 graph (2), the amendment made by this section shall
16 apply to taxable years beginning after December 31,
17 2023.

18 (2) SPECIAL RULE.—The amendment made by
19 this section shall not apply to distributions which are
20 required with respect to years beginning before Jan-
21 uary 1, 2024, but are permitted to be paid on or
22 after such date.

1 **SEC. 326. EXCEPTION TO PENALTY ON EARLY DISTRIBUTIONS FROM QUALIFIED PLANS FOR INDIVIDUALS WITH A TERMINAL ILLNESS.**

2
3
4 (a) IN GENERAL.—Section 72(t)(2), as amended by
5 this Act, is further amended by adding at the end the following new subparagraph:

6
7 “(L) TERMINAL ILLNESS.—

8 “(i) IN GENERAL.—Distributions
9 which are made to the employee who is a
10 terminally ill individual on or after the
11 date on which such employee has been certified by a physician as having a terminal
12 illness.
13

14 “(ii) DEFINITION.—For purposes of
15 this subparagraph, the term ‘terminally ill
16 individual’ has the same meaning given
17 such term under section 101(g)(4)(A), except that ‘84 months’ shall be substituted
18 for ‘24 months’.
19

20 “(iii) DOCUMENTATION.—For purposes of this subparagraph, an employee
21 shall not be considered to be a terminally
22 ill individual unless such employee furnishes sufficient evidence to the plan administrator in such form and manner as
23 the Secretary may require.
24
25
26

2281

1 “(iv) AMOUNT DISTRIBUTED MAY BE
2 REPAID.—Rules similar to the rules of sub-
3 paragraph (H)(v) shall apply with respect
4 to an individual who receives a distribution
5 to which clause (i) applies.”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 this section shall apply to distributions made after the
8 date of the enactment of this Act.

9 **SEC. 327. SURVIVING SPOUSE ELECTION TO BE TREATED**
10 **AS EMPLOYEE.**

11 (a) IN GENERAL.—Section 401(a)(9)(B)(iv), as
12 amended by this Act, is further amended to read as fol-
13 lows:

14 “(iv) SPECIAL RULE FOR SURVIVING
15 SPOUSE OF EMPLOYEE.—If the designated
16 beneficiary referred to in clause (iii)(I) is
17 the surviving spouse of the employee and
18 the surviving spouse elects the treatment
19 in this clause—

20 “(I) the regulations referred to in
21 clause (iii)(II) shall treat the surviving
22 spouse as if the surviving spouse were
23 the employee,

24 “(II) the date on which the dis-
25 tributions are required to begin under

2282

1 clause (iii)(III) shall not be earlier
2 than the date on which the employee
3 would have attained the applicable
4 age, and

5 “(III) if the surviving spouse dies
6 before the distributions to such spouse
7 begin, this subparagraph shall be ap-
8 plied as if the surviving spouse is the
9 employee.

10 An election described in this clause shall be
11 made at such time and in such manner as
12 prescribed by the Secretary, shall include a
13 timely notice to the plan administrator,
14 and once made may not be revoked except
15 with the consent of the Secretary.”.

16 (b) EXTENSION OF ELECTION OF AT LEAST AS RAP-
17 IDLY RULE.—The Secretary shall amend Q&A-5(a) of
18 Treasury Regulation section 1.401(a)(9)-5 (or any suc-
19 cessor regulation thereto) to provide that if the surviving
20 spouse is the employee’s sole designated beneficiary and
21 the spouse elects treatment under section
22 401(a)(9)(B)(iv), then the applicable distribution period
23 for distribution calendar years after the distribution cal-
24 endar year including the employee’s date of death is deter-
25 mined under the uniform lifetime table.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to calendar years beginning after
3 December 31, 2023.

4 **SEC. 328. REPEAL OF DIRECT PAYMENT REQUIREMENT ON**
5 **EXCLUSION FROM GROSS INCOME OF DIS-**
6 **TRIBUTIONS FROM GOVERNMENTAL PLANS**
7 **FOR HEALTH AND LONG-TERM CARE INSUR-**
8 **ANCE.**

9 (a) IN GENERAL.—Section 402(l)(5)(A) is amended
10 to read as follows:

11 “(A) DIRECT PAYMENT TO INSURER PER-
12 MITTED.—

13 “(i) IN GENERAL.—Paragraph (1)
14 shall apply to a distribution without regard
15 to whether payment of the premiums is
16 made directly to the provider of the acci-
17 dent or health plan or qualified long-term
18 care insurance contract by deduction from
19 a distribution from the eligible retirement
20 plan, or is made to the employee.

21 “(ii) REPORTING.—In the case of a
22 payment made to the employee as de-
23 scribed in clause (i), the employee shall in-
24 clude with the return of tax for the taxable
25 year in which the distribution is made an

1 attestation that the distribution does not
2 exceed the amount paid by the employee
3 for qualified health insurance premiums
4 for such taxable year.”.

5 (b) EFFECTIVE DATE.—The amendment made by
6 this section shall apply to distributions made after the
7 date of the enactment of this Act.

8 **SEC. 329. MODIFICATION OF ELIGIBLE AGE FOR EXEMP-**
9 **TION FROM EARLY WITHDRAWAL PENALTY.**

10 (a) IN GENERAL.—Subparagraph (A) of section
11 72(t)(10), as amended by this Act, is further amended by
12 striking “age 50” and inserting “age 50 or 25 years of
13 service under the plan, whichever is earlier”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 this section shall apply to distributions made after the
16 date of the enactment of this Act.

17 **SEC. 330. EXEMPTION FROM EARLY WITHDRAWAL PENALTY**
18 **FOR CERTAIN STATE AND LOCAL GOVERN-**
19 **MENT CORRECTIONS EMPLOYEES.**

20 (a) IN GENERAL.—Clause (i) of section 72(t)(10)(B)
21 is amended by striking “or emergency medical services”
22 and inserting “emergency medical services, or services as
23 a corrections officer or as a forensic security employee pro-
24 viding for the care, custody, and control of forensic pa-
25 tients”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to distributions made after the
3 date of the enactment of this Act.

4 **SEC. 331. SPECIAL RULES FOR USE OF RETIREMENT FUNDS**
5 **IN CONNECTION WITH QUALIFIED FEDER-**
6 **ALLY DECLARED DISASTERS.**

7 (a) TAX-FAVORED WITHDRAWALS FROM RETIRE-
8 MENT PLANS.—

9 (1) IN GENERAL.—Paragraph (2) of section
10 72(t), as amended by this Act, is further amended
11 by adding at the end the following new subpara-
12 graph:

13 “(M) DISTRIBUTIONS FROM RETIREMENT
14 PLANS IN CONNECTION WITH FEDERALLY DE-
15 CLARED DISASTERS.—Any qualified disaster re-
16 covery distribution.”.

17 (2) QUALIFIED DISASTER RECOVERY DISTRIBU-
18 TION.—Section 72(t) is amended by adding at the
19 end the following new paragraph:

20 “(11) QUALIFIED DISASTER RECOVERY DIS-
21 TRIBUTION.—For purposes of paragraph (2)(M)—

22 “(A) IN GENERAL.—Except as provided in
23 subparagraph (B), the term ‘qualified disaster
24 recovery distribution’ means any distribution
25 made—

1 “(i) on or after the first day of the in-
2 cident period of a qualified disaster and
3 before the date that is 180 days after the
4 applicable date with respect to such dis-
5 aster, and

6 “(ii) to an individual whose principal
7 place of abode at any time during the inci-
8 dent period of such qualified disaster is lo-
9 cated in the qualified disaster area with re-
10 spect to such qualified disaster and who
11 has sustained an economic loss by reason
12 of such qualified disaster.

13 “(B) AGGREGATE DOLLAR LIMITATION.—

14 “(i) IN GENERAL.—For purposes of
15 this subsection, the aggregate amount of
16 distributions received by an individual
17 which may be treated as qualified disaster
18 recovery distributions with respect to any
19 qualified disaster in all taxable years shall
20 not exceed \$22,000.

21 “(ii) TREATMENT OF PLAN DISTRIBUTI-
22 ONS.—If a distribution to an individual
23 would (without regard to clause (i)) be a
24 qualified disaster recovery distribution, a
25 plan shall not be treated as violating any

2287

1 requirement of this title merely because
2 the plan treats such distribution as a
3 qualified disaster recovery distribution, un-
4 less the aggregate amount of such distribu-
5 tions from all plans maintained by the em-
6 ployer (and any member of any controlled
7 group which includes the employer) to such
8 individual exceeds \$22,000 with respect to
9 the same qualified disaster.

10 “(iii) CONTROLLED GROUP.—For pur-
11 poses of clause (ii), the term ‘controlled
12 group’ means any group treated as a single
13 employer under subsection (b), (c), (m), or
14 (o) of section 414.

15 “(C) AMOUNT DISTRIBUTED MAY BE RE-
16 PAID.—

17 “(i) IN GENERAL.—Any individual
18 who receives a qualified disaster recovery
19 distribution may, at any time during the 3-
20 year period beginning on the day after the
21 date on which such distribution was re-
22 ceived, make one or more contributions in
23 an aggregate amount not to exceed the
24 amount of such distribution to an eligible
25 retirement plan of which such individual is

1 a beneficiary and to which a rollover con-
2 tribution of such distribution could be
3 made under section 402(c), 403(a)(4),
4 403(b)(8), 408(d)(3), or 457(e)(16), as the
5 case may be.

6 “(ii) TREATMENT OF REPAYMENTS OF
7 DISTRIBUTIONS FROM ELIGIBLE RETIRE-
8 MENT PLANS OTHER THAN IRAS.—For
9 purposes of this title, if a contribution is
10 made pursuant to clause (i) with respect to
11 a qualified disaster recovery distribution
12 from a plan other than an individual re-
13 tirement plan, then the taxpayer shall, to
14 the extent of the amount of the contribu-
15 tion, be treated as having received the
16 qualified disaster recovery distribution in
17 an eligible rollover distribution (as defined
18 in section 402(c)(4)) and as having trans-
19 ferred the amount to the eligible retire-
20 ment plan in a direct trustee to trustee
21 transfer within 60 days of the distribution.

22 “(iii) TREATMENT OF REPAYMENTS
23 FOR DISTRIBUTIONS FROM IRAS.—For
24 purposes of this title, if a contribution is
25 made pursuant to clause (i) with respect to

1 a qualified disaster recovery distribution
2 from an individual retirement plan, then,
3 to the extent of the amount of the con-
4 tribution, the qualified disaster recovery
5 distribution shall be treated as a distribu-
6 tion described in section 408(d)(3) and as
7 having been transferred to the eligible re-
8 tirement plan in a direct trustee to trustee
9 transfer within 60 days of the distribution.

10 “(D) INCOME INCLUSION SPREAD OVER 3-
11 YEAR PERIOD.—

12 “(i) IN GENERAL.—In the case of any
13 qualified disaster recovery distribution, un-
14 less the taxpayer elects not to have this
15 subparagraph apply for any taxable year,
16 any amount required to be included in
17 gross income for such taxable year shall be
18 so included ratably over the 3-taxable year
19 period beginning with such taxable year.

20 “(ii) SPECIAL RULE.—For purposes of
21 clause (i), rules similar to the rules of sub-
22 paragraph (E) of section 408A(d)(3) shall
23 apply.

24 “(E) QUALIFIED DISASTER.—For purposes
25 of this paragraph and paragraph (8), the term

1 ‘qualified disaster’ means any disaster with re-
2 spect to which a major disaster has been de-
3 clared by the President under section 401 of
4 the Robert T. Stafford Disaster Relief and
5 Emergency Assistance Act after December 27,
6 2020.

7 “(F) OTHER DEFINITIONS.—For purposes
8 of this paragraph and paragraph (8)—

9 “(i) QUALIFIED DISASTER AREA.—

10 “(I) IN GENERAL.—The term
11 ‘qualified disaster area’ means, with
12 respect to any qualified disaster, the
13 area with respect to which the major
14 disaster was declared under the Rob-
15 ert T. Stafford Disaster Relief and
16 Emergency Assistance Act.

17 “(II) EXCEPTIONS.—Such term
18 shall not include any area which is a
19 qualified disaster area solely by reason
20 of section 301 of the Taxpayer Cer-
21 tainty and Disaster Tax Relief Act of
22 2020.

23 “(ii) INCIDENT PERIOD.—The term
24 ‘incident period’ means, with respect to
25 any qualified disaster, the period specified

2291

1 by the Federal Emergency Management
2 Agency as the period during which such
3 disaster occurred.

4 “(iii) APPLICABLE DATE.—The term
5 ‘applicable date’ means the latest of—

6 “(I) the date of the enactment of
7 this paragraph,

8 “(II) the first day of the incident
9 period with respect to the qualified
10 disaster, or

11 “(III) the date of the disaster
12 declaration with respect to the quali-
13 fied disaster.

14 “(iv) ELIGIBLE RETIREMENT PLAN.—
15 The term ‘eligible retirement plan’ shall
16 have the meaning given such term by sec-
17 tion 402(c)(8)(B).

18 “(G) SPECIAL RULES.—

19 “(i) EXEMPTION OF DISTRIBUTIONS
20 FROM TRUSTEE TO TRUSTEE TRANSFER
21 AND WITHHOLDING RULES.—For purposes
22 of sections 401(a)(31), 402(f), and 3405,
23 qualified disaster recovery distributions
24 shall not be treated as eligible rollover dis-
25 tributions.

2292

1 “(ii) QUALIFIED DISASTER RECOVERY
2 DISTRIBUTIONS TREATED AS MEETING
3 PLAN DISTRIBUTION REQUIREMENTS.—

4 For purposes of this title—

5 “(I) a qualified disaster recovery
6 distribution shall be treated as meet-
7 ing the requirements of sections
8 401(k)(2)(B)(i), 403(b)(7)(A)(i),
9 403(b)(11), and 457(d)(1)(A), and

10 “(II) in the case of a money pur-
11 chase pension plan, a qualified dis-
12 aster recovery distribution which is an
13 in-service withdrawal shall be treated
14 as meeting the requirements of section
15 401(a) applicable to distributions.”.

16 (3) EFFECTIVE DATE.—The amendments made
17 by this subsection shall apply to distributions with
18 respect to disasters the incident period (as defined
19 in section 72(t)(11)(F)(ii) of the Internal Revenue
20 Code of 1986, as added by this subsection) for which
21 begins on or after the date which is 30 days after
22 the date of the enactment of the Taxpayer Certainty
23 and Disaster Tax Relief Act of 2020.

24 (b) RECONTRIBUTIONS OF WITHDRAWALS FOR
25 HOME PURCHASES.—

1 (1) INDIVIDUAL RETIREMENT PLANS.—Para-
2 graph (8) of section 72(t) is amended by adding at
3 the end the following new subparagraph:

4 “(F) RECONTRIBUTIONS.—

5 “(i) GENERAL RULE.—

6 “(I) IN GENERAL.—Any indi-
7 vidual who received a qualified dis-
8 tribution may, during the applicable
9 period, make one or more contribu-
10 tions in an aggregate amount not to
11 exceed the amount of such qualified
12 distribution to an eligible retirement
13 plan (as defined in section
14 402(c)(8)(B)) of which such indi-
15 vidual is a beneficiary and to which a
16 rollover contribution of such distribu-
17 tion could be made under section
18 402(c), 403(a)(4), 403(b)(8), or
19 408(d)(3), as the case may be.

20 “(II) TREATMENT OF REPAY-
21 MENTS.—Rules similar to the rules of
22 clauses (ii) and (iii) of paragraph
23 (11)(C) shall apply for purposes of
24 this subsection.

2294

1 “(ii) QUALIFIED DISTRIBUTION.—For
2 purposes of this subparagraph, the term
3 ‘qualified distribution’ means any distribu-
4 tion—

5 “(I) which is a qualified first-
6 time homebuyer distribution,

7 “(II) which was to be used to
8 purchase or construct a principal resi-
9 dence in a qualified disaster area, but
10 which was not so used on account of
11 the qualified disaster with respect to
12 such area, and

13 “(III) which was received during
14 the period beginning on the date
15 which is 180 days before the first day
16 of the incident period of such qualified
17 disaster and ending on the date which
18 is 30 days after the last day of such
19 incident period.

20 “(iii) APPLICABLE PERIOD.—For pur-
21 poses of this subparagraph, the term ‘ap-
22 plicable period’ means, in the case of a
23 principal residence in a qualified disaster
24 area with respect to any qualified disaster,
25 the period beginning on the first day of the

2295

1 incident period of such qualified disaster
2 and ending on the date which is 180 days
3 after the applicable date with respect to
4 such disaster.”.

5 (2) QUALIFIED PLANS.—Subsection (c) of sec-
6 tion 402, as amended by this Act, is further amend-
7 ed by adding at the end the following new para-
8 graph:

9 “(13) RECONTRIBUTIONS OF WITHDRAWALS
10 FOR HOME PURCHASES.—

11 “(A) GENERAL RULE.—

12 “(i) IN GENERAL.—Any individual
13 who received a qualified distribution may,
14 during the applicable period, make one or
15 more contributions in an aggregate amount
16 not to exceed the amount of such qualified
17 distribution to an eligible retirement plan
18 (as defined in paragraph (8)(B)) of which
19 such individual is a beneficiary and to
20 which a rollover contribution of such dis-
21 tribution could be made under subsection
22 (c) or section 403(a)(4), 403(b)(8), or
23 408(d)(3), as the case may be.

24 “(ii) TREATMENT OF REPAYMENTS.—
25 Rules similar to the rules of clauses (ii)

1 and (iii) of section 72(t)(11)(C) shall apply
2 for purposes of this subsection.

3 “(B) QUALIFIED DISTRIBUTION.—For
4 purposes of this paragraph, the term ‘qualified
5 distribution’ means any distribution—

6 “(i) described in section
7 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(i)(V), or
8 403(b)(11)(B),

9 “(ii) which was to be used to purchase
10 or construct a principal residence in a
11 qualified disaster area, but which was not
12 so used on account of the qualified disaster
13 with respect to such area, and

14 “(iii) which was received during the
15 period beginning on the date which is 180
16 days before the first day of the incident pe-
17 riod of such qualified disaster and ending
18 on the date which is 30 days after the last
19 day of such incident period.

20 “(C) DEFINITIONS.—For purposes of this
21 paragraph—

22 “(i) the terms ‘qualified disaster’,
23 ‘qualified disaster area’, and ‘incident pe-
24 riod’ have the meaning given such terms
25 under section 72(t)(11), and

2297

1 “(ii) the term ‘applicable period’ has
2 the meaning given such term under section
3 72(t)(8)(F).”.

4 (3) EFFECTIVE DATE.—The amendments made
5 by this subsection shall apply to recontributions of
6 withdrawals for home purchases with respect to dis-
7 asters the incident period (as defined in section
8 72(t)(11)(F)(ii) of the Internal Revenue Code of
9 1986, as added by this subsection) for which begins
10 on or after the date which is 30 days after the date
11 of the enactment of the Taxpayer Certainty and Dis-
12 aster Tax Relief Act of 2020.

13 (c) LOANS FROM QUALIFIED PLANS.—

14 (1) IN GENERAL.—Subsection (p) of section 72
15 is amended by adding at the end the following new
16 paragraph:

17 “(6) INCREASE IN LIMIT ON LOANS NOT TREAT-
18 ED AS DISTRIBUTIONS.—

19 “(A) IN GENERAL.—In the case of any
20 loan from a qualified employer plan to a quali-
21 fied individual made during the applicable pe-
22 riod—

23 “(i) clause (i) of paragraph (2)(A)
24 shall be applied by substituting ‘\$100,000’
25 for ‘\$50,000’, and

1 “(ii) clause (ii) of such paragraph
2 shall be applied by substituting ‘the
3 present value of the nonforfeitable accrued
4 benefit of the employee under the plan’ for
5 ‘one-half of the present value of the non-
6 forfeitable accrued benefit of the employee
7 under the plan’.

8 “(B) DELAY OF REPAYMENT.—In the case
9 of a qualified individual with respect to any
10 qualified disaster with an outstanding loan from
11 a qualified employer plan on or after the appli-
12 cable date with respect to the qualified dis-
13 aster—

14 “(i) if the due date pursuant to sub-
15 paragraph (B) or (C) of paragraph (2) for
16 any repayment with respect to such loan
17 occurs during the period beginning on the
18 first day of the incident period of such
19 qualified disaster and ending on the date
20 which is 180 days after the last day of
21 such incident period, such due date may be
22 delayed for 1 year,

23 “(ii) any subsequent repayments with
24 respect to any such loan may be appro-
25 priately adjusted to reflect the delay in the

2299

1 due date under clause (i) and any interest
2 accruing during such delay, and

3 “(iii) in determining the 5-year period
4 and the term of a loan under subpara-
5 graph (B) or (C) of paragraph (2), the pe-
6 riod described in clause (i) may be dis-
7 regarded.

8 “(C) DEFINITIONS.—For purposes of this
9 paragraph—

10 “(i) QUALIFIED INDIVIDUAL.—The
11 term ‘qualified individual’ means any indi-
12 vidual—

13 “(I) whose principal place of
14 abode at any time during the incident
15 period of any qualified disaster is lo-
16 cated in the qualified disaster area
17 with respect to such qualified disaster,
18 and

19 “(II) who has sustained an eco-
20 nomic loss by reason of such qualified
21 disaster.

22 “(ii) APPLICABLE PERIOD.—The ap-
23 plicable period with respect to any disaster
24 is the period—

2300

1 “(I) beginning on the applicable
2 date with respect to such disaster, and

3 “(II) ending on the date that is
4 180 days after such applicable date.

5 “(iii) OTHER TERMS.—For purposes
6 of this paragraph—

7 “(I) the terms ‘applicable date’,
8 ‘qualified disaster’, ‘qualified disaster
9 area’, and ‘incident period’ have the
10 meaning given such terms under sub-
11 section (t)(11), and

12 “(II) the term ‘applicable period’
13 has the meaning given such term
14 under subsection (t)(8).”.

15 (2) EFFECTIVE DATE.—The amendment made
16 by paragraph (1) shall apply to plan loans made
17 with respect to disasters the incident period (as de-
18 fined in section 72(t)(11)(F)(ii) of the Internal Rev-
19 enue Code of 1986, as added by this subsection) for
20 which begins on or after the date which is 30 days
21 after the date of the enactment of the Taxpayer Cer-
22 tainty and Disaster Tax Relief Act of 2020.

23 (d) GAO REPORT.—The Comptroller General of the
24 United States shall submit a report to the Committees on
25 Finance and Health, Education, Labor and Pensions of

1 the Senate and the Committees on Ways and Means and
2 Education and Labor of the House of Representatives on
3 taxpayer utilization of the retirement disaster relief per-
4 mitted by the amendments made by this section and or
5 permitted by prior legislation, including a comparison of
6 utilization by higher and lower income taxpayers and
7 whether the \$22,000 threshold on distributions provides
8 adequate relief for taxpayers who suffer from a disaster.

9 **SEC. 332. EMPLOYERS ALLOWED TO REPLACE SIMPLE RE-**
10 **TIREMENT ACCOUNTS WITH SAFE HARBOR**
11 **401(k) PLANS DURING A YEAR.**

12 (a) IN GENERAL.—Section 408(p) is amended by
13 adding at the end the following new paragraph:

14 “(11) REPLACEMENT OF SIMPLE RETIREMENT
15 ACCOUNTS WITH SAFE HARBOR PLANS DURING PLAN
16 YEAR.—

17 “(A) IN GENERAL.—Subject to the re-
18 quirements of this paragraph, an employer may
19 elect (in such form and manner as the Sec-
20 retary may prescribe) at any time during a year
21 to terminate the qualified salary reduction ar-
22 rangement under paragraph (2), but only if the
23 employer establishes and maintains (as of the
24 day after the termination date) a safe harbor
25 plan to replace the terminated arrangement.

2302

1 “(B) COMBINED LIMITS ON CONTRIBU-
2 TIONS.—The terminated arrangement and safe
3 harbor plan shall both be treated as violating
4 the requirements of paragraph (2)(A)(ii) or sec-
5 tion 401(a)(30) (whichever is applicable) if the
6 aggregate elective contributions of the employee
7 under the terminated arrangement during its
8 last plan year and under the safe harbor plan
9 during its transition year exceed the sum of—

10 “(i) the applicable dollar amount for
11 such arrangement (determined on a full-
12 year basis) under this subsection (after the
13 application of section 414(v)) with respect
14 to the employee for such last plan year
15 multiplied by a fraction equal to the num-
16 ber of days in such plan year divided by
17 365, and

18 “(ii) the applicable dollar amount (as
19 so determined) under section 402(g)(1) for
20 such safe harbor plan on such elective con-
21 tributions during the transition year multi-
22 plied by a fraction equal to the number of
23 days in such transition year divided by
24 365.

2303

1 “(C) TRANSITION YEAR.—For purposes of
2 this paragraph, the transition year is the period
3 beginning after the termination date and ending
4 on the last day of the calendar year during
5 which the termination occurs.

6 “(D) SAFE HARBOR PLAN.—For purposes
7 of this paragraph, the term ‘safe harbor plan’
8 means a qualified cash or deferred arrangement
9 which meets the requirements of paragraph
10 (11), (12), (13), or (16) of section 401(k).”.

11 (b) WAIVER OF 2-YEAR WITHDRAWAL LIMITATION IN
12 CASE OF PLANS CONVERTING TO 401(k) OR 403(b).—

13 (1) IN GENERAL.—Paragraph (6) of section
14 72(t) is amended—

15 (A) by striking “ACCOUNTS.—In the case
16 of” and inserting “ACCOUNTS.—

17 “(A) IN GENERAL.—In the case of”, and

18 (B) by adding at the end the following new
19 subparagraph:

20 “(B) WAIVER IN CASE OF PLAN CONVER-
21 SION TO 401(k) OR 403(b).—In the case of an
22 employee of an employer which terminates the
23 qualified salary reduction arrangement of the
24 employer under section 408(p) and establishes
25 a qualified cash or deferred arrangement de-

1 (3) by inserting after clause (viii) the following
2 new clause:

3 “(ix) attributable to withdrawal of net
4 income attributable to a contribution which
5 is distributed pursuant to section
6 408(d)(4).”.

7 (b) **EFFECTIVE DATE.**—The amendments made by
8 this section shall apply to any determination of, or affect-
9 ing, liability for taxes, interest, or penalties which is made
10 on or after the date of the enactment of this Act, without
11 regard to whether the act (or failure to act) upon which
12 the determination is based occurred before such date of
13 enactment. Notwithstanding the preceding sentence, noth-
14 ing in the amendments made by this section shall be con-
15 strued to create an inference with respect to the law in
16 effect prior to the effective date of such amendments.

17 **SEC. 334. LONG-TERM CARE CONTRACTS PURCHASED WITH**
18 **RETIREMENT PLAN DISTRIBUTIONS.**

19 (a) **IN GENERAL.**—Section 401(a) is amended by in-
20 serting after paragraph (38) the following new paragraph:

21 “(39) **QUALIFIED LONG-TERM CARE DISTRIBUTIONS.**—
22 **TIONS.**—

23 “(A) **IN GENERAL.**—A trust forming part
24 of a defined contribution plan shall not be
25 treated as failing to constitute a qualified trust

2306

1 under this section solely by reason of allowing
2 qualified long-term care distributions.

3 “(B) QUALIFIED LONG-TERM CARE DIS-
4 TRIBUTION.—For purposes of this paragraph—

5 “(i) IN GENERAL.—The term ‘quali-
6 fied long-term care distribution’ means so
7 much of the distributions made during the
8 taxable year as does not exceed, in the ag-
9 gregate, the least of the following:

10 “(I) The amount paid by or as-
11 sessed to the employee during the tax-
12 able year for or with respect to cer-
13 tified long-term care insurance for the
14 employee or the employee’s spouse (or
15 other family member of the employee
16 as provided by the Secretary by regu-
17 lation).

18 “(II) An amount equal to 10 per-
19 cent of the present value of the non-
20 forfeitable accrued benefit of the em-
21 ployee under the plan.

22 “(III) \$2,500.

23 “(ii) ADJUSTMENT FOR INFLATION.—
24 In the case of taxable years beginning
25 after December 31, 2024, the \$2,500

2307

1 amount in clause (i)(II) shall be increased
2 by an amount equal to—

3 “(I) such dollar amount, multi-
4 plied by

5 “(II) the cost-of-living adjust-
6 ment determined under section 1(f)(3)
7 for the calendar year in which the tax-
8 able year begins, determined by sub-
9 stituting ‘calendar year 2023’ for ‘cal-
10 endar year 2016’ in subparagraph
11 (A)(ii) thereof.

12 If any increase under the preceding sen-
13 tence is not a multiple of \$100, such
14 amount shall be rounded to the nearest
15 multiple of \$100.

16 “(C) CERTIFIED LONG-TERM CARE INSUR-
17 ANCE.—The term ‘certified long-term care in-
18 surance’ means—

19 “(i) a qualified long-term care insur-
20 ance contract (as defined in section
21 7702B(b)) covering qualified long-term
22 care services (as defined in section
23 7702B(e)),

24 “(ii) coverage of the risk that an in-
25 sured individual would become a chron-

1 ically ill individual (within the meaning of
2 section 101(g)(4)(B)) under a rider or
3 other provision of a life insurance contract
4 which 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
16 the preceding sentence, coverage shall not be
17 deemed to provide meaningful financial assist-
18 ance unless benefits are adjusted for inflation
19 and consumer protections are provided, includ-
20 ing protection in the event the coverage is ter-
21 minated.

22 “(D) DISTRIBUTIONS MUST OTHERWISE
23 BE INCLUDIBLE.—Rules similar to the rules of
24 section 402(l)(3) shall apply for purposes of
25 this paragraph.

2309

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 state-
11 ment is a statement provided by the issuer
12 of long-term care coverage, upon request
13 by the owner of such coverage, which in-
14 cludes—

15 “(I) the name and taxpayer iden-
16 tification number of such issuer,

17 “(II) a statement that the cov-
18 erage is certified long-term care insur-
19 ance,

20 “(III) identification of the em-
21 ployee as the owner of such coverage,

22 “(IV) identification of the indi-
23 vidual covered and such individual’s
24 relationship to the employee,

2310

1 “(V) the premiums owed for the
2 coverage for the calendar year, and

3 “(VI) such other information as
4 the Secretary may require.

5 “(iii) FILING WITH SECRETARY.—A
6 long-term care premium statement will be
7 accepted only if the issuer has completed a
8 disclosure to the Secretary for the specific
9 coverage product to which the statement
10 relates. Such disclosure shall identify the
11 issuer, type of coverage, and such other in-
12 formation as the Secretary may require
13 which is included in the filing of the prod-
14 uct with the applicable State authority.”.

15 (b) CONFORMING AMENDMENTS.—

16 (1) Section 401(k)(2)(B)(i) is amended by
17 striking “or” at the end of subclause (V), by adding
18 “or” at the end of subclause (VI), and by adding at
19 the end the following new subclause:

20 “(VII) as provided in section
21 401(a)(39),”.

22 (2) Section 403(a) is amended by adding at the
23 end the following new paragraph:

24 “(6) QUALIFIED LONG-TERM CARE DISTRIBU-
25 TIONS.—An annuity contract shall not fail to be sub-

1 ject to this subsection solely by reason of allowing
2 distributions to which section 401(a)(39) applies.”.

3 (3) Section 403(b)(7)(A)(i) is amended by
4 striking “or” at the end of subclause (V), by strik-
5 ing “and” at the end of subclause (VI) and inserting
6 “or” and by adding at the end the following new
7 subclause:

8 “(VII) as provided for distribu-
9 tions to which section 401(a)(39) ap-
10 plies, and”.

11 (4) Section 403(b)(11) is amended by striking
12 “or” at the end of subparagraph (C), by striking the
13 period at the end of subparagraph (D) and inserting
14 “, or”, and by inserting after subparagraph (D) the
15 following new subparagraph:

16 “(E) for distributions to which section
17 401(a)(39) applies.”.

18 (5) Section 457(d)(1)(A) is amended by strik-
19 ing “or” at the end of clause (iii), by striking the
20 comma at the end of clause (iv) and inserting “, or”,
21 and by adding at the end the following new clause:

22 “(v) as provided in section
23 401(a)(39),”.

24 (c) EXEMPTION FROM ADDITIONAL TAX ON EARLY
25 DISTRIBUTIONS.—Section 72(t)(2), as amended by this

1 Act, is further amended by adding at the end the following
2 new subparagraph:

3 “(N) QUALIFIED LONG-TERM CARE DIS-
4 TRIBUTIONS.—

5 “(i) IN GENERAL.—Any qualified
6 long-term care distribution to which sec-
7 tion 401(a)(39) applies.

8 “(ii) EXCEPTION.—If, with respect to
9 the plan, the individual covered by the
10 long-term care coverage to which such dis-
11 tribution relates is the spouse of the em-
12 ployee, clause (i) shall apply only if the
13 employee and the employee’s spouse file a
14 joint return.

15 “(iii) EXEMPTION OF DISTRIBUTIONS
16 FROM TRUSTEE TO TRUSTEE TRANSFER
17 AND WITHHOLDING RULES.—For purposes
18 of sections 401(a)(31), 402(f), and 3405,
19 any qualified long-term care distribution
20 described in clause (i) shall not be treated
21 as an eligible rollover distribution.”.

22 (d) REPORTING.—

23 (1) IN GENERAL.—Subpart B of part III of
24 subchapter A of chapter 61 is amended by adding at
25 the end the following new section:

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 sec-
7 tion 401(a)(39)(E) for a calendar year, shall make a re-
8 turn not later than February 1 of the succeeding calendar
9 year, according to forms or regulations prescribed by the
10 Secretary, setting forth with respect to each such pur-
11 chaser—

12 “(1) the name and taxpayer identification num-
13 ber of such issuer,

14 “(2) a statement that the coverage is certified
15 long-term care insurance as defined in section
16 401(a)(39)(C),

17 “(3) the name of the owner of such coverage,

18 “(4) identification of the individual covered and
19 such individual’s relationship to the owner,

20 “(5) the premiums paid for the coverage for the
21 calendar year, and

22 “(6) such other information as the Secretary
23 may require.

24 “(b) STATEMENT TO BE FURNISHED TO PERSONS
25 WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—
26 Every person required to make a return under subsection

1 (a) shall furnish to each individual whose name is required
2 to be set forth in such return a written statement show-
3 ing—

4 “(1) the name, address, and phone number of
5 the information contact of the issuer of the contract
6 or coverage, and

7 “(2) the aggregate amount of premiums and
8 charges paid under the contract or coverage covering
9 the insured individual during the calendar year.

10 The written statement required under the preceding sen-
11 tence shall be furnished to the individual or individuals
12 on or before January 31 of the year following the calendar
13 year for which the return required under subsection (a)
14 was required to be made.

15 “(c) CONTRACTS OR COVERAGE COVERING MORE
16 THAN ONE INSURED.—In the case of contracts or cov-
17 erage covering more than one insured, the return and
18 statement required by subsections (a) and (b) shall iden-
19 tify only the portion of the premium that is properly allo-
20 cable to the insured in respect of whom the return or
21 statement is made.

22 “(d) STATEMENT TO BE FURNISHED ON RE-
23 QUEST.—If any individual to whom a return is required
24 to be furnished under subsection (b) requests that such
25 a return be furnished at any time before the close of the

1 calendar year, the person required to make the return
2 under subsection (b) shall comply with such request and
3 shall furnish to the Secretary at such time a copy of the
4 return so provided.”.

5 (2) PENALTIES.—Section 6724(d) is amend-
6 ed—

7 (A) in paragraph (1)(B), by adding “or”
8 at the end of clause (xxvii) and by inserting
9 after such clause the following new clause:

10 “(xxviii) section 6050Z (relating to re-
11 ports relating to long-term care premium
12 statements), and”, and

13 (B) in paragraph (2)—

14 (i) by redesignating subparagraph
15 (JJ), relating to section 6050Y, as sub-
16 paragraph (KK) and moving such subpara-
17 graph to the position immediately after
18 subparagraph (JJ), relating to section
19 6226(a)(2),

20 (ii) by striking “or” at the end of sub-
21 paragraph (II),

22 (iii) by striking the period at the end
23 of subparagraph (JJ), relating to section
24 6226(a)(2), and inserting a comma,

2316

1 (iv) by striking the period at the end
2 of subparagraph (KK), as so redesignated,
3 and inserting “, or”, and

4 (v) by inserting after subparagraph
5 (KK), as so redesignated, the following
6 new subparagraph:

7 “(LL) section 6050Z (relating to reports
8 relating to long-term care premium state-
9 ments).”.

10 (3) CLERICAL AMENDMENT.—The table of sec-
11 tions for subpart B of part III of subchapter A of
12 chapter 61 is amended by adding after the item re-
13 lating to section 6050Y the following new item:

“Sec. 6050Z. Reports relating to long-term care premium statements.”.

14 (e) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to distributions made after the
16 date which is 3 years after the date of the enactment of
17 this Act.

18 (f) DISCLOSURE TO TREASURY OF LONG-TERM CARE
19 INSURANCE PRODUCTS.—The Secretary of the Treasury
20 (or the Secretary’s delegate) shall issue such forms and
21 guidance as are necessary to collect the filing required by
22 section 401(a)(39)(E)(iii) of the Internal Revenue Code
23 of 1986, as added by this section.

1 **SEC. 335. CORRECTIONS OF MORTALITY TABLES.**

2 (a) IN GENERAL.—Not later than 18 months after
3 the date of the enactment of this Act, the Secretary of
4 the Treasury (or the Secretary’s delegate) shall amend the
5 regulation relating to “Mortality Tables for Determining
6 Present Value Under Defined Benefit Pension Plans” (82
7 Fed. Reg. 46388 (October 5, 2017)). Under such amend-
8 ment, for valuation dates occurring during or after 2024,
9 such mortality improvement rates shall not assume for
10 years beyond the valuation date future mortality improve-
11 ments at any age which are greater than .78 percent. The
12 Secretary of the Treasury (or delegate) shall by regulation
13 modify the .78 percent figure in the preceding sentence
14 as necessary to reflect material changes in the overall rate
15 of improvement projected by the Social Security Adminis-
16 tration.

17 (b) EFFECTIVE DATE.—The amendments required
18 under subsection (a) shall be deemed to have been made
19 as of the date of the enactment of this Act, and as of
20 such date all applicable laws shall be applied in all respects
21 as though the actions which the Secretary of the Treasury
22 (or the Secretary’s delegate) is required to take under
23 such subsection had been taken.

1 **SEC. 336. REPORT TO CONGRESS ON SECTION 402(f) NO-**
2 **TICES.**

3 Not later than 18 months after the date of the enact-
4 ment of this Act, the Comptroller General of the United
5 States shall submit a report to the Committees on Finance
6 and Health, Education, Labor, and Pensions of the Senate
7 and the Committees on Ways and Means and Education
8 and Labor of the House of Representatives on the notices
9 provided by retirement plan administrators to plan partici-
10 pants under section 402(f) of the Internal Revenue Code
11 of 1986. The report shall analyze the effectiveness of such
12 notices and make recommendations, as warranted by the
13 findings, to facilitate better understanding by recipients
14 of different distribution options and corresponding tax
15 consequences, including spousal rights.

16 **SEC. 337. MODIFICATION OF REQUIRED MINIMUM DIS-**
17 **TRIBUTION RULES FOR SPECIAL NEEDS**
18 **TRUSTS.**

19 (a) IN GENERAL.—Section 401(a)(9)(H)(iv)(II) is
20 amended by striking “no individual” and inserting “no
21 beneficiary”.

22 (b) CONFORMING AMENDMENT.—Section
23 401(a)(9)(H)(v) is amended by adding at the end the fol-
24 lowing flush sentence:

25 “For purposes of the preceding sentence,
26 in the case of a trust the terms of which

1 are described in clause (iv)(II), any bene-
2 fiary which is an organization described
3 in section 408(d)(8)(B)(i) shall be treated
4 as a designated beneficiary described in
5 subclause (II).”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section shall apply to calendar years beginning after
8 the date of the enactment of this Act.

9 **SEC. 338. REQUIREMENT TO PROVIDE PAPER STATEMENTS**

10 **IN CERTAIN CASES.**

11 (a) IN GENERAL.—Section 105(a)(2) of the Em-
12 ployee Retirement Income Security Act of 1974 (29
13 U.S.C. 1025(a)(2)) is amended—

14 (1) in subparagraph (A)(iv), by inserting “sub-
15 ject to subparagraph (E),” before “may be deliv-
16 ered”; and

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

18 “(E) PROVISION OF PAPER STATE-
19 MENTS.—With respect to at least 1 pension
20 benefit statement furnished for a calendar year
21 with respect to an individual account plan
22 under paragraph (1)(A), and with respect to at
23 least 1 pension benefit statement furnished
24 every 3 calendar years with respect to a defined
25 benefit plan under paragraph (1)(B), such

1 statement shall be furnished on paper in writ-
2 ten form except—

3 “(i) in the case of a plan that fur-
4 nishes such statement in accordance with
5 section 2520.104b-1(c) of title 29, Code of
6 Federal Regulations; or

7 “(ii) in the case of a plan that permits
8 a participant or beneficiary to request that
9 the statements referred to in the matter
10 preceding clause (i) be furnished by elec-
11 tronic delivery, if the participant or bene-
12 ficiary requests that such statements be
13 delivered electronically and the statements
14 are so delivered.”.

15 (b) IMPLEMENTATION.—

16 (1) IN GENERAL.—The Secretary of Labor
17 shall, not later than December 31, 2024, update sec-
18 tion 2520.104b-1(c) of title 29, Code of Federal
19 Regulations, to provide that a plan may furnish the
20 statements referred to in subparagraph (E) of sec-
21 tion 105(a)(2) of the Employee Retirement Income
22 Security Act of 1974 by electronic delivery only if,
23 with respect to participants who first become eligible
24 to participate, and beneficiaries who first become eli-
25 gible for benefits, after December 31, 2025, in addi-

2321

1 tion to meeting the other requirements under the
2 regulations such plan furnishes each participant or
3 beneficiary a one-time initial notice on paper in writ-
4 ten form, prior to the electronic delivery of any pen-
5 sion benefit statement, of their right to request that
6 all documents required to be disclosed under title I
7 of the Employee Retirement Income Security Act of
8 1974 be furnished on paper in written form.

9 (2) OTHER GUIDANCE.—In implementing the
10 amendment made by subsection (a) with respect to
11 a plan that discloses required documents or state-
12 ments electronically, in accordance with applicable
13 guidance governing electronic disclosure by the De-
14 partment of Labor (with the exception of section
15 2520.104b-1(c) of title 29, Code of Federal Regula-
16 tions), the Secretary of Labor shall, not later than
17 December 31, 2024, update such guidance to the ex-
18 tent necessary to ensure that—

19 (A) a participant or beneficiary under such
20 a plan is permitted the opportunity to request
21 that any disclosure required to be delivered on
22 paper under applicable guidance by the Depart-
23 ment of Labor shall be furnished by electronic
24 delivery;

2322

1 (B) each paper statement furnished under
2 such a plan pursuant to the amendment shall
3 include—

4 (i) an explanation of how to request
5 that all such statements, and any other
6 document required to be disclosed under
7 title I of the Employee Retirement Income
8 Security Act of 1974, be furnished by elec-
9 tronic delivery; and

10 (ii) contact information for the plan
11 sponsor, including a telephone number;

12 (C) the plan may not charge any fee to a
13 participant or beneficiary for the delivery of any
14 paper statements;

15 (D) each document required to be disclosed
16 that is furnished by electronic delivery under
17 such a plan shall include an explanation of how
18 to request that all such documents be furnished
19 on paper in written form; and

20 (E) a plan is permitted to furnish a dupli-
21 cate electronic statement in any case in which
22 the plan furnishes a paper pension benefit
23 statement.

1 (c) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply with respect to plan years begin-
3 ning after December 31, 2025.

4 **SEC. 339. RECOGNITION OF TRIBAL GOVERNMENT DOMES-**
5 **TIC RELATIONS ORDERS.**

6 (a) AMENDMENT OF INTERNAL REVENUE CODE OF
7 1986.—

8 (1) IN GENERAL.—Clause (ii) of section
9 414(p)(1)(B) is amended by inserting “or Tribal”
10 after “State”.

11 (2) CONFORMING AMENDMENT.—Subparagraph
12 (B) of section 414(p)(1) is amended by adding at
13 the end the following flush sentence:

14 “For purposes of clause (ii), the term ‘Tribal’
15 with respect to a domestic relations law means
16 such a law which is issued by or under the laws
17 of an Indian tribal government, a subdivision of
18 such an Indian tribal government, or an agency
19 or instrumentality of either.”.

20 (b) AMENDMENT OF EMPLOYEE RETIREMENT IN-
21 COME SECURITY ACT OF 1974.—

22 (1) IN GENERAL.—Section 206(d)(3)(B)(ii)(II)
23 of the Employee Retirement Income Security Act of
24 1974 (29 U.S.C. 1056(d)(3)(B)(ii)(II)) is amended
25 by inserting “or Tribal” after “State”.

1 (2) explore, through a public request for infor-
2 mation or otherwise, how the contents and design of
3 the disclosures described in such section may be im-
4 proved to enhance participants' understanding of
5 fees and expenses related to a defined contribution
6 plan (as defined in section 3 of the Employee Retirement
7 Income Security Act of 1974 (29 U.S.C.
8 1002)) as well as the cumulative effect of such fees
9 and expenses on retirement savings over time; and
10 (3) report to the Committee on Health, Edu-
11 cation, Labor, and Pensions of the Senate and the
12 Committee on Education and Labor of the House of
13 Representatives on the findings of the exploration
14 described in paragraph (2), including beneficial edu-
15 cation for consumers on financial literacy concepts
16 as related to retirement plan fees and recommenda-
17 tions for legislative changes needed to address such
18 findings.

19 **SEC. 341. CONSOLIDATION OF DEFINED CONTRIBUTION**
20 **PLAN NOTICES.**

21 Not later than 2 years after the date of enactment
22 of this Act, the Secretary of Labor and the Secretary of
23 the Treasury (or such Secretaries' delegates) shall adopt
24 regulations providing that a plan (as defined in section
25 3 of the Employee Retirement Income Security Act of

1 1974 (29 U.S.C. 1002)) may, but is not required to, con-
2 solidate 2 or more of the notices required under sections
3 404(e)(5)(B) and 514(e)(3) of the Employee Retirement
4 Income Security Act of 1974 (29 U.S.C. 1104(c)(5)(B)
5 and 29 U.S.C. 1144(e)(3)) and sections 401(k)(12)(D),
6 401(k)(13)(E), and 414(w)(4) of the Internal Revenue
7 Code of 1986 into a single notice so long as the combined
8 notice—

9 (1) includes the required content;

10 (2) clearly identifies the issues addressed there-
11 in;

12 (3) is furnished at the time and with the fre-
13 quency required for each such notice; and

14 (4) is presented in a manner that is reasonably
15 calculated to be understood by the average plan par-
16 ticipant and that does not obscure or fail to high-
17 light the primary information required for each no-
18 tice.

19 This section shall not be interpreted as preventing the con-
20 solidation of any other notices required under the Em-
21 ployee Retirement Income Security Act of 1974, or Inter-
22 nal Revenue Code of 1986, to the extent otherwise per-
23 mitted by the Secretary of Labor or the Secretary of the
24 Treasury (or either such Secretary's delegate), as applica-
25 ble.

1 **SEC. 342. INFORMATION NEEDED FOR FINANCIAL OPTIONS**

2 **RISK MITIGATION.**

3 (a) IN GENERAL.—Part 1 of subtitle B of title I of
4 the Employee Retirement Income Security Act of 1974
5 (29 U.S.C. 1021 et seq.), as amended by the preceding
6 provisions of this title, is amended by adding at the end
7 the following:

8 **“SEC. 113. NOTICE AND DISCLOSURE REQUIREMENTS WITH**
9 **RESPECT TO LUMP SUMS.**

10 “(a) IN GENERAL.—A plan administrator of a pen-
11 sion plan that amends the plan to provide a period of time
12 during which a participant or beneficiary may elect to re-
13 ceive a lump sum, instead of future monthly payments,
14 shall furnish notice—

15 “(1) to each participant or beneficiary offered
16 such lump sum amount, in the manner in which the
17 participant and beneficiary receives the lump sum
18 offer from the plan sponsor, not later than 90 days
19 prior to the first day on which the participant or
20 beneficiary may make an election with respect to
21 such lump sum; and

22 “(2) to the Secretary and the Pension Benefit
23 Guaranty Corporation, not later than 30 days prior
24 to the first day on which participants and bene-
25 ficiaries may make an election with respect to such
26 lump sum.

1 “(b) NOTICE TO PARTICIPANTS AND BENE-
2 FICIARIES.—

3 “(1) CONTENT.—The notice required under
4 subsection (a)(1) shall include the following:

5 “(A) Available benefit options, including
6 the estimated monthly benefit that the partici-
7 pant or beneficiary would receive at normal re-
8 tirement age, whether there is a subsidized
9 early retirement option or qualified joint and
10 survivor annuity that is fully subsidized (in ac-
11 cordance with section 417(a)(5) of the Internal
12 Revenue Code of 1986, the monthly benefit
13 amount if payments begin immediately, and the
14 lump sum amount available if the participant or
15 beneficiary takes the option.

16 “(B) An explanation of how the lump sum
17 was calculated, including the interest rate, mor-
18 tality assumptions, and whether any additional
19 plan benefits were included in the lump sum,
20 such as early retirement subsidies.

21 “(C) In a manner consistent with the man-
22 ner in which a written explanation is required
23 to be given under 417(a)(3) of the Internal
24 Revenue Code of 1986, the relative value of the

1 lump sum option for a terminated vested partic-
2 ipant compared to the value of—

3 “(i) the single life annuity, (or other
4 standard form of benefit); and

5 “(ii) the qualified joint and survivor
6 annuity (as defined in section 205(d)(1));

7 “(D) A statement that—

8 “(i) a commercial annuity comparable
9 to the annuity available from the plan may
10 cost more than the amount of the lump
11 sum amount, and

12 “(ii) it may be advisable to consult an
13 advisor regarding this point if the partici-
14 pant or beneficiary is considering pur-
15 chasing a commercial annuity.

16 “(E) The potential ramifications of accept-
17 ing the lump sum, including longevity risks, loss
18 of protections guaranteed by the Pension Ben-
19 efit Guaranty Corporation (with an explanation
20 of the monthly benefit amount that would be
21 protected by the Pension Benefit Guaranty Cor-
22 poration if the plan is terminated with insuffi-
23 cient assets to pay benefits), loss of protection
24 from creditors, loss of spousal protections, and

1 other protections under this Act that would be
2 lost.

3 “(F) General tax rules related to accepting
4 a lump sum, including rollover options and
5 early distribution penalties with a disclaimer
6 that the plan does not provide tax, legal, or ac-
7 counting advice, and a suggestion that partici-
8 pants and beneficiaries consult with their own
9 tax, legal, and accounting advisors before deter-
10 mining whether to accept the offer.

11 “(G) How to accept or reject the offer, the
12 deadline for response, and whether a spouse is
13 required to consent to the election.

14 “(H) Contact information for the point of
15 contact at the plan administrator for partici-
16 pants and beneficiaries to get more information
17 or ask questions about the options.

18 “(2) PLAIN LANGUAGE.—The notice under this
19 subsection shall be written in a manner calculated to
20 be understood by the average plan participant.

21 “(3) MODEL NOTICE.—The Secretary shall
22 issue a model notice for purposes of the notice under
23 subsection (a)(1), including for information required
24 under subparagraphs (C) through (F) of paragraph
25 (1).

2331

1 “(c) NOTICE TO THE SECRETARY AND PENSION
2 BENEFIT GUARANTY CORPORATION.—The notice required
3 under subsection (a)(2) shall include the following:

4 “(1) The total number of participants and
5 beneficiaries eligible for such lump sum option.

6 “(2) The length of the limited period during
7 which the lump sum is offered.

8 “(3) An explanation of how the lump sum was
9 calculated, including the interest rate, mortality as-
10 sumptions, and whether any additional plan benefits
11 were included in the lump sum, such as early retire-
12 ment subsidies.

13 “(4) A sample of the notice provided to partici-
14 pants and beneficiaries under subsection (a)(1), if
15 otherwise required.

16 “(d) POST-OFFER REPORT TO THE SECRETARY AND
17 PENSION BENEFIT GUARANTY CORPORATION.—Not later
18 than 90 days after the conclusion of the limited period
19 during which participants and beneficiaries in a plan may
20 accept a plan’s offer of a lump sum, a plan sponsor shall
21 submit a report to the Secretary and the Director of the
22 Pension Benefit Guaranty Corporation that includes the
23 number of participants and beneficiaries who accepted the
24 lump sum offer and such other information as the Sec-
25 retary may require.

1 “(e) PUBLIC AVAILABILITY.—The Secretary shall
2 make the information provided in the notice to the Sec-
3 retary required under subsection (a)(2) and in the post-
4 offer reports submitted under subsection (d) publicly avail-
5 able in a form that protects the confidentiality of the infor-
6 mation provided.

7 “(f) BIENNIAL REPORT.—Not later than the last day
8 of the second calendar year after the calendar year includ-
9 ing the applicability date of the final rules under section
10 342(e) of the SECURE 2.0 Act of 2022, and every 2 years
11 thereafter, so long as the Secretary has received notices
12 and post-offer reports under subsections (c) and (d) of this
13 section, the Secretary shall submit to Congress a report
14 that summarizes such notices and post-offer reports dur-
15 ing the applicable reporting period. The applicable report-
16 ing period begins on the first day of the second calendar
17 year preceding the calendar year that the report is sub-
18 mitted to Congress and ends on the last day of the cal-
19 endar year preceding the calendar year the report is due.”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 in section 1 of the Employee Retirement Income Security
22 Act of 1974, as amended by the proceeding provisions of
23 this title, is further amended by inserting after the item
24 relating to section 112 the following new item:

Sec. 113. Notice and disclosure requirements with respect to lump sum win-
dows.

2333

1 (c) ENFORCEMENT.—Section 502 of the Employee
2 Retirement Income Security Act of 1974 (29 U.S.C. 1132)
3 is amended—

4 (1) in subsection (c)(1), by striking “or section
5 105(a)” and inserting “, section 105(a), or section
6 113(a)”; and

7 (2) in subsection (a)(4), by striking “105(c)”
8 and inserting “section 105(c) or 113(a)”.

9 (d) APPLICATION.—The requirements of section 113
10 of the Employee Retirement Income Security Act of 1974,
11 as added by subsection (b), shall apply beginning on the
12 applicable effective date specified in the final regulations
13 promulgated pursuant to subsection (e).

14 (e) REGULATORY AUTHORITY.—Not earlier than 1
15 year after the date of enactment of this Act, the Secretary
16 of Labor, in consultation with the Secretary of the Treas-
17 ury, shall issue regulations to implement section 113 of
18 the Employee Retirement Income Security Act of 1974,
19 as added by subsection (a). Such regulations shall be ap-
20 plicable not earlier than the issuance of a final rule and
21 not later than 1 year after issuance of a final rule.

22 **SEC. 343. DEFINED BENEFIT ANNUAL FUNDING NOTICES.**

23 (a) IN GENERAL.—Section 101(f)(2)(B) of the Em-
24 ployee Retirement Income Security Act of 1974 (29
25 U.S.C. 1021(f)(2)(B)) is amended—

2334

1 (1) in clause (i)(I), by striking “funding target
2 attainment percentage (as defined in section
3 303(d)(2))” and inserting “percentage of plan liabil-
4 ities funded (as described in clause (ii)(I)(bb))”;

5 (2) in clause (ii)(I)—

6 (A) by striking “, a statement of”;

7 (B) by striking item (aa);

8 (C) by redesignating item (bb) as item
9 (aa);

10 (D) in item (aa), as so redesignated—

11 (i) by inserting “a statement of” be-
12 fore “the value”,

13 (ii) by inserting “, and for the pre-
14 ceding 2 plan years as of the last day of
15 each such plan year,” before “determined
16 using”,

17 (iii) by striking “and” at the end; and

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

19 “(bb) for purposes of the
20 statement in subparagraph
21 (B)(i)(I), the percentage of plan
22 liabilities funded, calculated as
23 the ratio between the value of the
24 plan’s assets and liabilities, as
25 determined under item (aa), for

2335

1 the plan year to which the notice
2 relates and for the 2 preceding
3 plan years, and

4 “(cc) if the information in
5 (aa) and (bb) is presented in tab-
6 ular form, a statement that de-
7 scribes that in the event of a plan
8 termination the corporation’s cal-
9 culation of plan liabilities may be
10 greater and that references the
11 section of the notice with the in-
12 formation required under clause
13 (x), and”;

14 (3) in clause (ii)(II), by striking “subclause
15 (I)(bb)” and inserting “subclause (I)(aa)”,

16 (4) in clause (iii), in the matter preceding sub-
17 clause (I), by inserting “for the plan year to which
18 the notice relates as of the last day of such plan
19 year and the preceding 2 plan years, in tabular for-
20 mat,” after “participants”;

21 (5) in clause (iv)—

22 (A) by striking “plan and the asset” and
23 inserting “plan, the asset”; and

24 (B) by inserting “, and the average return
25 on assets for the plan year,” after “assets)”;

2336

1 (6) by redesignating clauses (ix) through (xi) as
2 clause (x) through (xii), respectively;

3 (7) by inserting after clause (viii) the following:

4 “(ix) in the case of a single-employer
5 plan, a statement as to whether the plan’s
6 funded status, based on the plan’s liabil-
7 ities described under subclause (II) for the
8 plan year to which the notice relates, and
9 for the 2 preceding plan years, is at least
10 100 percent (and, if not, the actual per-
11 centages), that includes—

12 “(I) the plan’s assets, as of the
13 last day of the plan year and for the
14 2 preceding plan years, as determined
15 under clause (ii)(I)(aa),

16 “(II) the plan’s liabilities, as of
17 the last day of the plan year and for
18 the 2 preceding plan years, as deter-
19 mined under clause (ii)(1)(aa), and

20 “(III) the funded status of the
21 plan, determined as the ratio of the
22 plan’s assets and liabilities calculated
23 under subclauses (I) and (II), for the
24 plan year to which the notice relates,

2337

1 and for the 2 preceding plan years,”;

2 and

3 (8) in clause (x), as so redesignated, by striking
4 the comma at the end and inserting the following:
5 “and a statement that, in the case of a single-em-
6 ployer plan—

7 “(I) if plan assets are determined
8 to be sufficient to pay vested benefits
9 that are not guaranteed by the Pen-
10 sion Benefit Guaranty Corporation,
11 participants and beneficiaries may re-
12 ceive benefits in excess of the guaran-
13 teed amount, and

14 “(II) such a determination gen-
15 erally uses assumptions that result in
16 a plan having a lower funded status
17 as compared to the plan’s funded sta-
18 tus disclosed in this notice.”.

19 (b) EFFECTIVE DATE.—The amendments made by
20 subsection (a) shall apply with respect to plan years begin-
21 ning after December 31, 2023.

22 **SEC. 344. REPORT ON POOLED EMPLOYER PLANS.**

23 The Secretary of Labor shall—

24 (1) conduct a study on the pooled employer
25 plan (as such term is defined in section 3(43) of the

2338

1 Employee Retirement Income Security Act of 1974
2 (29 U.S.C. 1002(43)) industry, including on—

3 (A) the legal name and number of pooled
4 employer plans;

5 (B) the number of participants in such
6 plans;

7 (C) the range of investment options pro-
8 vided in such plans;

9 (D) the fees assessed in such plans;

10 (E) the manner in which employers select
11 and monitor such plans;

12 (F) the disclosures provided to participants
13 in such plans;

14 (G) the number and nature of any enforce-
15 ment actions by the Secretary of Labor on such
16 plans;

17 (H) the extent to which such plans have
18 increased retirement savings coverage in the
19 United States; and

20 (I) any additional information as the Sec-
21 retary determines is necessary; and

22 (2) not later than 5 years after the date of en-
23 actment of this Act, and every 5 years thereafter,
24 submit to Congress and make available on a publicly
25 accessible website of the Department of Labor, a re-

1 port on the findings of the study under paragraph
2 (1), including recommendations on how pooled em-
3 ployer plans can be improved, through legislation, to
4 serve and protect retirement plan participants.

5 **SEC. 345. ANNUAL AUDITS FOR GROUP OF PLANS.**

6 (a) IN GENERAL.—Section 202(a) of the Setting
7 Every Community Up for Retirement Enhancement Act
8 of 2019 (Public Law 116–94; 26 U.S.C. 6058 note) is
9 amended—

10 (1) by striking “so that all members” and in-
11 serting the following: “so that—

12 “(1) all members”;

13 (2) by striking the period and inserting “;
14 and”; and

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

16 “(2) any opinions required by section 103(a)(3)
17 of the Employee Retirement Income Security Act of
18 1974 (29 U.S.C. 1023(a)(3)) shall relate only to
19 each individual plan which would otherwise be sub-
20 ject to the requirements of such section 103(a)(3).”.

21 (b) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect on the date of the enactment
23 of this Act.

1 **SEC. 346. WORKER OWNERSHIP, READINESS, AND KNOWL-**
2 **EDGE.**

3 (a) DEFINITIONS.—In this section:

4 (1) EXISTING PROGRAM.—The term “existing
5 program” means a program, designed to promote
6 employee ownership, that exists on the date on
7 which the Secretary is carrying out a responsibility
8 authorized under this section.

9 (2) INITIATIVE.—The term “Initiative” means
10 the Employee Ownership Initiative established under
11 subsection (b).

12 (3) NEW PROGRAM.—The term “new program”
13 means a program, designed to promote employee
14 ownership, that does not exist on the date on which
15 the Secretary is carrying out a responsibility author-
16 ized under this section.

17 (4) SECRETARY.—The term “Secretary” means
18 the Secretary of Labor.

19 (5) STATE.—The term “State” has the mean-
20 ing given the term under section 3 of the Workforce
21 Innovation and Opportunity Act (29 U.S.C. 3102).

22 (b) EMPLOYEE OWNERSHIP INITIATIVE.—

23 (1) ESTABLISHMENT.—The Secretary shall es-
24 tablish within the Department of Labor an Em-
25 ployee Ownership Initiative to promote employee
26 ownership.

1 (2) FUNCTIONS.—In carrying out the Initiative,
2 the Secretary shall—

3 (A) support within the States existing pro-
4 grams designed to promote employee ownership;
5 and

6 (B) facilitate within the States the forma-
7 tion of new programs designed to promote em-
8 ployee ownership.

9 (3) DUTIES.—To carry out the functions enu-
10 merated in paragraph (2), the Secretary shall sup-
11 port new programs and existing programs by—

12 (A) making Federal grants authorized
13 under subsection (d); and

14 (B)(i) acting as a clearinghouse on tech-
15 niques employed by new programs and existing
16 programs within the States, and disseminating
17 information relating to those techniques to the
18 programs; or

19 (ii) funding projects for information gath-
20 ering on those techniques, and dissemination of
21 that information to the programs, by groups
22 outside the Department of Labor.

23 (4) CONSULTATION WITH TREASURY.—The
24 Secretary shall consult with the Secretary of the
25 Treasury, or the Secretary's delegate, in the case of

1 any employee ownership arrangements or structures
2 the administration and enforcement of which are
3 within the jurisdiction of the Department of the
4 Treasury.

5 (c) PROGRAMS REGARDING EMPLOYEE OWNER-
6 SHIP.—

7 (1) ESTABLISHMENT OF PROGRAM.—Not later
8 than 180 days after the date of enactment of this
9 Act, the Secretary shall establish a program to en-
10 courage new programs and existing programs within
11 the States to foster employee ownership throughout
12 the United States.

13 (2) PURPOSE OF PROGRAM.—The purpose of
14 the program established under paragraph (1) is to
15 encourage new and existing programs within the
16 States that focus on—

17 (A) providing education and outreach to
18 inform employees and employers about the pos-
19 sibilities and benefits of employee ownership
20 and business ownership succession planning, in-
21 cluding providing information about financial
22 education, employee teams, open-book manage-
23 ment, and other tools that enable employees to
24 share ideas and information about how their
25 businesses can succeed;

1 (B) providing technical assistance to assist
2 employee efforts to become business owners, to
3 enable employers and employees to explore and
4 assess the feasibility of transferring full or par-
5 tial ownership to employees, and to encourage
6 employees and employers to start new em-
7 ployee-owned businesses;

8 (C) training employees and employers with
9 respect to methods of employee participation in
10 open-book management, work teams, commit-
11 tees, and other approaches for seeking greater
12 employee input; and

13 (D) training other entities to apply for
14 funding under this subsection, to establish new
15 programs, and to carry out program activities.

16 (3) PROGRAM DETAILS.—The Secretary may in-
17 clude, in the program established under paragraph
18 (1), provisions that—

19 (A) in the case of activities described in
20 paragraph (2)(A)—

21 (i) target key groups, such as retiring
22 business owners, senior managers, labor
23 organizations, trade associations, commu-
24 nity organizations, and economic develop-
25 ment organizations;

2344

1 (ii) encourage cooperation in the orga-
2 nization of workshops and conferences; and

3 (iii) prepare and distribute materials
4 concerning employee ownership, and busi-
5 ness ownership succession planning;

6 (B) in the case of activities described in
7 paragraph (2)(B)—

8 (i) provide preliminary technical as-
9 sistance to employee groups, managers,
10 and retiring owners exploring the possi-
11 bility of employee ownership;

12 (ii) provide for the performance of
13 preliminary feasibility assessments;

14 (iii) assist in the funding of objective
15 third-party feasibility studies and prelimi-
16 nary business valuations, and in selecting
17 and monitoring professionals qualified to
18 conduct such studies; and

19 (iv) provide a data bank to help em-
20 ployees find legal, financial, and technical
21 advice in connection with business owner-
22 ship;

23 (C) in the case of activities described in
24 paragraph (2)(C)—

2345

1 (i) provide for courses on employee
2 participation; and

3 (ii) provide for the development and
4 fostering of networks of employee-owned
5 companies to spread the use of successful
6 participation techniques; and

7 (D) in the case of training described in
8 paragraph (2)(D)—

9 (i) provide for visits to existing pro-
10 grams by staff from new programs receiv-
11 ing funding under this section; and

12 (ii) provide materials to be used for
13 such training.

14 (4) GUIDANCE.—The Secretary shall issue for-
15 mal guidance, for—

16 (A) recipients of grants awarded under
17 subsection (d) and one-stop partners (as de-
18 fined in section 3 of the Workforce Innovation
19 and Opportunity Act (29 U.S.C. 3102)) affili-
20 ated with the workforce development systems
21 (as so defined) of the States, proposing that
22 programs and other activities funded under this
23 section be—

2346

1 (i) proactive in encouraging actions
2 and activities that promote employee own-
3 ership of businesses; and

4 (ii) comprehensive in emphasizing
5 both employee ownership of businesses so
6 as to increase productivity and broaden
7 capital ownership; and

8 (B) acceptable standards and procedures
9 to establish good faith fair market value for
10 shares of a business to be acquired by an em-
11 ployee stock ownership plan (as defined in sec-
12 tion 407(d)(6) of the Employee Retirement In-
13 come Security Act of 1974 (29 U.S.C.
14 1107(d)(6))).

15 The guidance under subparagraph (B) shall be pre-
16 scribed in consultation with the Secretary of the
17 Treasury.

18 (d) GRANTS.—

19 (1) IN GENERAL.—In carrying out the program
20 established under subsection (c), the Secretary may
21 make grants for use in connection with new pro-
22 grams and existing programs within a State for any
23 of the following activities:

24 (A) Education and outreach as provided in
25 subsection (c)(2)(A).

1 (B) Technical assistance as provided in
2 subsection (c)(2)(B).

3 (C) Training activities for employees and
4 employers as provided in subsection (c)(2)(C).

5 (D) Activities facilitating cooperation
6 among employee-owned firms.

7 (E) Training as provided in subsection
8 (c)(2)(D) for new programs provided by partici-
9 pants in existing programs dedicated to the ob-
10 jectives of this section, except that, for each fis-
11 cal year, the amount of the grants made for
12 such training shall not exceed 10 percent of the
13 total amount of the grants made under this sec-
14 tion.

15 (2) AMOUNTS AND CONDITIONS.—The Sec-
16 retary shall determine the amount and any condi-
17 tions for a grant made under this subsection. The
18 amount of the grant shall be subject to paragraph
19 (6), and shall reflect the capacity of the applicant
20 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.

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 insti-
5 tution 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
9 fails to support or establish a program pursu-
10 ant to this section during any fiscal year, the
11 Secretary shall, in the subsequent fiscal years,
12 allow local entities described in paragraph (4)
13 from that State to make applications for grants
14 under 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 ap-
20 plications by local entities described in para-
21 graph (4) before submitting the applications to
22 the Secretary.

23 (6) LIMITATIONS.—A recipient of a grant made
24 under this subsection shall not receive, during a fis-

1 cal 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
13 the submission of the report.

14 (e) EVALUATIONS.—The Secretary is authorized to
15 reserve not more than 10 percent of the funds appro-
16 priated for a fiscal year to carry out this section, for the
17 purposes of conducting evaluations of the grant programs
18 identified in subsection (d) and to provide related technical
19 assistance.

20 (f) REPORTING.—Not later than the expiration of the
21 36-month period following the date of enactment of this
22 Act, the Secretary shall prepare and submit to Congress
23 a report—

24 (1) on progress related to employee ownership
25 in businesses in the United States; and

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
5 appropriated for the purpose of making grants pur-
6 suant 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
13 authorized to be appropriated for the purpose of
14 funding the administrative expenses related to the
15 Initiative—

16 (A) for fiscal year 2024, \$200,000, and

17 (B) for each of fiscal years 2025 through
18 2029, an amount not in excess of the lesser
19 of—

20 (i) \$350,000; or

21 (ii) 5.0 percent of the maximum
22 amount available under paragraph (1) for
23 that fiscal year.

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
14 the following new paragraph:

15 “(6) PROJECTED INTEREST CREDITING
16 RATE.—For purposes of subparagraphs (A), (B),
17 and (C) of paragraph (1), in the case of an applica-
18 ble defined benefit plan (as defined in subsection
19 (a)(13)(C)) which provides variable interest crediting
20 rates, the interest crediting rate which is treated as
21 in effect and as the projected interest crediting rate
22 shall be a reasonable projection of such variable in-
23 terest crediting rate, not to exceed 6 percent.”.

24 (b) AMENDMENT OF EMPLOYEE RETIREMENT IN-
25 COME SECURITY ACT OF 1974.—Section 204(b) of the
26 Employee Retirement Income Security Act of 1974 (29

1 U.S.C. 1060(b)) is amended by adding at the end the fol-
2 lowing new paragraph:

3 “(6) PROJECTED INTEREST CREDITING
4 RATE.—For purposes of subparagraphs (A), (B),
5 and (C) of paragraph (1), in the case of an applica-
6 ble defined benefit plan (within the meaning of sec-
7 tion 203(f)(3)) which provides variable interest cred-
8 iting rates, the interest crediting rate which is treat-
9 ed as in effect and as the projected interest crediting
10 rate shall be a reasonable projection of such variable
11 interest crediting rate, not to exceed 6 percent.”.

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall apply with respect to plan years begin-
14 ning 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
23 at the end and inserting “; and”; and

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

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”
5 after “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 Secu-
10 rity Act of 1974 (29 U.S.C. 1306(a)(3)(E)) is amended
11 by striking “subparagraph (H)” and inserting “subpara-
12 graph (I)”.

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall take effect on the date of the enactment
15 of this Act.

16 **SEC. 350. SAFE HARBOR FOR CORRECTIONS OF EMPLOYEE**
17 **ELECTIVE DEFERRAL FAILURES.**

18 (a) IN GENERAL.—Section 414, as amended by the
19 preceding provisions of this Act, is further amended by
20 adding at the end the following new subsection:

21 “(cc) CORRECTING AUTOMATIC CONTRIBUTION ER-
22 RORS.—

23 “(1) IN GENERAL.—Any plan or arrangement
24 shall not fail to be treated as a plan described in

1 sections 401(a), 403(b), 408, or 457(b), as applica-
2 ble, solely by reason of a corrected error.

3 “(2) CORRECTED ERROR DEFINED.—For pur-
4 poses of this subsection, the term ‘corrected error’
5 means a reasonable administrative error—

6 “(A)(i) made in implementing an auto-
7 matic enrollment or automatic escalation fea-
8 ture with respect to an eligible employee (or an
9 affirmative election made by an eligible em-
10 ployee covered by such feature), or

11 “(ii) made by failing to afford an eligible
12 employee the opportunity to make an affirma-
13 tive election because such employee was improper-
14 ly excluded from the plan], and

15 “(B) that is corrected prospectively by im-
16 plementing an automatic enrollment or auto-
17 matic escalation feature with respect to an eligi-
18 ble employee (or an affirmative election made
19 by an eligible employee) determined in accord-
20 ance with the terms of an eligible automatic
21 contribution arrangement (as defined under
22 subsection (w)(3)), provided that—

23 “(i) such implementation error is cor-
24 rected not later than—

2355

1 “(I) the date of the first payment
2 of compensation made by the em-
3 ployer to the employee on or after the
4 last day of the 9½ month-period after
5 the end of the plan year during which
6 such error with respect to the em-
7 ployee first occurred, or

8 “(II) if earlier in the case of an
9 employee who notifies the plan spon-
10 sor of such error, the date of the first
11 payment of compensation made by the
12 employer to the employee on or after
13 the last day of the month following
14 the month in which such notification
15 was made,

16 “(ii) in the case of an employee who
17 would have been entitled to additional
18 matching contributions had any missed
19 elective deferral been made, the plan spon-
20 sor makes a corrective allocation, not later
21 than the deadline specified by the Sec-
22 retary in regulations or other guidance
23 prescribed under paragraph (3), of match-
24 ing contributions on behalf of the employee
25 in an amount equal to the additional

1 matching contributions to which the em-
2 ployee would have been so entitled (ad-
3 justed to account for earnings had the
4 missed elective deferrals been made).

5 “(iii) such implementation error is of
6 a type which is so corrected for all simi-
7 larly situated participants in a nondiscrim-
8 inatory manner,

9 “(iv) notice of such error is given to
10 the employee not later than 45 days after
11 the date on which correct deferrals begin,
12 and

13 “(v) the notice under clause (iv) satis-
14 fies such regulations or other guidance as
15 the Secretary prescribes under paragraph
16 (4).

17 Such correction may occur before or after the partic-
18 ipant has terminated employment and may occur
19 without regard to whether the error is identified by
20 the Secretary.

21 “(3) NO OBLIGATION FOR EMPLOYER TO RE-
22 STORE MISSED ELECTIVE DEFERRALS.—If the re-
23 quirements of paragraph (2)(B) are satisfied, the
24 employer will not be required to provide eligible em-
25 ployees with the missed amount of elective deferrals

1 resulting from a reasonable administrative error de-
2 scribed in paragraph (2)(A)(i) or (ii) through a
3 qualified nonelective contribution, or otherwise.

4 “(4) REGULATIONS AND GUIDANCE FOR FAVOR-
5 ABLE CORRECTION METHODS.—The Secretary shall
6 by regulations or other guidance of general applica-
7 bility prescribe—

8 “(A) the deadline for making a corrective
9 allocation of matching contributions required by
10 paragraph (2)(B)(ii),

11 “(B) the content of the notice required by
12 paragraph (2)(B)(iv),

13 “(C) the manner in which the amount of
14 the corrective allocation under paragraph
15 (2)(B)(ii) is determined,

16 “(D) the manner of adjustment to account
17 for earnings on matching contributions under
18 paragraph (2)(B)(ii), and

19 “(E) such other rules as are necessary to
20 carry out the purposes of the subsection.”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 this section shall apply with respect to any errors with
23 respect to which the date referred to in section 414(cc)
24 (as added by this section) is after December 31, 2023.
25 Prior to the application of any regulations or other guid-

1 ance prescribed under paragraph (3) of section 414(cc)
2 of the Internal Revenue Code of 1986 (as added by this
3 section), taxpayers may rely upon their reasonable good
4 faith interpretations of the provisions of such section.

5 **TITLE IV—TECHNICAL** 6 **AMENDMENTS**

7 **SEC. 401. AMENDMENTS RELATING TO SETTING EVERY** 8 **COMMUNITY UP FOR RETIREMENT ENHANCE-** 9 **MENT ACT OF 2019.**

10 (a) TECHNICAL AMENDMENTS.—

11 (1) AMENDMENTS RELATING TO SECTION
12 103.—Section 401(m)(12) is amended by striking
13 “and” at the end of subparagraph (A), by redesignating
14 subparagraph (B) as subparagraph (C), and
15 by inserting after subparagraph (A) (as so amended)
16 the following new subparagraph:

17 “(B) meets the notice requirements of sub-
18 section (k)(13)(E), and”.

19 (2) AMENDMENTS RELATING TO SECTION
20 112.—

21 (A) Section 401(k)(15)(B)(i)(II) is amend-
22 ed by striking “subsection (m)(2)” and insert-
23 ing “paragraphs (2), (11), and (12) of sub-
24 section (m)”.

1 (B) Section 401(k)(15)(B)(iii) is amended
2 by striking “under the arrangement” and in-
3 serting “under the plan”.

4 (C) Section 401(k)(15)(B)(iv) is amended
5 by striking “section 410(a)(1)(A)(ii)” and in-
6 serting “paragraph (2)(D)”.

7 (3) AMENDMENT RELATING TO SECTION 116.—
8 Section 4973(b) is amended by adding at the end of
9 the flush matter the following: “Such term shall not
10 include any designated nondeductible contribution
11 (as defined in subparagraph (C) of section
12 408(o)(2)) which does not exceed the nondeductible
13 limit under subparagraph (B) thereof by reason of
14 an election under section 408(o)(5).”.

15 (b) CLERICAL AMENDMENTS.—

16 (1) Section 72(t)(2)(H)(vi)(IV) is amended by
17 striking “403(b)(7)(A)(ii)” and inserting “
18 403(b)(7)(A)(i)”.

19 (2) Section 401(k)(12)(G) is amended by strik-
20 ing “the requirements under subparagraph (A)(i)”
21 and inserting “the contribution requirements under
22 subparagraph (B) or (C)”.

23 (3) Section 401(k)(13)(D)(iv) is amended by
24 striking “and (F)” and inserting “and (G)”.

1 (4) Section 408(o)(5)(A) is amended by striking
2 “subsection (b)” and inserting “section 219(b)”.

3 (5) Section 408A(c)(2)(A) is amended by strik-
4 ing “(d)(1) or”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall take effect as if included in the section
7 of the Setting Every Community Up for Retirement En-
8 hancement Act of 2019 to which the amendment relates.

9 **TITLE V—ADMINISTRATIVE**
10 **PROVISIONS**

11 **SEC. 501. PROVISIONS RELATING TO PLAN AMENDMENTS.**

12 (a) IN GENERAL.—If this section applies to any re-
13 tirement plan or contract amendment—

14 (1) such retirement plan or contract shall be
15 treated as being operated in accordance with the
16 terms of the plan during the period described in sub-
17 section (b)(2)(A); and

18 (2) except as provided by the Secretary of the
19 Treasury (or the Secretary’s delegate), such retire-
20 ment plan shall not fail to meet the requirements of
21 section 411(d)(6) of the Internal Revenue Code of
22 1986 and section 204(g) of the Employee Retirement
23 Income Security Act of 1974 by reason of such
24 amendment.

25 (b) AMENDMENTS TO WHICH SECTION APPLIES.—

2361

1 (1) IN GENERAL.—This section shall apply to
2 any amendment to any retirement plan or annuity
3 contract which is made—

4 (A) pursuant to any amendment made by
5 this Act or pursuant to any regulation issued by
6 the Secretary of the Treasury or the Secretary
7 of Labor (or a delegate of either such Sec-
8 retary) under this Act; and

9 (B) on or before the last day of the first
10 plan year beginning on or after January 1,
11 2025, or such later date as the Secretary of the
12 Treasury may prescribe.

13 In the case of a governmental plan (as defined in
14 section 414(d) of the Internal Revenue Code of
15 1986), or an applicable collectively bargained plan,
16 this paragraph shall be applied by substituting
17 “2027” for “2025”. For purposes of the preceding
18 sentence, the term “applicable collectively bargained
19 plan” means a plan maintained pursuant to 1 or
20 more collective bargaining agreements between em-
21 ployee representatives and 1 or more employers rati-
22 fied before the date of enactment of this Act.

23 (2) CONDITIONS.—This section shall not apply
24 to any amendment unless—

25 (A) during the period—

1 (i) beginning on the date the legisla-
2 tive or regulatory amendment described in
3 paragraph (1)(A) takes effect (or in the
4 case of a plan or contract amendment not
5 required by such legislative or regulatory
6 amendment, the effective date specified by
7 the plan); and

8 (ii) ending on the date described in
9 paragraph (1)(B) (as modified by the sec-
10 ond sentence of paragraph (1)) (or, if ear-
11 lier, the date the plan or contract amend-
12 ment is adopted),

13 the plan or contract is operated as if such plan
14 or contract amendment were in effect; and

15 (B) such plan or contract amendment ap-
16 plies retroactively for such period.

17 (c) COORDINATION WITH OTHER PROVISIONS RE-
18 LATING TO PLAN AMENDMENTS.—

19 (1) SECURE ACT.—Section 601(b)(1) of the
20 Setting Every Community Up for Retirement En-
21 hancement Act of 2019 is amended—

22 (A) by striking “January 1, 2022” in sub-
23 paragraph (B) and inserting “January 1,
24 2025”, and

2363

1 (B) by striking “substituting ‘2024’ for
2 ‘2022’.” in the flush matter at the end and in-
3 serting “substituting ‘2027’ for ‘2025’.”.

4 (2) CARES ACT.—

5 (A) SPECIAL RULES FOR USE OF RETIRE-
6 MENT FUNDS.—Section 2202(c)(2)(A) of the
7 CARES Act is amended by striking “January
8 1, 2022” in clause (ii) and inserting “January
9 1, 2025”.

10 (B) TEMPORARY WAIVER OF REQUIRED
11 MINIMUM DISTRIBUTIONS RULES FOR CERTAIN
12 RETIREMENT PLANS AND ACCOUNTS.—Section
13 2203(c)(2)(B)(i) of the CARES Act is amend-
14 ed—

15 (i) by striking “January 1, 2022” in
16 subclause (II) and inserting “January 1,
17 2025”, and

18 (ii) by striking “substituting ‘2024’
19 for ‘2022’.” in the flush matter at the end
20 and inserting “substituting ‘2027’ for
21 ‘2025’.”.

22 (C) TAXPAYER CERTAINTY AND DISASTER
23 TAX RELIEF ACT OF 2020.—Section
24 302(d)(2)(A) of the Taxpayer Certainty and
25 Disaster Tax Relief Act of 2020 is amended by

1 striking “January 1, 2022” in clause (ii) and
2 inserting “January 1, 2025”.

3 **TITLE VI—REVENUE**
4 **PROVISIONS**

5 **SEC. 601. SIMPLE AND SEP ROTH IRAS.**

6 (a) IN GENERAL.—Section 408A is amended by
7 striking subsection (f).

8 (b) RULES RELATING TO SIMPLIFIED EMPLOYEE
9 PENSIONS.—

10 (1) CONTRIBUTIONS.—Section 402(h)(1) is
11 amended by striking “and” at the end of subpara-
12 graph (A), by striking the period at the end of sub-
13 paragraph (B) and inserting “, and”, and by adding
14 at the end the following new subparagraph:

15 “(C) in the case of any contributions pur-
16 suant to a simplified employer pension which
17 are made to an individual retirement plan des-
18 ignated as a Roth IRA, such contribution shall
19 not be excludable from gross income.”.

20 (2) DISTRIBUTIONS.—Section 402(h)(3) is
21 amended by inserting “(or section 408A(d) in the
22 case of an individual retirement plan designated as
23 a Roth IRA)” before the period at the end.

24 (3) ELECTION REQUIRED.—Section 408(k) is
25 amended by redesignating paragraphs (7), (8), and

1 (9) as paragraphs (8), (9), and (10), respectively,
2 and by inserting after paragraph (6) the following
3 new paragraph:

4 “(7) ROTH CONTRIBUTION ELECTION.—An in-
5 dividual retirement plan which is designated as a
6 Roth IRA shall not be treated as a simplified em-
7 ployee pension under this subsection unless the em-
8 ployee elects for such plan to be so treated (at such
9 time and in such manner as the Secretary may pro-
10 vide).”.

11 (c) RULES RELATING TO SIMPLE RETIREMENT AC-
12 COUNTS.—

13 (1) ELECTION REQUIRED.—Section 408(p), as
14 amended by the preceding provisions of this Act, is
15 further amended by adding at the end the following
16 new paragraph:

17 “(12) ROTH CONTRIBUTION ELECTION.—An in-
18 dividual retirement plan which is designated as a
19 Roth IRA shall not be treated as a simple retirement
20 account under this subsection unless the employee
21 elects for such plan to be so treated (at such time
22 and in such manner as the Secretary may pro-
23 vide).”.

24 (2) ROLLOVERS.—Section 408A(e) is amended
25 by adding at the end the following new paragraph:

1 “(3) SIMPLE RETIREMENT ACCOUNTS.—In the
2 case of any payment or distribution out of a simple
3 retirement account (as defined in section 408(p))
4 with respect to which an election has been made
5 under section 408(p)(12) and to which 72(t)(6) ap-
6 plies, the term ‘qualified rollover contribution’ shall
7 not include any payment or distribution paid into an
8 account other than another simple retirement ac-
9 count (as so defined).”.

10 (d) CONFORMING AMENDMENT.—Section
11 408A(d)(2)(B) is amended by inserting “, or employer in
12 the case of a simple retirement account (as defined in sec-
13 tion 408(p)) or simplified employee pension (as defined in
14 section 408(k)),” after “individual’s spouse”.

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

18 **SEC. 602. HARDSHIP WITHDRAWAL RULES FOR 403(b)**
19 **PLANS.**

20 (a) IN GENERAL.—Section 403(b), as amended by
21 the preceding provisions of this Act, is amended by adding
22 at the end the following new paragraph:

23 “(17) SPECIAL RULES RELATING TO HARDSHIP
24 WITHDRAWALS.—For purposes of paragraphs (7)
25 and (11)—

2367

1 “(A) AMOUNTS WHICH MAY BE WITH-
2 DRAWN.—The following amounts may be dis-
3 tributed upon hardship of the employee:

4 “(i) Contributions made pursuant to a
5 salary reduction agreement (within the
6 meaning of section 3121(a)(5)(D)).

7 “(ii) Qualified nonelective contribu-
8 tions (as defined in section 401(m)(4)(C)).

9 “(iii) Qualified matching contributions
10 described in section 401(k)(3)(D)(ii)(I).

11 “(iv) Earnings on any contributions
12 described in clause (i), (ii), or (iii).

13 “(B) NO REQUIREMENT TO TAKE AVAIL-
14 ABLE LOAN.—A distribution shall not be treat-
15 ed as failing to be made upon the hardship of
16 an employee solely because the employee does
17 not take any available loan under the plan.”.

18 (b) CONFORMING AMENDMENTS.—

19 (1) Section 403(b)(7)(A)(i)(V) is amended by
20 striking “in the case of contributions made pursuant
21 to a salary reduction agreement (within the meaning
22 of section 3121(a)(5)(D))” and inserting “subject to
23 the provisions of paragraph (17)”.

24 (2) Paragraph (11) of section 403(b), as
25 amended by this Act, is further amended—

2368

1 (A) by striking “in” in subparagraph (B)
2 and inserting “subject to the provisions of para-
3 graph (17), in”, and

4 (B) by striking the second sentence.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall apply to plan years beginning after De-
7 cember 31, 2023.

8 **SEC. 603. ELECTIVE DEFERRALS GENERALLY LIMITED TO**
9 **REGULAR CONTRIBUTION LIMIT.**

10 (a) APPLICABLE EMPLOYER PLANS.—Section 414(v)
11 is amended by adding at the end the following new para-
12 graph:

13 “(7) CERTAIN DEFERRALS MUST BE ROTH CON-
14 TRIBUTIONS.—

15 “(A) IN GENERAL.—Except as provided in
16 subparagraph (C), in the case of an eligible par-
17 ticipant whose wages (as defined in section
18 3121(a)) for the preceding calendar year from
19 the employer sponsoring the plan exceed
20 \$145,000, paragraph (1) shall apply only if any
21 additional elective deferrals are designated Roth
22 contributions (as defined in section 402A(c)(1))
23 made pursuant to an employee election.

24 “(B) ROTH OPTION.—In the case of an ap-
25 plicable employer plan with respect to which

1 subparagraph (A) applies to any participant for
2 a plan year, paragraph (1) shall not apply to
3 the plan unless the plan provides that any eligi-
4 ble participant may make the participant’s ad-
5 ditional elective deferrals as designated Roth
6 contributions.

7 “(C) EXCEPTION.—Subparagraph (A)
8 shall not apply in the case of an applicable em-
9 ployer plan described in paragraph (6)(A)(iv).

10 “(D) ELECTION TO CHANGE DEFER-
11 RALS.—The Secretary may provide by regula-
12 tions that an eligible participant may elect to
13 change the participant’s election to make addi-
14 tional elective deferrals if the participant’s com-
15 pensation is determined to exceed the limitation
16 under subparagraph (A) after the election is
17 made.

18 “(E) COST OF LIVING ADJUSTMENT.—In
19 the case of a year beginning after December 31,
20 2024, the Secretary shall adjust annually the
21 \$145,000 amount in subparagraph (A) for in-
22 creases in the cost-of-living at the same time
23 and in the same manner as adjustments under
24 415(d); except that the base period taken into
25 account shall be the calendar quarter beginning

1 July 1, 2023, and any increase under this sub-
2 paragraph which is not a multiple of \$5,000
3 shall be rounded to the next lower multiple of
4 \$5,000.”.

5 (b) CONFORMING AMENDMENTS.—

6 (1) Section 402(g)(1) is amended by striking
7 subparagraph (C).

8 (2) Section 457(e)(18)(A)(ii) is amended by in-
9 serting “the lesser of any designated Roth contribu-
10 tions made by the participant to the plan or” before
11 “the applicable dollar amount”.

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to taxable years beginning after
14 December 31, 2023.

15 **SEC. 604. OPTIONAL TREATMENT OF EMPLOYER MATCHING**
16 **OR NONELECTIVE CONTRIBUTIONS AS ROTH**
17 **CONTRIBUTIONS.**

18 (a) IN GENERAL.—Section 402A(a) is amended by
19 redesignating paragraph (2) as paragraph (4), by striking
20 “and” at the end of paragraph (1), and by inserting after
21 paragraph (1) the following new paragraphs:

22 “(2) any designated Roth contribution which
23 pursuant to the program is made by the employer on
24 the employee’s behalf on account of the employee’s
25 contribution, elective deferral, or (subject to the re-

1 requirements of section 401(m)(13)) qualified student
2 loan payment shall be treated as a matching con-
3 tribution for purposes of this chapter, except that
4 such contribution shall not be excludable from gross
5 income,

6 “(3) any designated Roth contribution which
7 pursuant to the program is made by the employer on
8 the employee’s behalf and which is a nonelective con-
9 tribution shall be nonforfeitable and shall not be ex-
10 cludable from gross income, and”.

11 (b) MATCHING INCLUDED IN QUALIFIED ROTH CON-
12 TRIBUTION PROGRAM.—Section 402A(b)(1) is amended—

13 (1) by inserting “, or to have made on the em-
14 ployee’s behalf,” after “elect to make”, and

15 (2) by inserting “, or of matching contributions
16 or nonelective contributions which may otherwise be
17 made on the employee’s behalf,” after “otherwise eli-
18 gible to make”.

19 (c) DESIGNATED ROTH MATCHING CONTRIBU-
20 TIONS.—Section 402A(c)(1) is amended by inserting “,
21 matching contribution, or nonelective contribution” after
22 “elective deferral”.

23 (d) MATCHING CONTRIBUTION DEFINED.—Section
24 402A(f), as redesignated by this Act, is amended by add-
25 ing at the end the following:

1 “(3) MATCHING CONTRIBUTION.—The term
2 ‘matching contribution’ means—

3 “(A) any matching contribution described
4 in section 401(m)(4)(A), and

5 “(B) any contribution to an eligible de-
6 ferred compensation plan (as defined in section
7 457(b)) by an eligible employer described in
8 section 457(e)(1)(A) on behalf of an employee
9 and on account of such employee’s elective de-
10 ferral under such plan,

11 but only if such contribution is nonforfeitable at the
12 time received.”.

13 (e) EFFECTIVE DATE.—The amendments made by
14 this section shall apply to contributions made after the
15 date of the enactment of this Act.

16 **SEC. 605. CHARITABLE CONSERVATION EASEMENTS.**

17 (a) LIMITATION ON DEDUCTION.—

18 (1) IN GENERAL.—Section 170(h) is amended
19 by adding at the end the following new paragraph:

20 “(7) LIMITATION ON DEDUCTION FOR QUALI-
21 FIED CONSERVATION CONTRIBUTIONS MADE BY
22 PASS-THROUGH ENTITIES.—

23 “(A) IN GENERAL.—A contribution by a
24 partnership (whether directly or as a distribu-
25 tive share of a contribution of another partner-

1 ship) shall not be treated as a qualified con-
2 servation contribution for purposes of this sec-
3 tion if the amount of such contribution exceeds
4 2.5 times the sum of each partner’s relevant
5 basis in such partnership.

6 “(B) RELEVANT BASIS.—For purposes of
7 this paragraph—

8 “(i) IN GENERAL.—The term ‘relevant
9 basis’ means, with respect to any partner,
10 the portion of such partner’s modified
11 basis in the partnership which is allocable
12 (under rules similar to the rules of section
13 755) to the portion of the real property
14 with respect to which the contribution de-
15 scribed in subparagraph (A) is made.

16 “(ii) MODIFIED BASIS.—The term
17 ‘modified basis’ means, with respect to any
18 partner, such partner’s adjusted basis in
19 the partnership as determined—

20 “(I) immediately before the con-
21 tribution described in subparagraph
22 (A),

23 “(II) without regard to section
24 752, and

2374

1 “(III) by the partnership after
2 taking into account the adjustments
3 described in subclauses (I) and (II)
4 and such other adjustments as the
5 Secretary may provide.

6 “(C) EXCEPTION FOR CONTRIBUTIONS
7 OUTSIDE 3-YEAR HOLDING PERIOD.—Subpara-
8 graph (A) shall not apply to any contribution
9 which is made at least 3 years after the latest
10 of—

11 “(i) the last date on which the part-
12 nership that made such contribution ac-
13 quired any portion of the real property
14 with respect to which such contribution is
15 made,

16 “(ii) the last date on which any part-
17 ner in the partnership that made such con-
18 tribution acquired any interest in such
19 partnership, and

20 “(iii) if the interest in the partnership
21 that made such contribution is held
22 through 1 or more partnerships—

23 “(I) the last date on which any
24 such partnership acquired any interest
25 in any other such partnership, and

2375

1 “(II) the last date on which any
2 partner in any such partnership ac-
3 quired any interest in such partner-
4 ship.

5 “(D) EXCEPTION FOR FAMILY PARTNER-
6 SHIPS.—

7 “(i) IN GENERAL.—Subparagraph (A)
8 shall not apply with respect to any con-
9 tribution made by any partnership if sub-
10 stantially all of the partnership interests in
11 such partnership are held, directly or indi-
12 rectly, by an individual and members of
13 the family of such individual.

14 “(ii) MEMBERS OF THE FAMILY.—For
15 purposes of this subparagraph, the term
16 ‘members of the family’ means, with re-
17 spect to any individual—

18 “(I) the spouse of such indi-
19 vidual, and

20 “(II) any individual who bears a
21 relationship to such individual which
22 is described in subparagraphs (A)
23 through (G) of section 152(d)(2).

24 “(E) EXCEPTION FOR CONTRIBUTIONS TO
25 PRESERVE CERTIFIED HISTORIC STRUC-

1 TURES.—Subparagraph (A) shall not apply to
2 any qualified conservation contribution the con-
3 servation purpose of which is the preservation
4 of any building which is a certified historic
5 structure (as defined in paragraph (4)(C)).

6 “(F) APPLICATION TO OTHER PASS-
7 THROUGH ENTITIES.—Except as may be other-
8 wise provided by the Secretary, the rules of this
9 paragraph shall apply to S corporations and
10 other pass-through entities in the same manner
11 as such rules apply to partnerships.

12 “(G) REGULATIONS.—The Secretary shall
13 prescribe such regulations or other guidance as
14 may be necessary or appropriate to carry out
15 the purposes of this paragraph, including regu-
16 lations or other guidance—

17 “(i) to require reporting, including re-
18 porting related to tiered partnerships and
19 the modified basis of partners, and

20 “(ii) to prevent the avoidance of the
21 purposes of this paragraph.”.

22 (2) APPLICATION OF ACCURACY-RELATED PEN-
23 ALTIES.—

2377

1 (A) IN GENERAL.—Section 6662(b) is
2 amended by inserting after paragraph (9) the
3 following new paragraph:

4 “(10) Any disallowance of a deduction by rea-
5 son of section 170(h)(7).”.

6 (B) TREATMENT AS GROSS VALUATION
7 MISSTATEMENT.—Section 6662(h)(2) is amend-
8 ed by striking “and” at the end of subpara-
9 graph (B), by striking the period at the end of
10 subparagraph (C) and inserting “, and”, and by
11 adding at the end the following new subpara-
12 graph:

13 “(D) any disallowance of a deduction de-
14 scribed in subsection (b)(10).”.

15 (C) NO REASONABLE CAUSE EXCEP-
16 TION.—Section 6664(c)(2) is amended by in-
17 serting “or to any disallowance of a deduction
18 described in section 6662(b)(10)” before the pe-
19 riod at the end.

20 (D) APPROVAL OF ASSESSMENT NOT RE-
21 QUIRED.—Section 6751(b)(2)(A) is amended by
22 striking “subsection (b)(9)” and inserting
23 “paragraph (9) or (10) of subsection (b)”.

24 (3) EXTENSION OF STATUTE OF LIMITATIONS
25 FOR LISTED TRANSACTIONS.—Any contribution with

1 respect to which any deduction was disallowed by
2 reason of section 170(h)(7) of the Internal Revenue
3 Code of 1986 (as added by this subsection) shall be
4 treated for purposes of sections 6501(c)(10) and
5 6235(e)(6) of such Code as a transaction specifically
6 identified by the Secretary as a tax avoidance trans-
7 action for purposes of section 6011 of such Code.

8 (b) REPORTING REQUIREMENTS.—Section 170(f) is
9 amended by adding at the end the following new para-
10 graph:

11 “(19) CERTAIN QUALIFIED CONSERVATION
12 CONTRIBUTIONS.—

13 “(A) IN GENERAL.—In the case of a quali-
14 fied conservation contribution to which this
15 paragraph applies, no deduction shall be al-
16 lowed under subsection (a) for such contribu-
17 tion unless the partnership making such con-
18 tribution—

19 “(i) includes on its return for the tax-
20 able year in which the contribution is made
21 a statement that the partnership made
22 such a contribution, and

23 “(ii) provides such information about
24 the contribution as the Secretary may re-
25 quire.

2379

1 “(B) CONTRIBUTIONS TO WHICH THIS
2 PARAGRAPH APPLIES.—This paragraph shall
3 apply to any qualified conservation contribu-
4 tion—

5 “(i) the conservation purpose of which
6 is the preservation of any building which is
7 a certified historic structure (as defined in
8 subsection (h)(4)(C)),

9 “(ii) which is made by a partnership
10 (whether directly or as a distributive share
11 of a contribution of another partnership),
12 and

13 “(iii) the amount of which exceeds 2.5
14 times the sum of each partner’s relevant
15 basis (as defined in subsection (h)(7)) in
16 the partnership making the contribution.

17 “(C) APPLICATION TO OTHER PASS-
18 THROUGH ENTITIES.—Except as may be other-
19 wise provided by the Secretary, the rules of this
20 paragraph shall apply to S corporations and
21 other pass-through entities in the same manner
22 as such rules apply to partnerships.”.

23 (c) EFFECTIVE DATE.—

1 (1) IN GENERAL.—The amendments made by
2 this section shall apply to contributions made after
3 the date of the enactment of this Act.

4 (2) NO INFERENCE.—No inference is intended
5 as to the appropriate treatment of contributions
6 made in taxable years ending on or before the date
7 specified in paragraph (1), or as to any contribution
8 for which a deduction is not disallowed by reason of
9 section 170(h)(7) of the Internal Revenue Code of
10 1986, as added by this section.

11 (d) SAFE HARBORS AND OPPORTUNITY FOR DONOR
12 TO CORRECT CERTAIN DEED ERRORS.—

13 (1) IN GENERAL.—The Secretary of the Treas-
14 ury (or such Secretary’s delegate) shall, within 120
15 days after the date of the enactment of this Act,
16 publish safe harbor deed language for extinguish-
17 ment clauses and boundary line adjustments.

18 (2) OPPORTUNITY TO CORRECT.—

19 (A) IN GENERAL.—During the 90-day pe-
20 riod beginning on the date of publication of the
21 safe harbor deed language under paragraph (1),
22 a donor may amend an easement deed to sub-
23 stitute the safe harbor language for the cor-
24 responding language in the original deed if—

2381

1 (i) the amended deed is signed by the
2 donor and donee and recorded within such
3 90-day period, and

4 (ii) such amendment is treated as ef-
5 fective as of the date of the recording of
6 the original easement deed.

7 (B) EXCEPTIONS.—Subparagraph (A)
8 shall not apply to an easement deed relating to
9 any contribution—

10 (i) which—

11 (I) is part of a reportable trans-
12 action (as defined in section
13 6707A(c)(1) of the Internal Revenue
14 Code of 1986), or

15 (II) is described in Internal Rev-
16 enue Service Notice 2017–10,

17 (ii) which by reason of section
18 170(h)(7) of such Code, as added by this
19 section, is not treated as a qualified con-
20 servation contribution,

21 (iii) if a deduction for such contribu-
22 tion under section 170 of such Code has
23 been disallowed by the Secretary of the
24 Treasury (or such Secretary's delegate),
25 and the donor is contesting such disallow-

2382

1 ance in a case which is docketed in a Fed-
2 eral court on a date before the date the
3 amended deed is recorded by the donor, or
4 (iv) if a claimed deduction for such
5 contribution under section 170 of such
6 Code resulted in an underpayment to
7 which a penalty under section 6662 or
8 6663 of such Code applies and—

9 (I) such penalty has been finally
10 determined administratively, or

11 (II) if such penalty is challenged
12 in court, the judicial proceeding with
13 respect to such penalty has been con-
14 cluded by a decision or judgment
15 which has become final.

16 **SEC. 606. ENHANCING RETIREE HEALTH BENEFITS IN PEN-**
17 **SION PLANS.**

18 (a) AMENDMENTS TO INTERNAL REVENUE CODE OF
19 1986.—

20 (1) EXTENSION OF TRANSFERS OF EXCESS
21 PENSION ASSETS TO RETIREE HEALTH ACCOUNTS.—

22 Paragraph (4) of section 420(b) is amended by
23 striking “December 31, 2025” and inserting “De-
24 cember 31, 2032”.

25 (2) DE MINIMIS TRANSFER RULE.—

1 (A) IN GENERAL.—Subsection (e) of sec-
2 tion 420 is amended by adding at the end the
3 following new paragraph:

4 “(7) SPECIAL RULE FOR DE MINIMIS TRANS-
5 FERS.—

6 “(A) IN GENERAL.—In the case of a trans-
7 fer of an amount which is not more than 1.75
8 percent of the amount determined under para-
9 graph (2)(A) by a plan which meets the re-
10 quirements of subparagraph (B), paragraph
11 (2)(B) shall be applied by substituting ‘110
12 percent’ for ‘125 percent’.

13 “(B) TWO-YEAR LOOKBACK REQUIRE-
14 MENT.—A plan is described in this subpara-
15 graph if, as of any valuation date in each of the
16 2 plan years immediately preceding the plan
17 year in which the transfer occurs, the amount
18 determined under paragraph (2)(A) exceeded
19 110 percent of the sum of the funding target
20 and the target normal cost determined under
21 section 430 for each such plan year.”.

22 (B) COST MAINTENANCE PERIOD.—Sub-
23 paragraph (D) of section 420(e)(3) is amended
24 by striking “5 taxable years” and inserting “5

2384

1 taxable years (7 taxable years in the case of a
2 transfer to which subsection (e)(7) applies)”.

3 (C) CONFORMING AMENDMENTS.—

4 (i) EXCESS PENSION ASSETS.—Clause
5 (i) of section 420(f)(2)(B) is amended—

6 (I) by striking “IN GENERAL.—
7 In” and inserting “IN GENERAL.—

8 “(I) DETERMINATION.—In”,

9 (II) by striking “subsection
10 (e)(2)” and inserting “subsection
11 (e)(2)(B)”, and

12 (III) by adding at the end the
13 following new subclause:

14 “(II) SPECIAL RULE FOR COL-
15 LECTIVELY BARGAINED TRANS-
16 FERS.—In determining excess pension
17 assets for purposes of a collectively
18 bargained transfer, subsection (e)(7)
19 shall not apply.”.

20 (ii) MINIMUM COST.—Subclause (I) of
21 section 420(f)(2)(D)(i) is amended by
22 striking “4th year” and inserting “4th
23 year (the 6th year in the case of a transfer
24 to which subsection (e)(7) applies)”.

1 (b) EXTENSION OF TRANSFERS OF EXCESS PENSION
2 ASSETS TO RETIREE HEALTH ACCOUNTS UNDER EM-
3 PLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

4 (1) DEFINITIONS.—Section 101(e)(3) of the
5 Employee Retirement Income Security Act of 1974
6 (29 U.S.C. 1021(e)(3)) is amended by striking “(as
7 in effect on the date of the enactment of the Surface
8 Transportation and Veterans Health Care Choice
9 Improvement Act of 2015)” and inserting “(as in ef-
10 fect on the date of enactment of the SECURE 2.0
11 Act of 2022)”.

12 (2) USE OF ASSETS.—Section 403(c)(1) of the
13 Employee Retirement Income Security Act of 1974
14 (29 U.S.C. 1103(c)(1)) is amended by striking “(as
15 in effect on the date of the enactment of the Surface
16 Transportation and Veterans Health Care Choice
17 Improvement Act of 2015)” and inserting “(as in ef-
18 fect on the date of enactment of the SECURE 2.0
19 Act of 2022)”.

20 (3) EXEMPTION.—Section 408(b)(13) of the
21 Employee Retirement Income Security Act of 1974
22 (29 U.S.C. 1108(b)(13)) is amended—

23 (A) by striking “January 1, 2026” and in-
24 serting “January 1, 2033”; and

2386

1 (B) by striking “(as in effect on the date
2 of the enactment of the Surface Transportation
3 and Veterans Health Care Choice Improvement
4 Act of 2015)” and inserting “(as in effect on
5 the date of enactment of the SECURE 2.0 Act
6 of 2022)”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to transfers made after the date
9 of the enactment of this Act.

10 **TITLE VII—TAX COURT**
11 **RETIREMENT PROVISIONS**

12 **SEC. 701. PROVISIONS RELATING TO JUDGES OF THE TAX**
13 **COURT.**

14 (a) THRIFT SAVINGS PLAN CONTRIBUTIONS FOR
15 JUDGES IN THE FEDERAL EMPLOYEES RETIREMENT
16 SYSTEM.—

17 (1) IN GENERAL.—Subsection (j)(3)(B) of sec-
18 tion 7447 is amended to read as follows:

19 “(B) CONTRIBUTIONS FOR BENEFIT OF
20 JUDGE.—No contributions under section
21 8432(c) of title 5, United States Code, shall be
22 made for the benefit of a judge who has filed
23 an election to receive retired pay under sub-
24 section (e).”.

1 (2) OFFSET.—Paragraph (3) of section 7447(j)
2 is amended by adding at the end the following new
3 subparagraph:

4 “(F) OFFSET.—In the case of a judge who
5 receives a distribution from the Thrift Savings
6 Plan and who later receives retired pay under
7 subsection (d), the retired pay shall be offset by
8 an amount equal to the amount of the distribu-
9 tion which represents the Government’s con-
10 tribution to the individual’s Thrift Savings Ac-
11 count during years of service as a full-time judi-
12 cial officer under the Federal Employees Retire-
13 ment System, without regard to earnings attrib-
14 utable to such amount. Where such an offset
15 would exceed 50 percent of the retired pay to
16 be received in the first year, the offset may be
17 divided equally over the first 2 years in which
18 the individual receives the annuity.”.

19 (3) EFFECTIVE DATE.—The amendments made
20 by this subsection shall apply to basic pay earned
21 while serving as a judge of the United States Tax
22 Court on or after the date of the enactment of this
23 Act.

1 (b) CHANGE IN VESTING PERIOD FOR SURVIVOR AN-
2 NUITIES AND WAIVER OF VESTING PERIOD IN THE
3 EVENT OF ASSASSINATION.—

4 (1) ELIGIBILITY IN CASE OF DEATH.—Sub-
5 section (h) of section 7448 is amended to read as
6 follows:

7 “(h) ENTITLEMENT TO ANNUITY.—

8 “(1) IN GENERAL.—

9 “(A) ANNUITY TO SURVIVING SPOUSE.—If
10 a judge or special trial judge described in para-
11 graph (2) is survived by a surviving spouse but
12 not by a dependent child, there shall be paid to
13 such surviving spouse an annuity beginning
14 with the day of the death of the judge or special
15 trial judge or following the surviving spouse’s
16 attainment of age 50, whichever is the later, in
17 an amount computed as provided in subsection
18 (m).

19 “(B) ANNUITY TO SURVIVING SPOUSE AND
20 CHILD.—If a judge or special trial judge de-
21 scribed in paragraph (2) is survived by a sur-
22 viving spouse and dependent child or children,
23 there shall be paid to such surviving spouse an
24 annuity, beginning on the day of the death of
25 the judge or special trial judge, in an amount

1 computed as provided in subsection (m), and
2 there shall also be paid to or on behalf of each
3 such child an immediate annuity equal to the
4 lesser of—

5 “(i) 10 percent of the average annual
6 salary of such judge or special trial judge
7 (determined in accordance with subsection
8 (m)), or

9 “(ii) 20 percent of such average an-
10 nual salary, divided by the number of such
11 children.

12 “(C) ANNUITY TO SURVIVING DEPENDENT
13 CHILDREN.—If a judge or special trial judge
14 described in paragraph (2) leaves no surviving
15 spouse but leaves a surviving dependent child or
16 children, there shall be paid to or on behalf of
17 each such child an immediate annuity equal to
18 the lesser of—

19 “(i) 20 percent of the average annual
20 salary of such judge or special trial judge
21 (determined in accordance with subsection
22 (m)), or

23 “(ii) 40 percent of such average an-
24 nual salary divided by the number of such
25 children.

1 “(2) COVERED JUDGES.—Paragraph (1) applies
2 to any judge or special trial judge electing under
3 subsection (b)—

4 “(A) who dies while a judge or special trial
5 judge after having rendered at least 18 months
6 of civilian service computed as prescribed in
7 subsection (n), for the last 18 months of which
8 the salary deductions provided for by subsection
9 (c)(1) or the deposits required by subsection (d)
10 have actually been made or the salary deduc-
11 tions required by the civil service retirement
12 laws have actually been made, or

13 “(B) who dies by assassination after hav-
14 ing rendered less than 18 months of civilian
15 service computed as prescribed in subsection (n)
16 if, for the period of such service, the salary de-
17 ductions provided for by subsection (c)(1) or
18 the deposits required by subsection (d) have ac-
19 tually been made.

20 “(3) TERMINATION OF ANNUITY.—

21 “(A) SURVIVING SPOUSE.—The annuity
22 payable to a surviving spouse under this sub-
23 section shall be terminable upon such surviving
24 spouse’s death or such surviving spouse’s re-
25 marriage before attaining age 55.

2391

1 “(B) SURVIVING CHILD.—Any annuity
2 payable to a child under this subsection shall be
3 terminable upon the earliest of—

4 “(i) the child’s attainment of age 18,

5 “(ii) the child’s marriage, or

6 “(iii) the child’s death,

7 except that if such child is incapable of self-sup-
8 port by reason of mental or physical disability
9 the child’s annuity shall be terminable only
10 upon death, marriage, or recovery from such
11 disability.

12 “(C) DEPENDENT CHILD AFTER DEATH
13 OF SURVIVING SPOUSE.—In case of the death of
14 a surviving spouse of a judge or special trial
15 judge leaving a dependent child or children of
16 the judge or special trial judge surviving such
17 spouse, the annuity of such child or children
18 shall be recomputed and paid as provided in
19 paragraph (1)(C).

20 “(D) RECOMPUTATION WITH RESPECT TO
21 OTHER DEPENDENT CHILDREN.—In any case
22 in which the annuity of a dependent child is
23 terminated under this subsection, the annuities
24 of any remaining dependent child or children
25 based upon the service of the same judge or

1 special trial judge shall be recomputed and paid
2 as though the child whose annuity was so ter-
3 minated had not survived such judge.

4 “(E) SPECIAL RULE FOR ASSASSINATED
5 JUDGES.—In the case of a survivor of a judge
6 or special trial judge described in paragraph
7 (2)(B), there shall be deducted from the annu-
8 ities otherwise payable under this section an
9 amount equal to the amount of salary deduc-
10 tions that would have been made if such deduc-
11 tions had been made for 18 months prior to the
12 death of the judge or special trial judge.”.

13 (2) DEFINITION OF ASSASSINATION.—Section
14 7448(a) is amended by adding at the end the fol-
15 lowing new paragraph:

16 “(10) The terms ‘assassinated’ and ‘assassina-
17 tion’ mean the killing of a judge or special trial
18 judge that is motivated by the performance by the
19 judge or special trial judge of his or her official du-
20 ties.”.

21 (3) DETERMINATION OF ASSASSINATION.—Sub-
22 section (i) of section 7448 is amended—

23 (A) by striking “OF DEPENDENCY AND
24 DISABILITY.—Questions” and inserting “BY
25 CHIEF JUDGE.—

1 “(1) DEPENDENCY AND DISABILITY.—Ques-
2 tions”, and

3 (B) by adding at the end the following new
4 paragraph:

5 “(2) ASSASSINATION.—The chief judge shall
6 determine whether the killing of a judge or special
7 trial judge was an assassination, subject to review
8 only by the Tax Court. The head of any Federal
9 agency that investigates the killing of a judge or
10 special trial judge shall provide to the chief judge
11 any information that would assist the chief judge in
12 making such a determination.”.

13 (4) COMPUTATION OF ANNUITIES.—Section
14 7448(m) is amended to read as follows:

15 “(m) COMPUTATION OF ANNUITIES.—The annuity of
16 the surviving spouse of a judge or special trial judge elect-
17 ing under subsection (b) shall be an amount equal to the
18 sum of—

19 “(1) the product of—

20 “(A) 1.5 percent of the average annual sal-
21 ary (whether judge’s or special trial judge’s sal-
22 ary or compensation for other allowable service)
23 received by such judge or special trial judge—

24 “(i) for judicial service (including pe-
25 riods in which he received retired pay

2394

1 under section 7447(d), section 7447A(d),
2 or any annuity under chapter 83 or 84 of
3 title 5, United States Code) or for any
4 other prior allowable service during the pe-
5 riod of 3 consecutive years in which such
6 judge or special trial judge received the
7 largest such average annual salary, or

8 “(ii) in the case of a judge or special
9 trial judge who has served less than 3
10 years, during the total period of such serv-
11 ice prior to such judge’s or special trial
12 judge’s death, multiplied by the sum of,
13 multiplied by

14 “(B) the sum of—

15 “(i) the judge’s or special trial judge’s
16 years of such judicial service,

17 “(ii) the judge’s or special trial
18 judge’s years of prior allowable service as
19 a Senator, Representative, Delegate, or
20 Resident Commissioner in Congress,

21 “(iii) the judge’s or special trial
22 judge’s years of prior allowable service per-
23 formed as a member of the Armed Forces
24 of the United States, and

2395

1 “(iv) the judge’s or special trial
2 judge’s years, not exceeding 15, of prior al-
3 lowable service performed as a congres-
4 sional employee (as defined in section 2107
5 of title 5 of the United States Code), plus
6 “(2) three-fourths of 1 percent of such average
7 annual salary multiplied by the judge’s years of any
8 other prior allowable service,
9 except that such annuity shall not exceed an amount equal
10 to 50 percent of such average annual salary, nor be less
11 than an amount equal to 25 percent of such average an-
12 nual salary, and shall be further reduced in accordance
13 with subsection (d) (if applicable). In determining the pe-
14 riod of 3 consecutive years referred to in the preceding
15 sentence, there may not be taken into account any period
16 for which an election under section 7447(f)(4) is in ef-
17 fect.”.

18 (5) OTHER BENEFITS.—Section 7448 is amend-
19 ed by adding at the end the following new sub-
20 section:

21 “(u) OTHER BENEFITS IN CASE OF ASSASSINA-
22 TION.—In the case of a judge or special trial judge who
23 is assassinated, an annuity shall be paid under this section
24 notwithstanding a survivor’s eligibility for or receipt of
25 benefits under chapter 81 of title 5, United States Code,

1 except that the annuity for which a surviving spouse is
2 eligible under this section shall be reduced to the extent
3 that the total benefits paid under this section and chapter
4 81 of that title for any year would exceed the current sal-
5 ary for that year of the office of the judge or special trial
6 judge.”.

7 (c) COORDINATION OF RETIREMENT AND SURVIVOR
8 ANNUITY WITH THE FEDERAL EMPLOYEES RETIREMENT
9 SYSTEM.—

10 (1) RETIREMENT.—Section 7447 is amended—

11 (A) by striking “section 8331(8)” in sub-
12 section (g)(2)(C) and inserting “sections
13 8331(8) and 8401(19)”, and

14 (B) by striking “Civil Service Commission”
15 both places it appears in subsection (i)(2) and
16 inserting “Office of Personnel Management”.

17 (2) ANNUITIES TO SURVIVING SPOUSES AND
18 DEPENDENT CHILDREN.—Section 7448 is amend-
19 ed—

20 (A) by striking “section 8332” in sub-
21 section (d) and inserting “sections 8332 and
22 8411”, and

23 (B) by striking “section 8332” in sub-
24 section (n) and inserting “sections 8332 and
25 8411”.

1 (d) LIMIT ON TEACHING COMPENSATION OF RE-
2 TIRED JUDGES.—

3 (1) IN GENERAL.—Section 7447 is amended by
4 adding at the end the following new subsection:

5 “(k) TEACHING COMPENSATION OF RETIRED
6 JUDGES.—For purposes of the limitation under section
7 501(a) of the Ethics in Government Act of 1978 (5 U.S.C.
8 App.), any compensation for teaching approved under sec-
9 tion 502(a)(5) of such Act shall not be treated as outside
10 earned income when received by a judge of the United
11 States Tax Court who has retired under subsection (b)
12 for teaching performed during any calendar year for which
13 such a judge has met the requirements of subsection (c),
14 as certified by the chief judge, or has retired under sub-
15 section (b)(4).”.

16 (2) EFFECTIVE DATE.—The amendment made
17 by this subsection shall apply to any individual serv-
18 ing as a retired judge of the United States Tax
19 Court on or after the date of the enactment of this
20 Act.

21 (e) EFFECTIVE DATE.—Except as otherwise pro-
22 vided, the amendments made by this section shall take ef-
23 fect on the date of the enactment of this Act.

1 **SEC. 702. PROVISIONS RELATING TO SPECIAL TRIAL**
 2 **JUDGES OF THE TAX COURT.**

3 (a) RETIREMENT AND RECALL FOR SPECIAL TRIAL
 4 JUDGES.—Part I of subchapter C of chapter 76 is amend-
 5 ed by inserting after section 7447 the following new sec-
 6 tion:

7 **“SEC. 7447A. RETIREMENT FOR SPECIAL TRIAL JUDGES.**

8 “(a) IN GENERAL.—

9 “(1) RETIREMENT.—Any special trial judge ap-
 10 pointed pursuant to section 7443A may retire from
 11 service as a special trial judge if the individual meets
 12 the age and service requirements set forth in the fol-
 13 lowing table:

“If the special trial judge has attained age:	And the years of service as a special trial judge are at least:
65	15
66	14
67	13
68	12
69	11
70	10.

14 “(2) LENGTH OF SERVICE.—In making any de-
 15 termination of length of service as a special trial
 16 judge there shall be included all periods (whether or
 17 not consecutive) during which an individual served
 18 as a special trial judge

19 “(b) RETIREMENT UPON DISABILITY.—Any special
 20 trial judge appointed pursuant to section 7443A who be-

1 comes permanently disabled from performing such individ-
2 ual's duties shall retire from service as a special trial
3 judge.

4 “(c) RECALLING OF RETIRED SPECIAL TRIAL
5 JUDGES.—Any individual who has retired pursuant to
6 subsection (a) may be called upon by the chief judge to
7 perform such judicial duties with the Tax Court as may
8 be requested of such individual for a period or periods
9 specified by the chief judge, except that in the case of any
10 such individual—

11 “(1) the aggregate of such periods in any 1 cal-
12 endar year shall not (without the consent of such in-
13 dividual) exceed 90 calendar days, and

14 “(2) such individual shall be relieved of per-
15 forming such duties during any period in which ill-
16 ness or disability precludes the performance of such
17 duties.

18 Any act, or failure to act, by an individual performing ju-
19 dicial duties pursuant to this subsection shall have the
20 same force and effect as if it were the act (or failure to
21 act) of a special trial judge. Any individual who is per-
22 forming judicial duties pursuant to this subsection shall
23 be paid the same compensation (in lieu of retired pay) and
24 allowances for travel and other expenses as a special trial
25 judge.

1 “(d) RETIRED PAY.—

2 “(1) IN GENERAL.—Any individual who retires
3 pursuant to subsection (a) and elects under sub-
4 section (e) to receive retired pay under this sub-
5 section shall receive retired pay during any period of
6 retirement from service as a special trial judge at a
7 rate which bears the same ratio to the rate of the
8 salary payable to a special trial judge during such
9 period as—

10 “(A) the number of years such individual
11 has served as special trial judge bears to,

12 “(B) 15,

13 except that the rate of such retired pay shall not be
14 more than the rate of such salary for such period.

15 “(2) RETIREMENT UPON DISABILITY.—Any in-
16 dividual who retires pursuant to subsection (b) and
17 elects under subsection (e) to receive retired pay
18 under this subsection shall receive retired pay during
19 any period of retirement from service as a special
20 trial judge—

21 “(A) at a rate equal to the rate of the sal-
22 ary payable to a special trial judge during such
23 period, if the individual had at least 10 years
24 of service as a special trial judge before retire-
25 ment, and

1 “(B) at a rate equal to $\frac{1}{2}$ the rate de-
2 scribed in subparagraph (A), if the individual
3 had fewer than 10 years of service as a special
4 trial judge before retirement.

5 “(3) BEGINNING DATE AND PAYMENT.—Retired
6 pay under this subsection shall begin to accrue on
7 the day following the date on which the individual’s
8 salary as a special trial judge ceases to accrue, and
9 shall continue to accrue during the remainder of
10 such individual’s life. Retired pay under this sub-
11 section shall be paid in the same manner as the sal-
12 ary of a special trial judge.

13 “(4) PARTIAL YEARS.—In computing the rate
14 of the retired pay for an individual to whom para-
15 graph (1) applies, any portion of the aggregate num-
16 ber of years such individual has served as a special
17 trial judge which is a fractional part of 1 year shall
18 be eliminated if it is less than 6 months, or shall be
19 counted as a full year if it is 6 months or more.

20 “(5) RECALLED SERVICE.—In computing the
21 rate of the retired pay for an individual to whom
22 paragraph (1) applies, any period during which such
23 individual performs services under subsection (c) on
24 a substantially full-time basis shall be treated as a

1 period during which such individual has served as a
2 special trial judge.

3 “(e) ELECTION TO RECEIVE RETIRED PAY.—Any
4 special trial judge may elect to receive retired pay under
5 subsection (d). Such an election—

6 “(1) may be made only while an individual is a
7 special trial judge (except that in the case of an in-
8 dividual who fails to be reappointed as a special trial
9 judge, such election may be made within 60 days
10 after such individual leaves office as a special trial
11 judge),

12 “(2) once made, shall be irrevocable, and

13 “(3) shall be made by filing notice thereof in
14 writing with the chief judge.

15 The chief judge shall transmit to the Office of Personnel
16 Management a copy of each notice filed with the chief
17 judge under this subsection.

18 “(f) OTHER RULES MADE APPLICABLE.—The rules
19 of subsections (f), (g), (h)(2), (i), and (j), and the first
20 sentence of subsection (h)(1), of section 7447 shall apply
21 to a special trial judge in the same manner as a judge
22 of the Tax Court. For purposes of the preceding sentence,
23 any reference to the President in such subsections shall
24 be applied as if it were a reference to the chief judge.”.

25 (b) CONFORMING AMENDMENTS.—

1 (1) Section 3121(b)(5)(E) is amended by in-
2 serting “or special trial judge” before “of the United
3 States Tax Court”.

4 (2) Section 7448(b)(2) is amended to read as
5 follows:

6 “(2) SPECIAL TRIAL JUDGES.—Any special trial
7 judge may by written election filed with the chief
8 judge elect the application of this section. Such elec-
9 tion shall be filed while such individual is a special
10 trial judge.”.

11 (3) Section 210(a)(5)(E) of the Social Security
12 Act (42 U.S.C. 410(a)(5)(E)) is amended by insert-
13 ing “or special trial judge” before “of the United
14 States Tax Court”.

15 (c) CLERICAL AMENDMENT.—The table of sections
16 for part I of subchapter C of chapter 76 is amended by
17 inserting after the item relating to section 7447 the fol-
18 lowing new item:

 “Sec. 7447A. Retirement for special trial judges.”.

19 (d) EFFECTIVE DATE.—The amendments made by
20 this section shall take effect on the date of the enactment
21 of this Act, except that section 7447A(e) of the Internal
22 Revenue Code of 1986 (as added by this section) shall take
23 effect on the date that is 180 days after such date of en-
24 actment. Special trial judges retiring on or after the date
25 of the enactment of this Act, and before the date that is

1 180 days after the date of such enactment, may file an
2 election under such section not later than 60 days after
3 such date.

4 **DIVISION U—JOSEPH MAXWELL**
5 **CLELAND AND ROBERT JO-**
6 **SEPH DOLE MEMORIAL VET-**
7 **ERANS BENEFITS AND**
8 **HEALTH CARE IMPROVE-**
9 **MENT ACT OF 2022**

10 **SEC. 1. SHORT TITLE; TABLE OF CONTENTS.**

11 (a) **SHORT TITLE.**—This division may be cited as the
12 “Joseph Maxwell Cleland and Robert Joseph Dole Memo-
13 rial Veterans Benefits and Health Care Improvement Act
14 of 2022”.

15 (b) **TABLE OF CONTENTS.**—The table of contents for
16 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 nurs-
ing home care from the Department of Veterans Affairs to in-
clude veterans of World War II.

Sec. 102. Department of Veterans Affairs treatment and research of prostate
cancer.

Subtitle B—Health Care Employees

2405

- 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 Community Care Program.
- Sec. 122. Plan regarding informing veterans of expected wait times for appointments for care.

CHAPTER 2—IMPROVEMENT OF PROVISION OF CARE

- Sec. 125. Modifications to access standards for care furnished through Community Care Program of Department of Veterans Affairs.
- Sec. 126. Strategic plan to ensure continuity of care in the case of the realignment 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.

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.

2406

- 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.

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.

2407

- 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.
- 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.

2408

- 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.
- 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.

2409

1 **TITLE I—HEALTH CARE**
2 **MATTERS**
3 **Subtitle A—Access to Care**

4 **SEC. 101. EXPANSION OF ELIGIBILITY FOR HOSPITAL CARE,**
5 **MEDICAL SERVICES, AND NURSING HOME**
6 **CARE FROM THE DEPARTMENT OF VET-**
7 **ERANS AFFAIRS TO INCLUDE VETERANS OF**
8 **WORLD WAR II.**

9 (a) **IN GENERAL.**—Section 1710(a)(2)(E) of title 38,
10 United States Code, is amended by striking “of the Mexi-
11 can border period or of World War I;” and inserting “of—

12 “(i) the Mexican border period;

13 “(ii) World War I; or

14 “(iii) World War II;”.

15 (b) **EFFECTIVE DATE.**—The amendment made by
16 subsection (a) shall take effect on March 31, 2023.

17 **SEC. 102. DEPARTMENT OF VETERANS AFFAIRS TREAT-**
18 **MENT AND RESEARCH OF PROSTATE CAN-**
19 **CER.**

20 (a) **FINDINGS.**—Congress makes the following find-
21 ings:

22 (1) Prostate cancer is the number one cancer
23 diagnosed in the Veterans Health Administration.

24 (2) A 1996 report published by the National
25 Academy of Sciences, Engineering, and Medicine es-

1 established a link between prostate cancer and expo-
2 sure to herbicides, such as Agent Orange.

3 (3) It is essential to acknowledge that due to
4 these circumstances, certain veterans are made
5 aware that they are high-risk individuals when it
6 comes to 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
15 in the early detection of prostate cancer for veterans
16 at high risk of prostate cancer.

17 (6) For veterans with prostate cancer, including
18 prostate cancer that has metastasized, precision on-
19 cology, including biomarker-driven clinical trials and
20 innovations underway through the Prostate Cancer
21 Foundation and Department of Veterans Affairs
22 partnership, represents one of the most promising
23 areas of interventions, treatments, and cures for
24 such veterans and their families.

25 (b) ESTABLISHMENT OF CLINICAL PATHWAY.—

1 (1) IN GENERAL.—Not later than 365 days
2 after the date of the enactment of this Act, the Sec-
3 retary of Veterans Affairs shall establish an inter-
4 disciplinary clinical pathway for all stages of pros-
5 tate cancer, from early detection to end of life care.
6 The clinical pathway shall be established in the Na-
7 tional Surgery Office of the Department of Veterans
8 Affairs in close collaboration with the National Pro-
9 gram Office of Oncology, the Office of Research and
10 Development, and other relevant entities of the De-
11 partment, including Primary Care.

12 (2) ELEMENTS.—The national clinical pathway
13 established under this subsection shall include the
14 following 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 Depart-
21 ment that will interact with veterans receiving
22 prostate cancer care, including treatment pro-
23 tocol recommendations for veterans with evi-
24 dence-based risk factors.

2412

1 (C) Treatment recommendations for all
2 stages of prostate cancer that reflect nationally
3 recognized standards for oncology, including
4 National Comprehensive Cancer Network guide-
5 lines.

6 (D) A suggested protocol timeframe for
7 each point of care, from early screening to
8 treatment and end-of-life care, based on sever-
9 ity and stage 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, espe-
14 cially such centers that have entered into part-
15 nerships with the Department.

16 (3) COLLABORATION AND COORDINATION.—In
17 establishing the clinical pathway required under this
18 section, the Secretary may collaborate and coordi-
19 nate 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;

1 (E) the Centers for Medicare and Medicaid
2 Services;

3 (F) the Patient-Centered Outcomes Re-
4 search Institute;

5 (G) the Food and Drug Administration;

6 (H) the Department of Defense; and

7 (I) other Institutes and Centers as the
8 Secretary 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 incor-
12 porate feedback from, veterans who have received
13 prostate cancer care at Department medical facilities
14 as well as experts in multi-disciplinary cancer care
15 and clinical research.

16 (5) PUBLICATION.—The Secretary shall—

17 (A) publish the clinical pathway estab-
18 lished under this subsection on a publicly avail-
19 able Department 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).

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
7 a prostate cancer program using the comprehensive
8 prostate cancer clinical pathway developed under
9 subsection (b).

10 (2) PROGRAM REQUIREMENTS.—The com-
11 prehensive prostate cancer program shall—

12 (A) receive direct oversight from the Dep-
13 uty Undersecretary for Health of the Depart-
14 ment of Veterans Affairs;

15 (B) include a yearly program implementa-
16 tion evaluation to facilitate replication for other
17 disease states or in other healthcare institu-
18 tions;

19 (C) be metric driven and include the devel-
20 opment of biannual reports on the quality of
21 prostate cancer care, which shall be provided to
22 the leadership of the Department, medical cen-
23 ters, and providers and made publicly available
24 in an electronic form; and

1 (D) include an education plan for patients
2 and providers.

3 (3) PROGRAM IMPLEMENTATION EVALUA-
4 TION.—The Secretary shall establish a program
5 evaluation tool to learn best practices and to inform
6 the Department and Congress regarding further use
7 of the disease specific model of care delivery.

8 (4) PROSTATE CANCER RESEARCH.—The Sec-
9 retary shall submit to Congress a plan that provides
10 for continual funding through the Office of Research
11 and Development of the Department of Veterans for
12 supporting prostate cancer research designed to po-
13 sition the Department as a national resource for
14 prostate cancer detection and treatment. Such plan
15 shall—

16 (A) include details regarding the funding
17 of and coordination between the National Preci-
18 sion Oncology Program of the Department and
19 the PCF–VA Precision Oncology Centers of Ex-
20 cellence as related to the requirements of this
21 Act; and

22 (B) affirm that no funding included in
23 such funding plan is duplicative in nature.

24 (d) REPORT ON NATIONAL REGISTRY.—The Sec-
25 retary of Veterans Affairs shall submit to Congress a re-

1 port on the barriers and challenges associated with cre-
2 ating a national prostate cancer registry. Such report shall
3 include recommendations for centralizing data about vet-
4 erans with prostate cancer for the purpose of improving
5 outcomes and serving as a resource for providers.

6 (e) DEFINITIONS.—In this section:

7 (1) CLINICAL PATHWAY.—The term “clinical
8 pathway” means a health care management tool de-
9 signed around research and evidence-backed prac-
10 tices that provides direction for the clinical care and
11 treatment of a specific episode of a condition or ail-
12 ment.

13 (2) EVIDENCE-BASED RISK FACTORS.—The
14 term “evidence-based risk factors” includes race,
15 ethnicity, socioeconomic status, geographic location,
16 exposure risks, genetic risks, including family his-
17 tory, and such other factors as the Secretary deter-
18 mines appropriate.

1 **Subtitle B—Health Care Employees**

2 **SEC. 111. THIRD PARTY REVIEW OF APPOINTEES IN VET-**
3 **ERANS HEALTH ADMINISTRATION WHO HAD**
4 **A LICENSE TERMINATED FOR CAUSE AND NO-**
5 **TICE TO INDIVIDUALS TREATED BY THOSE**
6 **APPOINTEES IF DETERMINED THAT AN EPI-**
7 **SODE OF CARE OR SERVICES THAT THEY RE-**
8 **CEIVED WAS BELOW THE STANDARD OF**
9 **CARE.**

10 (a) **THIRD PARTY REVIEW.—**

11 (1) **IN GENERAL.—**Not later than 180 days
12 after the date of the enactment of this Act, the Sec-
13 retary of Veterans Affairs shall enter into a contract
14 or other agreement with an organization that is not
15 part of the Federal Government to conduct a clinical
16 review for quality management of hospital care or
17 medical services furnished by covered providers.

18 (2) **QUALIFICATIONS.—**The Secretary shall en-
19 sure that each review of a covered provider under
20 this subsection is performed by an individual who is
21 licensed in the same specialty as the covered pro-
22 vider.

23 (b) **NOTICE TO PATIENTS TREATED BY COVERED**
24 **PROVIDERS.—**With respect to hospital care or medical
25 services furnished by a covered provider under the laws

1 administered by the Secretary, if a clinical review for qual-
2 ity management under subsection (a) determines that the
3 standard of care was not met during an episode of care,
4 the Secretary shall notify the individual who received such
5 care or services from the covered provider as described in
6 applicable policy of the Veterans Health Administration.

7 (c) DEFINITIONS.—In this section:

8 (1) COVERED PROVIDER.—The term “covered
9 provider” means an individual who—

10 (A) was appointed to the Veterans Health
11 Administration under section 7401 of title 38,
12 United States Code; and

13 (B) before such appointment, had a license
14 terminated for cause by a State licensing board
15 for hospital care or medical services provided in
16 a facility that is not a facility of the Veterans
17 Health Administration.

18 (2) HOSPITAL CARE OR MEDICAL SERVICES.—
19 The terms “hospital care” and “medical services”
20 have the meanings given those terms in section 1701
21 of title 38, United States Code.

1 **SEC. 112. COMPLIANCE WITH REQUIREMENTS FOR EXAM-**
2 **INING QUALIFICATIONS AND CLINICAL ABILI-**
3 **TIES OF HEALTH CARE PROFESSIONALS OF**
4 **DEPARTMENT OF VETERANS AFFAIRS.**

5 (a) IN GENERAL.—Subchapter I of chapter 74 of title
6 38, United States Code, is amended by adding at the end
7 the following new section:

8 **“§ 7414. Compliance with requirements for examining**
9 **qualifications and clinical abilities of**
10 **health care professionals**

11 “(a) COMPLIANCE WITH CREDENTIALING REQUIRE-
12 MENTS.—The Secretary shall ensure that each medical
13 center of the Department, in a consistent manner—

14 “(1) compiles, verifies, and reviews documenta-
15 tion for each health care professional of the Depart-
16 ment at such medical center regarding, at a min-
17 imum—

18 “(A) the professional licensure, certifi-
19 cation, or registration of the health care profes-
20 sional;

21 “(B) whether the health care professional
22 holds a Drug Enforcement Administration reg-
23 istration; and

24 “(C) the education, training, experience,
25 malpractice history, and clinical competence of
26 the health care professional; and

1 “(2) continuously monitors any changes to the
2 matters under paragraph (1), including with respect
3 to suspensions, restrictions, limitations, probations,
4 denials, revocations, and other changes, relating to
5 the failure of a health care professional to meet gen-
6 erally accepted standards of clinical practice in a
7 manner that presents reasonable concern for the
8 safety of patients.

9 “(b) REGISTRATION REGARDING CONTROLLED SUB-
10 STANCES.—(1) Except as provided in paragraph (2), the
11 Secretary shall ensure that each covered health care pro-
12 fessional holds an active Drug Enforcement Administra-
13 tion registration.

14 “(2) The Secretary shall—

15 “(A) determine the circumstances in which a
16 medical center of the Department must obtain a
17 waiver under section 302(d) of the Controlled Sub-
18 stances Act (21 U.S.C. 822(d)) with respect to cov-
19 ered health care professionals; and

20 “(B) establish a process for medical centers to
21 request such waivers.

22 “(3) In carrying out paragraph (1), the Secretary
23 shall ensure that each medical center of the Department
24 monitors the Drug Enforcement Administration registra-
25 tions of covered health care professionals at such medical

1 center in a manner that ensures the medical center is
2 made aware of any change in status in the registration
3 by not later than seven days after such change in status.

4 “(4) If a covered health care professional does not
5 hold an active Drug Enforcement Administration registra-
6 tion, the Secretary shall carry out any of the following ac-
7 tions, as the Secretary determines appropriate:

8 “(A) Obtain a waiver pursuant to paragraph
9 (2).

10 “(B) Transfer the health care professional to a
11 position that does not require prescribing, dis-
12 pensing, administering, or conducting research with
13 controlled substances.

14 “(C) Take appropriate actions under sub-
15 chapter V of this chapter, with respect to an em-
16 ployee of the Department, or take appropriate con-
17 tract administration actions, with respect to a con-
18 tractor of the Department.

19 “(c) REVIEWS OF CONCERNS RELATING TO QUALITY
20 OF CLINICAL CARE.—(1) The Secretary shall ensure that
21 each medical center of the Department, in a consistent
22 manner, carries out—

23 “(A) ongoing, retrospective, and comprehensive
24 monitoring of the performance and quality of the
25 health care delivered by each health care profes-

1 sional of the Department located at the medical cen-
2 ter, including with respect to the safety of such care;
3 and

4 “(B) timely and documented reviews of such
5 care if an individual notifies the Secretary of any po-
6 tential concerns relating to a failure of a health care
7 professional of the Department to meet generally ac-
8 cepted standards of clinical practice in a manner
9 that presents reasonable concern for the safety of
10 patients.

11 “(2) The Secretary shall establish a policy to carry
12 out paragraph (1), including with respect to—

13 “(A) determining the period by which a medical
14 center of the Department must initiate the review of
15 a concern described in subparagraph (B) of such
16 paragraph following the date on which the concern
17 is received; and

18 “(B) ensuring the compliance of each medical
19 center with such policy.

20 “(d) COMPLIANCE WITH REQUIREMENTS FOR RE-
21 PORTING QUALITY OF CARE CONCERNS.—If the Secretary
22 substantiates a concern relating to the clinical competency
23 of, or quality of care delivered by, a health care profes-
24 sional of the Department (including a former health care
25 professional of the Department), the Secretary shall en-

1 sure that the appropriate medical center of the Depart-
2 ment timely notifies the following entities of such concern,
3 as appropriate:

4 “(1) The appropriate licensing, registration, or
5 certification body in each State in which the health
6 care professional is licensed, registered, or certified.

7 “(2) The Drug Enforcement Administration.

8 “(3) The National Practitioner Data Bank es-
9 tablished pursuant to the Health Care Quality Im-
10 provement Act of 1986 (42 U.S.C. 11101 et seq.).

11 “(4) Any other relevant entity.

12 “(e) PROHIBITION ON CERTAIN SETTLEMENT
13 AGREEMENT TERMS.—(1) The Secretary may not enter
14 into a settlement agreement relating to an adverse action
15 against a health care professional of the Department if
16 such agreement includes terms that require the Secretary
17 to conceal from the personnel file of the employee a serious
18 medical error or lapse in clinical practice that constitutes
19 a substantial failure to meet generally accepted standards
20 of clinical practice as to raise reasonable concern for the
21 safety of patients.

22 “(2) Nothing in paragraph (1) limits—

23 “(A) the right of an employee to appeal a qual-
24 ity of care determination; or

1 “(B) the rights of an employee under sections
2 1214 and 1221 of title 5.

3 “(f) TRAINING.—Not less frequently than annually,
4 the Secretary shall provide mandatory training on the fol-
5 lowing duties to employees of the Department who are re-
6 sponsible for performing such duties:

7 “(1) Compiling, validating, or reviewing the cre-
8 dentials of health care professionals of the Depart-
9 ment.

10 “(2) Reviewing the quality of clinical care deliv-
11 ered by health care professionals of the Department.

12 “(3) Taking adverse privileging actions or mak-
13 ing determinations relating to other disciplinary ac-
14 tions or employment actions against health care pro-
15 fessionals of the Department for reasons relating to
16 the failure of a health care professional to meet gen-
17 erally accepted standards of clinical practice in a
18 manner that presents reasonable concern for the
19 safety of patients.

20 “(4) Making notifications under subsection (d).

21 “(g) DEFINITIONS.—In this section:

22 “(1) The term ‘controlled substance’ has the
23 meaning given that term in section 102 of the Con-
24 trolled Substances Act (21 U.S.C. 802).

1 “(2) The term ‘covered health care professional’
2 means an individual employed in a position as a
3 health care professional of the Department, or a
4 contractor of the Department, that requires the indi-
5 vidual to be authorized to prescribe, dispense, ad-
6 minister, or conduct research with, controlled sub-
7 stances.

8 “(3) The term ‘Drug Enforcement Administra-
9 tion registration’ means registration with the Drug
10 Enforcement Administration under section 303 of
11 the Controlled Substances Act (21 U.S.C. 823) 302
12 of the Controlled Substances Act (21 U.S.C. 822) by
13 health care practitioners authorized to dispense, pre-
14 scribe, administer, or conduct research with, con-
15 trolled substances.

16 “(4) The term ‘health care professional of the
17 Department’ means an individual working for the
18 Department in a position described in section 7401
19 of this title, including a contractor of the Depart-
20 ment serving in such a position.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of such chapter is amended by inserting
23 after the item relating to section 7413 the following new
24 item:

 “7414. Compliance with requirements for examining qualifications and clinical
 abilities of health care professionals.”.

1 (c) DEADLINE FOR IMPLEMENTATION.—The Sec-
2 retary of Veterans Affairs shall commence the implemen-
3 tation of section 7414 of title 38, United States Code, as
4 added by subsection (a), by the following dates:

5 (1) With respect to subsections (a), (c)(2), (d),
6 and (f) of such section, not later than 180 days after
7 the date of the enactment of this Act.

8 (2) With respect to subsection (c)(1) of such
9 section, not later than one year after the date of the
10 enactment of this Act.

11 (3) With respect to subsection (b)(2) of such
12 section, not later than 18 months after the date of
13 the enactment of this Act.

14 (d) AUDITS AND REPORTS.—

15 (1) AUDITS.—

16 (A) IN GENERAL.—The Secretary of Vet-
17 erans Affairs shall carry out annual audits of
18 the compliance of medical centers of the De-
19 partment of Veterans Affairs with the matters
20 required by section 7414 of title 38, United
21 States Code, as added by subsection (a).

22 (B) CONDUCT OF AUDITS.—In carrying
23 out audits under subparagraph (A), the Sec-
24 retary—

2427

1 (i) may not authorize the medical cen-
2 ter being audited to conduct the audit; and

3 (ii) may enter into an agreement with
4 another department or agency of the Fed-
5 eral Government or a nongovernmental en-
6 tity to conduct such audits.

7 (2) REPORTS.—

8 (A) IN GENERAL.—Not later than one year
9 after the date of the enactment of this Act, and
10 annually thereafter for five years, the Secretary
11 of Veterans Affairs shall submit to the Com-
12 mittee on Veterans' Affairs of the Senate and
13 the Committee on Veterans' Affairs of the
14 House of Representatives a report on the audits
15 conducted under paragraph (1).

16 (B) ELEMENTS.—Each report submitted
17 under subparagraph (A) shall include a sum-
18 mary of the compliance by each medical center
19 of the Department of Veterans Affairs with the
20 matters required by section 7414 of title 38,
21 United States Code, as added by subsection (a).

22 (C) INITIAL REPORT.—The Secretary shall
23 include in the first report submitted under sub-
24 paragraph (A) the following:

2428

1 (i) A description of the progress made
2 by the Secretary in implementing section
3 7414 of title 38, United States Code, as
4 added by subsection (a), including any
5 matters under such section that the Sec-
6 retary has not fully implemented.

7 (ii) An analysis of the feasibility, ad-
8 visability, and cost of requiring
9 credentialing employees of the Department
10 to be trained by an outside entity and to
11 maintain a credentialing certification.

12 (e) REPORT ON UPDATES TO POLICY OF THE DE-
13 PARTMENT OF VETERANS AFFAIRS FOR REPORTING PA-
14 TIENT SAFETY CONCERNS TO APPROPRIATE STATE AND
15 OTHER ENTITIES.—

16 (1) IN GENERAL.—Not later than 90 days after
17 the date of the enactment of this Act, the Secretary
18 of Veterans Affairs shall submit to the Committee
19 on Veterans' Affairs of the Senate and the Com-
20 mittee on Veterans' Affairs of the House of Rep-
21 resentatives a report on the efforts of the Depart-
22 ment of Veterans Affairs to update policies and
23 practices for employees of medical centers of the De-
24 partment, Veterans Integrated Service Networks,
25 and the Veterans Health Administration to report to

1 State licensing boards, the National Practitioner
2 Data Bank established pursuant to the Health Care
3 Quality Improvement Act of 1986 (42 U.S.C. 11101
4 et seq.), and any other relevant entity health care
5 professionals who are employed by or separated from
6 employment with the Department and whose behav-
7 ior and clinical practice so substantially failed to
8 meet generally accepted standards of clinical practice
9 as to raise reasonable concern for the safety of pa-
10 tients.

11 (2) CONSULTATION.—The report required by
12 paragraph (1) shall include a description of the ef-
13 forts of the Department to consult with—

14 (A) State licensing boards;

15 (B) the Centers for Medicare & Medicaid
16 Services;

17 (C) the National Practitioner Data Bank;

18 and

19 (D) the exclusive representative of employ-
20 ees of the Department appointed under section
21 7401(1) of title 38, United States Code.

2430

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 para-
10 graph:

11 “(4) In determining under paragraph (1)(D) whether
12 the Department is able to furnish care or services in a
13 manner that complies with designated access standards
14 developed by the Secretary under section 1703B of this
15 title, for purposes of calculating a wait time for a veteran
16 to schedule an appointment at a medical facility of the
17 Department, the Secretary shall measure from the date
18 of request for the appointment, unless a later date has
19 been agreed to by the veteran in consultation with a health
20 care provider of the Department, to the first next available
21 appointment date relevant to the requested medical serv-
22 ice.”.

2431

1 **SEC. 122. PLAN REGARDING INFORMING VETERANS OF EX-**
2 **PECTED WAIT TIMES FOR APPOINTMENTS**
3 **FOR CARE.**

4 (a) IN GENERAL.—Not later than October 1, 2023,
5 the Secretary of Veterans Affairs shall develop a plan to
6 ensure that veterans eligible for care or services pursuant
7 to section 1703(d)(1) of title 38, United States Code, in-
8 cluding veterans making their own appointments using ad-
9 vanced technology, are informed of the expected number
10 of days between the date on which the veteran requested
11 care until—

12 (1) the date on which the veteran will be able
13 to receive care through a non-Department of Vet-
14 erans Affairs provider under such section;

15 (2) the date on which the veteran will be able
16 to receive care through a provider of the Depart-
17 ment;

18 (3) the date on which—

19 (A) the Department will schedule an ap-
20 pointment for care through a non-Department
21 provider under such section; or

22 (B) for veterans making their own appoint-
23 ments using advanced technology, the veteran
24 would be able to schedule an appointment for
25 care through a provider of the Department or

1 through a non-Department provider under such
2 section;

3 (4) the date on which the Department will
4 schedule an appointment for care through a provider
5 of the Department.

6 (b) IMPLEMENTATION.—The Secretary shall imple-
7 ment the plan required under subsection (a) not later than
8 three years after the date of the enactment of this Act.

9 (c) MATTERS TO BE INCLUDED.—The Secretary
10 shall include in the plan required under subsection (a) a
11 list of the information technology systems, contracting
12 mechanisms, staff, legislative authorities, pilot programs,
13 and other components that the Secretary determines nec-
14 essary to implement the plan within the three-year imple-
15 mentation deadline under subsection (b), as well as their
16 associated milestones and resource requirements.

17 (d) UPDATES.—Not less frequently than quarterly,
18 the Secretary shall brief the Committee on Veterans' Af-
19 fairs of the Senate and the Committee on Veterans' Af-
20 fairs of the House of Representatives and submit to those
21 committees a report in writing regarding the status of the
22 implementation of the plan required under subsection (a),
23 to include an assessment of the progress of the Secretary
24 in meeting the three-year implementation deadline under
25 subsection (b).

2433

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 ex-
14 tended care services to a covered veteran under section
15 1703 of this title and shall ensure that meeting such ac-
16 cess standards is reflected in the contractual requirements
17 of Third Party 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
21 subsection (a) for such providers.

22 “(3)(A) A Third Party Administrator may request a
23 waiver to the requirement under this subsection to meet
24 the access standards established under subsection (a) if—

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 facili-
12 ties that may not meet those access standards but
13 are the currently available providers or facilities
14 most accessible to veterans within the region of re-
15 sponsibility of the Third Party Administrator.

16 “(B) Any waiver requested by a Third Party Admin-
17 istrator under subparagraph (A) must be requested in
18 writing and submitted to the Office of Integrated Veteran
19 Care 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 be-
24 cause of scarcity of available providers or changes to the
25 landscape of providers or facilities.

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 ge-
5 ographic 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
21 subsection (a).

22 “(v) The rates offered to providers in the geo-
23 graphic area covered by the waiver.

1 “(E) The Secretary shall not consider inability to
2 contract as a valid sole rationale for granting a waiver
3 under subparagraph (A).

4 “(g)(1) The Secretary shall publish in the Federal
5 Register and on a publicly available internet website of
6 the Department the designated access standards estab-
7 lished under this section for purposes of section
8 1703(d)(1)(D) of this title.

9 “(2) The Secretary shall publish on a publicly avail-
10 able internet website of the Department the access stand-
11 ards 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.”.

24 (b) PREVENTION OF SUSPENSION OF VETERANS
25 COMMUNITY CARE PROGRAM.—Section 1703(a) of such

2437

1 title is amended by adding at the end the following new
2 paragraph:

3 “(4) Nothing in this section shall be construed to au-
4 thorize the Secretary to suspend the program established
5 under paragraph (1).”.

6 **SEC. 126. STRATEGIC PLAN TO ENSURE CONTINUITY OF**
7 **CARE IN THE CASE OF THE REALIGNMENT OF**
8 **A MEDICAL FACILITY OF THE DEPARTMENT.**

9 (a) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that the Veterans Health Administration should en-
11 sure that veterans do not experience a lapse of care when
12 transitioning in receiving care due to the realignment of
13 a medical facility of the Department of Veterans Affairs.

14 (b) DEVELOPMENT OF STRATEGIC PLAN.—

15 (1) IN GENERAL.—The Secretary of Veterans
16 Affairs, acting through the Office of Integrated Vet-
17 eran Care, the Chief Strategy Office, the Office of
18 Asset Enterprise Management, or any successor of-
19 fice that has similar and related functions, shall de-
20 velop and periodically update a strategic plan to en-
21 sure continuity of health care through care furnished
22 at a facility of the Department or through the Com-
23 munity Care Program for veterans impacted by the
24 realignment of a medical facility of the Department.

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
5 Department in identifying impending realign-
6 ments of medical facilities of the Department
7 and the impact of such realignments on access
8 of veterans to care, including any impact on the
9 network of health care providers under the
10 Community Care 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
17 potential gaps in health care created by such a
18 realignment, including actions and processes to
19 be taken by the Office of Integrated Veteran
20 Care, the Chief Strategy Office, and the Office
21 of Asset Enterprise Management of the Depart-
22 ment.

23 (D) A description of how the Department
24 can identify to Third Party Administrators
25 changes in the catchment areas of medical fa-

1 ilities to be realigned and develop a process
2 with Third Party Administrators to strengthen
3 provider coverage in advance of such realign-
4 ments.

5 (3) SUBMITTAL TO CONGRESS.—Not later than
6 180 days after the date of the enactment of this Act,
7 the Under Secretary for Health of the Department
8 shall submit to the Committee on Veterans’ Affairs
9 of the Senate and the Committee on Veterans’ Af-
10 fairs of the House of Representatives the plan devel-
11 oped under paragraph (1).

12 (c) DEFINITIONS.—In this section:

13 (1) COMMUNITY CARE PROGRAM.—The term
14 “Community Care Program” means the Veterans
15 Community Care Program under section 1703 of
16 title 38, United States Code.

17 (2) REALIGNMENT.—The term “realignment”,
18 with respect to a facility of the Department of Vet-
19 erans Affairs, includes—

20 (A) any action that changes the number of
21 facilities or relocates services, functions, or per-
22 sonnel positions; and

23 (B) strategic collaborations between the
24 Department and non-Federal Government enti-

1 ties, including tribal organizations and Urban
2 Indian Organizations.

3 (3) **THIRD PARTY ADMINISTRATOR.**—The term
4 “Third Party Administrator” means an entity that
5 manages a provider network and performs adminis-
6 trative services related to such network within the
7 Veterans Community Care Program under section
8 1703 of title 38, United States Code.

9 (4) **TRIBAL ORGANIZATION.**—The term “tribal
10 organization” has the meaning given that term in
11 section 4 of the Indian Self-Determination and Edu-
12 cation Assistance Act (25 U.S.C. 5304).

13 (5) **URBAN INDIAN ORGANIZATION.**—The term
14 “Urban Indian Organization” has the meaning given
15 that term in section 4 of the Indian Health Care Im-
16 provement Act (25 U.S.C. 1603).

17 **CHAPTER 3—COMMUNITY CARE SELF-**
18 **SCHEDULING PILOT PROGRAM**

19 **SEC. 131. DEFINITIONS.**

20 In this chapter:

21 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
22 **TEES.**—The term “appropriate congressional com-
23 mittees” means—

2441

1 (A) the Committee on Veterans' Affairs
2 and the Committee on Appropriations of the
3 Senate; and

4 (B) the Committee on Veterans' Affairs
5 and the Committee on Appropriations of the
6 House of Representatives.

7 (2) COVERED VETERAN.—The term “covered
8 veteran” means a covered veteran under section
9 1703(b) of title 38, United States Code.

10 (3) PILOT PROGRAM.—The term “pilot pro-
11 gram” means the pilot program required under sec-
12 tion 132(a).

13 (4) VETERANS COMMUNITY CARE PROGRAM.—
14 The term “Veterans Community Care Program”
15 means the program to furnish hospital care, medical
16 services, and extended care services to covered vet-
17 erans under section 1703 of title 38, United States
18 Code.

19 **SEC. 132. PILOT PROGRAM ESTABLISHING COMMUNITY**
20 **CARE APPOINTMENT SELF-SCHEDULING**
21 **TECHNOLOGY.**

22 (a) PILOT PROGRAM.—Not later than one year after
23 the date of the enactment of this Act, the Secretary of
24 Veterans Affairs shall commence a pilot program under
25 which covered veterans eligible for hospital care, medical

1 services, or extended care services under subsection (d)(1)
2 of section 1703 of title 38, United States Code, may use
3 a technology that has the capabilities specified in section
4 133(a) to schedule and confirm medical appointments with
5 health care providers participating in the Veterans Com-
6 munity Care Program.

7 (b) EXPANSION OR DEVELOPMENT OF NEW TECH-
8 NOLOGY.—In carrying out the pilot program, the Sec-
9 retary may expand capabilities of an existing appointment
10 self-scheduling technology of the Department of Veterans
11 Affairs or purchase a new appointment self-scheduling
12 technology.

13 (c) COMPETITION.—In contracting for the expansion
14 of capabilities of an existing appointment self-scheduling
15 technology of the Department or the purchase of a new
16 appointment self-scheduling technology under the pilot
17 program, the Secretary shall comply with section 3301 of
18 title 41, United States Code, and award any such contract
19 not later than 270 days after the date of the enactment
20 of this Act.

21 (d) SELECTION OF LOCATIONS.—The Secretary shall
22 select not fewer than two Veterans Integrated Services
23 Networks of the Department in which to carry out the
24 pilot program.

25 (e) DURATION OF PILOT PROGRAM.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), the Secretary shall carry out the pilot
3 program for an 18-month period.

4 (2) EXTENSION.—The Secretary may extend
5 the duration of the pilot program and may expand
6 the selection of Veterans Integrated Services Net-
7 works under subsection (d) if the Secretary deter-
8 mines that the pilot program is reducing the wait
9 times of veterans seeking hospital care, medical serv-
10 ices, or extended care services under the Veterans
11 Community Care Program.

12 (f) OUTREACH.—The Secretary shall ensure that vet-
13 erans participating in the Veterans Community Care Pro-
14 gram in Veterans Integrated Services Networks in which
15 the pilot program is being carried out are informed about
16 the pilot program.

17 **SEC. 133. APPOINTMENT SELF-SCHEDULING CAPABILITIES.**

18 (a) IN GENERAL.—The Secretary of Veterans Affairs
19 shall ensure that the appointment self-scheduling tech-
20 nology used in the pilot program includes the following
21 capabilities:

22 (1) Capability to self-schedule, modify, and can-
23 cel appointments directly online for primary care,
24 specialty care, and mental health care under the
25 Veterans Community Care Program with regard to

2444

1 each category of eligibility under section 1703(d)(1)
2 of title 38, United States Code.

3 (2) Capability to support appointments for the
4 provision of health care under the Veterans Commu-
5 nity Care Program regardless of whether such care
6 is provided in person or through telehealth services.

7 (3) Not fewer than two of the following capa-
8 bilities:

9 (A) Capability to view appointment avail-
10 ability in real time to the extent practicable.

11 (B) Capability to load relevant patient in-
12 formation from the Decision Support Tool of
13 the Department or any other information tech-
14 nology system of the Department used to deter-
15 mine the eligibility of veterans for health care
16 under section 1703(d)(1) of title 38, United
17 States Code.

18 (C) Capability to search for providers and
19 facilities participating in the Veterans Commu-
20 nity Care Program based on distance from the
21 residential address of a veteran.

22 (D) Capability to filter provider results by
23 clinical expertise, ratings, reviews, sex, lan-
24 guages spoken, and other criteria as determined
25 by the Secretary.

2445

1 (E) Capability to provide telephonic and
2 electronic contact information for all such pro-
3 viders that do not offer online scheduling at the
4 time.

5 (F) Capability to store and print author-
6 ization letters for veterans for health care under
7 the Veterans Community Care Program.

8 (G) Capability to provide prompts or re-
9 minders to veterans to schedule initial appoint-
10 ments or follow-up appointments.

11 (H) Capability to be used 24 hours per
12 day, seven days per week.

13 (I) Capability to ensure veterans who self-
14 schedule appointments through the appointment
15 self-scheduling technology have scheduled such
16 appointment with a provider possessing the re-
17 quired specialty and clinical expertise.

18 (J) Capability to integrate with the Vet-
19 erans Health Information Systems and Tech-
20 nology Architecture of the Department and the
21 health record deployed by the Electronic Health
22 Record Modernization program, or any suc-
23 cessor information technology system or health
24 record of the Department.

2446

1 (K) Capability to integrate with informa-
2 tion technology systems of Third Party Admin-
3 istrators.

4 (b) INDEPENDENT VALIDATION AND
5 VERIFICATION.—

6 (1) IN GENERAL.—The Comptroller General of
7 the United States shall evaluate whether the ap-
8 pointment self-scheduling technology used in the
9 pilot program includes the capabilities required
10 under subsection (a) and successfully performs such
11 capabilities.

12 (2) BRIEFING.—Not later than 30 days after
13 the date on which the Comptroller General completes
14 the evaluation under paragraph (1), the Comptroller
15 General shall brief the appropriate congressional
16 committees on such evaluation.

17 (c) CERTIFICATION.—Not later than 18 months after
18 commencement of the pilot program, the Secretary shall
19 certify to the Committee on Veterans' Affairs of the Sen-
20 ate and the Committee on Veterans' Affairs of the House
21 of Representatives whether the appointment self-sched-
22 uling technology used in the pilot program and any other
23 patient self-scheduling technology developed or used by the
24 Department of Veterans Affairs to schedule appointments
25 under the Veterans Community Care Program as of the

2447

1 date of the certification includes the capabilities required
2 under subsection (a).

3 (d) **THIRD PARTY ADMINISTRATOR DEFINED.**—In
4 this section, the term “Third Party Administrator” means
5 an entity that manages a provider network and performs
6 administrative services related to such network within the
7 Veterans Community Care Program under section 1703
8 of title 38, United States Code.

9 **SEC. 134. REPORT.**

10 Not later than 180 days after the date of the enact-
11 ment of this Act, and every 180 days thereafter, the Sec-
12 retary of Veterans Affairs shall submit to the appropriate
13 congressional committees a report that includes—

14 (1) an assessment by the Secretary of the pilot
15 program during the 180-day period preceding the
16 date of the report, including—

17 (A) the cost of the pilot program;

18 (B) the volume of usage of the appoint-
19 ment self-scheduling technology under the pilot
20 program;

21 (C) the quality of the pilot program;

22 (D) patient satisfaction with the pilot pro-
23 gram;

24 (E) benefits to veterans of using the pilot
25 program;

2448

1 (F) the feasibility of allowing self-sched-
2 uling for different specialties under the pilot
3 program;

4 (G) participation in the pilot program by
5 health care providers under the Veterans Com-
6 munity Care Program; and

7 (H) such other findings and conclusions
8 with respect to the pilot program as the Sec-
9 retary considers appropriate; and

10 (2) such recommendations as the Secretary con-
11 siders appropriate regarding—

12 (A) extension of the pilot program to other
13 or all Veterans Integrated Service Networks of
14 the Department of Veterans Affairs; and

15 (B) making the pilot program permanent.

16 **CHAPTER 4—ADMINISTRATION OF NON-**
17 **DEPARTMENT CARE**

18 **SEC. 141. CREDENTIALING VERIFICATION REQUIREMENTS**
19 **FOR PROVIDERS OF NON-DEPARTMENT OF**
20 **VETERANS AFFAIRS HEALTH CARE SERV-**
21 **ICES.**

22 (a) CREDENTIALING VERIFICATION REQUIRE-
23 MENTS.—

24 (1) IN GENERAL.—Subchapter I of chapter 17
25 of title 38, United States Code, is amended by in-

1 serting after section 1703E the following new sec-
2 tion:

3 **“§ 1703F. Credentialing verification requirements for**
4 **providers of non-Department health care**
5 **services**

6 “(a) IN GENERAL.—The Secretary shall ensure that
7 Third Party Administrators and credentials verification
8 organizations comply with the requirements specified in
9 subsection (b) to help ensure certain health care providers
10 are excluded from providing non-Department health care
11 services.

12 “(b) REQUIREMENTS SPECIFIED.—The Secretary
13 shall require Third Party Administrators and credentials
14 verification organizations to carry out the following:

15 “(1) Hold and maintain an active credential
16 verification accreditation from a national health care
17 accreditation body.

18 “(2) Conduct initial verification of provider his-
19 tory and license sanctions for all States and United
20 States territories for a period of time—

21 “(A) that includes the period before the
22 provider began providing non-Department
23 health care services; and

24 “(B) dating back not less than 10 years.

1 “(3) Not less frequently than every three years,
2 perform recredentialing, including verifying provider
3 history and license sanctions for all States and
4 United States territories.

5 “(4) Implement continuous monitoring of each
6 provider through the National Practitioner Data
7 Bank established pursuant to the Health Care Qual-
8 ity Improvement Act of 1986 (42 U.S.C. 11101 et
9 seq.).

10 “(5) Perform other forms of credentialing
11 verification as the Secretary considers appropriate.

12 “(c) DEFINITIONS.—In this section:

13 “(1) The term ‘credentials verification organiza-
14 tion’ means an entity that manages the provider
15 credentialing process and performs credentialing
16 verification for non-Department providers that par-
17 ticipate in the Veterans Community Care Program
18 under section 1703 of this title through a Veterans
19 Care Agreement.

20 “(2) The term ‘Third Party Administrator’
21 means an entity that manages a provider network
22 and performs administrative services related to such
23 network within the Veterans Community Care Pro-
24 gram under section 1703 of this title.

1 “(3) The term ‘Veterans Care Agreement’
2 means an agreement for non-Department health
3 care services entered into under section 1703A of
4 this title.

5 “(4) The term ‘non-Department health care
6 services’ means services—

7 “(A) provided under this subchapter at
8 non-Department facilities (as defined in section
9 1701 of this title);

10 “(B) provided under section 101 of the
11 Veterans Access, Choice, and Accountability Act
12 of 2014 (Public Law 113–146; 38 U.S.C. 1701
13 note);

14 “(C) purchased through the Medical Com-
15 munity Care account of the Department; or

16 “(D) purchased with amounts deposited in
17 the Veterans Choice Fund under section 802 of
18 the Veterans Access, Choice, and Accountability
19 Act of 2014 (Public Law 113–146; 38 U.S.C.
20 1701 note).”.

21 (2) CLERICAL AMENDMENT.—The table of sec-
22 tions at the beginning of such subchapter is amend-
23 ed by inserting after the item relating to section
24 1703E the following new item:

“1703F. Credentialing verification requirements for providers of non-Depart-
ment health care services.”.

1 (b) DEADLINE FOR IMPLEMENTATION.—Not later
2 than 180 days after the date of the enactment of this Act,
3 the Secretary of Veterans Affairs shall commence the im-
4 plementation of section 1703F of title 38, United States
5 Code, as added by subsection (a)(1).

6 **SEC. 142. CLAIMS FOR PAYMENT FROM DEPARTMENT OF**
7 **VETERANS AFFAIRS FOR EMERGENCY TREAT-**
8 **MENT FURNISHED TO VETERANS.**

9 (a) TREATMENT FOR NON-SERVICE-CONNECTED
10 DISABILITIES.—

11 (1) IN GENERAL.—Section 1725 of title 38,
12 United States Code, is amended—

13 (A) by redesignating subsection (f) as sub-
14 section (h); and

15 (B) by inserting after subsection (e) the
16 following new subsections (f) and (g):

17 “(f) SUBMITTAL OF CLAIMS FOR DIRECT PAY-
18 MENT.—An individual or entity seeking payment under
19 subsection (a)(2) for treatment provided to a veteran in
20 lieu of reimbursement to the veteran shall submit a claim
21 for such payment not later than 180 days after the latest
22 date on which such treatment was provided.

23 “(g) HOLD HARMLESS.—No veteran described in
24 subsection (b) may be held liable for payment for emer-
25 gency treatment described in such subsection if—

1 “(1) a claim for direct payment was submitted
2 by an individual or entity under subsection (f); and

3 “(2) such claim was submitted after the dead-
4 line established by such subsection due to—

5 “(A) an administrative error made by the
6 individual or entity, such as submission of the
7 claim to the wrong Federal agency, under the
8 wrong reimbursement authority (such as section
9 1728 of this title), or submission of the claim
10 after the deadline; or

11 “(B) an administrative error made by the
12 Department, such as misplacement of a paper
13 claim or deletion of an electronic claim.”.

14 (b) TREATMENT FOR AND IN CONNECTION WITH
15 SERVICE-CONNECTED DISABILITIES.—Section 1728 of
16 such title is amended—

17 (1) by redesignating subsection (c) as sub-
18 section (d); and

19 (2) by inserting after subsection (b) the fol-
20 lowing new subsection (c):

21 “(c) No veteran described in subsection (a) may be
22 held liable for payment for emergency treatment described
23 in such subsection if—

1 “(1) a claim for direct payment was submitted
2 by an individual or entity under subsection (b)(2);
3 and

4 “(2) such claim was submitted after a deadline
5 established by the Secretary for purposes of this sec-
6 tion due to—

7 “(A) an administrative error made by the
8 individual or entity, such as submission of the
9 claim to the wrong Federal agency or submis-
10 sion of the claim after the deadline; or

11 “(B) an administrative error made by the
12 Department, such as misplacement of a paper
13 claim or deletion of an electronic claim.”.

14 (c) CONFORMING AMENDMENTS.—Such title is
15 amended—

16 (1) in section 1705A(d), by striking “section
17 1725(f)” and inserting “section 1725(h)”;

18 (2) in section 1725(b)(3)(B), by striking “sub-
19 section (f)(2)(B) or (f)(2)(C)” and inserting “sub-
20 section (h)(2)(B) or (h)(2)(C)”;

21 (3) in section 1728(d), as redesignated by sub-
22 section (b)(4), by striking “section 1725(f)(1)” and
23 inserting “section 1725(h)(1)”;

24 (4) in section 1781(a)(4), by striking “section
25 1725(f)” and inserting “section 1725(h)”;

2455

1 (5) in section 1787(b)(3), by striking “section
2 1725(f)” and inserting “section 1725(h)”.

3 **SEC. 143. PUBLICATION OF CLARIFYING INFORMATION FOR**
4 **NON-DEPARTMENT OF VETERANS AFFAIRS**
5 **PROVIDERS.**

6 (a) IN GENERAL.—The Secretary of Veterans Affairs
7 shall publish on one or more publicly available internet
8 websites of the Department of Veterans Affairs, including
9 the main internet website regarding emergency care au-
10 thorization for non-Department providers, the following
11 information:

12 (1) A summary table or similar resource that
13 provides a list of all authorities of the Department
14 to authorize emergency care from non-Department
15 providers and, for each such authority, the cor-
16 responding deadline for submission of claims.

17 (2) An illustrated summary of steps, such as a
18 process map, with a checklist for the submission of
19 clean claims that non-Department providers can fol-
20 low to assure compliance with the claims-filing pro-
21 cess of the Department.

22 (3) Contact information for the appropriate of-
23 fice or service line of the Department to address
24 process questions from non-Department providers.

1 (b) PERIODIC REVIEW.—Not less frequently than
2 once every 180 days, the Secretary shall review the infor-
3 mation published under subsection (a) to ensure that such
4 information is current.

5 (c) CLEAN CLAIMS DEFINED.—In this section, the
6 term “clean claims” means clean electronic claims and
7 clean paper claims (as those terms are defined in section
8 1703D(i) of title 38, United States Code).

9 **SEC. 144. INAPPLICABILITY OF CERTAIN PROVIDERS TO**
10 **PROVIDE NON-DEPARTMENT OF VETERANS**
11 **AFFAIRS CARE.**

12 Section 108 of the VA MISSION Act of 2018 (Public
13 Law 115–182; 38 U.S.C. 1701 note) is amended—

14 (1) by redesignating subsections (d) and (e) as
15 subsections (e) and (f), respectively; and

16 (2) by inserting after subsection (c) the fol-
17 lowing new subsection (d):

18 “(d) APPLICATION.—The requirement to deny or re-
19 voke the eligibility of a health care provider to provide
20 non-Department health care services to veterans under
21 subsection (a) shall apply to any removal under paragraph
22 (1) of such subsection or violation under paragraph (2)
23 of such subsection that occurred on or after a date deter-
24 mined by the Secretary that is not less than five years
25 before the date of the enactment of this Act.”.

2457

1 **Subtitle D—Improvement of Rural**
2 **Health and Telehealth**

3 **SEC. 151. ESTABLISHMENT OF STRATEGIC PLAN REQUIRE-**
4 **MENT FOR OFFICE OF CONNECTED CARE OF**
5 **DEPARTMENT OF VETERANS AFFAIRS.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) The COVID–19 pandemic caused the De-
9 partment of Veterans Affairs to exponentially in-
10 crease telehealth and virtual care modalities, includ-
11 ing VA Video Connect, to deliver health care services
12 to veteran patients.

13 (2) Between January 2020 and January 2021,
14 the number of telehealth appointments offered by
15 the Department increased by 1,831 percent.

16 (3) The Department maintains strategic part-
17 nerships, such as the Digital Divide Consult, with a
18 goal of ensuring veterans who reside in rural, highly
19 rural, or medically underserved areas have access to
20 high-quality telehealth services offered by the De-
21 partment.

22 (4) As of 2019, veterans who reside in rural
23 and highly rural areas make up approximately $\frac{1}{3}$
24 of veteran enrollees in the patient enrollment system,
25 and are on average, older than their veteran peers

1 in urban areas, experience higher degrees of finan-
2 cial instability, and live with a greater number of
3 complex health needs and comorbidities.

4 (5) The Federal Communications Commission
5 estimated in 2020 that 15 percent of veteran house-
6 holds do not have an internet connection.

7 (6) Under the Coronavirus Aid, Relief, and
8 Economic Security Act (Public Law 116–136), Con-
9 gress granted the Department additional authority
10 to enter into short-term agreements or contracts
11 with private sector telecommunications companies to
12 provide certain broadband services for the purposes
13 of providing expanded mental health services to iso-
14 lated veterans through telehealth or VA Video Con-
15 nect during a public health emergency.

16 (7) The authority described in paragraph (6)
17 was not utilized to the fullest extent by the Depart-
18 ment.

19 (8) Though the Department has made signifi-
20 cant progress in expanding telehealth services of-
21 fered to veterans who are enrolled in the patient en-
22 rollment system, significant gaps still exist to ensure
23 all veterans receive equal and high-quality access to
24 virtual care.

1 (9) Questions regarding the efficacy of using
2 telehealth for certain health care services and spe-
3 cialties remain, and should be further studied.

4 (10) The Department continues to expand tele-
5 health and virtual care offerings for primary care,
6 mental health care, specialty care, urgent care, and
7 even remote intensive care units.

8 (b) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that the telehealth services offered by the Depart-
10 ment of Veterans Affairs should be routinely measured
11 and evaluated to ensure the telehealth technologies and
12 modalities delivered to veteran patients to treat a wide va-
13 riety of health conditions are as effective as in-person
14 treatment for primary care, mental health care, and other
15 forms of specialty care.

16 (c) DEVELOPMENT OF STRATEGIC PLAN.—

17 (1) IN GENERAL.—Not later than one year
18 after the date of the enactment of this Act, the Sec-
19 retary of Veterans Affairs, acting through the Office
20 of Connected Care of the Department of Veterans
21 Affairs, shall develop a strategic plan to ensure the
22 effectiveness of the telehealth technologies and mo-
23 dalities delivered by the Department to veterans who
24 are enrolled in the patient enrollment system.

25 (2) UPDATE.—

2460

1 (A) IN GENERAL.—The Secretary shall up-
2 date the strategic plan required under para-
3 graph (1) not less frequently than once every
4 three years following development of the plan.

5 (B) CONSULTATION.—The Secretary shall
6 prepare any update required under subpara-
7 graph (A) in consultation with the following:

8 (i) The Chief Officer of the Office of
9 Connected Care of the Department.

10 (ii) The Executive Director of Tele-
11 health Services of the Office of Connected
12 Care.

13 (iii) The Executive Director of Con-
14 nected Health of the Office of Connected
15 Care.

16 (iv) The Executive Director of the Of-
17 fice of Rural Health of the Department.

18 (v) The Executive Director of Solution
19 Delivery, IT Operations and Services of
20 the Office of Information and Technology
21 of the Department.

22 (3) ELEMENTS.—The strategic plan required
23 under paragraph (1), and any update to that plan
24 under paragraph (2), shall include, at a minimum,
25 the following:

2461

1 (A) A comprehensive list of all health care
2 specialties the Department is currently deliv-
3 ering by telehealth or virtual care.

4 (B) An assessment of the effectiveness and
5 patient outcomes for each type of health care
6 specialty delivered by telehealth or virtual care
7 by the Department.

8 (C) An assessment of satisfaction of vet-
9 erans in receiving care through telehealth or
10 virtual care disaggregated by age group and by
11 Veterans Integrated Service Network.

12 (D) An assessment of the percentage of
13 virtual visits delivered by the Department
14 through each modality including standard tele-
15 phone telehealth, VA Video Connect, and the
16 Accessing Telehealth through Local Area Sta-
17 tions program of the Department.

18 (E) An outline of all current partnerships
19 maintained by the Department to bolster tele-
20 health or virtual care services for veterans.

21 (F) An assessment of the barriers faced by
22 the Department in delivering telehealth or vir-
23 tual care services to veterans residing in rural
24 and highly rural areas, and the strategies the
25 Department is deploying beyond purchasing

2462

1 hardware for veterans who are enrolled in the
2 patient enrollment system.

3 (G) A detailed plan illustrating how the
4 Department is working with other Federal
5 agencies, including the Department of Health
6 and Human Services, the Department of Agri-
7 culture, the Federal Communications Commis-
8 sion, and the National Telecommunications and
9 Information Administration, to enhance
10 connectivity in rural, highly rural, and medi-
11 cally underserved areas to better reach all vet-
12 erans.

13 (H) The feasibility and advisability of
14 partnering with Federally qualified health cen-
15 ters, rural health clinics, and critical access hos-
16 pitals to fill the gap for health care services
17 that exists for veterans who reside in rural and
18 highly rural areas.

19 (I) An evaluation of the number of vet-
20 erans who are enrolled in the patient enrollment
21 system who have previously received care under
22 the Veterans Community Care Program under
23 section 1703 of title 38, United States Code.

24 (d) SUBMITTAL TO CONGRESS.—Not later than 180
25 days after the development of the strategic plan under

1 paragraph (1) of subsection (c), and not later than 180
2 days after each update under paragraph (2) of such sub-
3 section thereafter, the Secretary shall submit to the Com-
4 mittee on Veterans' Affairs of the Senate and the Com-
5 mittee on Veterans' Affairs of the House of Representa-
6 tives a report that includes the following:

7 (1) The completed strategic plan or update, as
8 the case may be.

9 (2) An identification of areas of improvement
10 by the Department in the delivery of telehealth and
11 virtual care services to veterans who are enrolled in
12 the patient enrollment system, with a timeline for
13 improvements to be implemented.

14 (e) DEFINITIONS.—

15 (1) PATIENT ENROLLMENT SYSTEM.—The term
16 “patient enrollment system” means the system of
17 annual patient enrollment of the Department of Vet-
18 erans Affairs established and operated under section
19 1705(a) of title 38, United States Code.

20 (2) RURAL; HIGHLY RURAL.—The terms
21 “rural” and “highly rural” have the meanings given
22 those terms in the Rural-Urban Commuting Areas
23 coding system of the Department of Agriculture.

24 (3) VA VIDEO CONNECT.—The term “VA Video
25 Connect” means the program of the Department of

1 Veterans Affairs to connect veterans with their
2 health care team from anywhere, using encryption to
3 ensure a secure and private connection.

4 **SEC. 152. COMPTROLLER GENERAL REPORT ON TRANSPOR-**
5 **TATION SERVICES BY THIRD PARTIES FOR**
6 **RURAL VETERANS.**

7 (a) REPORT REQUIRED.—Not later than 540 days
8 after the date of the enactment of this Act, the Comp-
9 troller General of the United States shall submit to the
10 Committee on Veterans' Affairs of the Senate and the
11 Committee on Veterans' Affairs of the House of Rep-
12 resentatives a report on the program the establishment of
13 which was facilitated under section 111A(b) of title 38,
14 United States Code.

15 (b) CONTENTS.—The report submitted under sub-
16 section (a) shall include the following:

17 (1) A description of the program described in
18 such subsection, including descriptions of the fol-
19 lowing:

20 (A) The purpose of the program.

21 (B) The activities carried out under the
22 program.

23 (2) An assessment of the sufficiency of the pro-
24 gram with respect to the purpose of the program.

1 (3) An assessment of the cost effectiveness of
2 the program in comparison to alternatives.

3 (4) An assessment of the health benefits for
4 veterans who have participated in the program.

5 (5) An assessment of the sufficiency of staffing
6 of employees of the Department of Veterans Affairs
7 who are responsible for facilitating the maintenance
8 of the program.

9 (6) An assessment, with respect to the purpose
10 of the program, of the number of vehicles owned by
11 and operating in conjunction with the program.

12 (7) An assessment of the awareness and usage
13 of the program by veterans and their families.

14 (8) An assessment of other options for trans-
15 portation under the program, such as local taxi com-
16 panies and ridesharing programs such as Uber and
17 Lyft.

18 **SEC. 153. COMPTROLLER GENERAL REPORT ON TELE-**
19 **HEALTH SERVICES OF THE DEPARTMENT OF**
20 **VETERANS AFFAIRS.**

21 (a) IN GENERAL.—Not later than 18 months after
22 the date of the enactment of this Act, the Comptroller
23 General of the United States shall submit to the Com-
24 mittee on Veterans' Affairs of the Senate and the Com-
25 mittee on Veterans' Affairs of the House of Representa-

1 tives a report on telehealth services provided by the De-
2 partment of Veterans Affairs.

3 (b) ELEMENTS.—The report required by subsection
4 (a) shall include an assessment of the following:

5 (1) The telehealth and virtual health care pro-
6 grams of the Department of Veterans Affairs, in-
7 cluding VA Video Connect.

8 (2) The challenges faced by the Department in
9 delivering telehealth and virtual health care to vet-
10 erans who reside in rural and highly rural areas due
11 to lack of connectivity in many rural areas.

12 (3) Any mitigation strategies used by the De-
13 partment to overcome connectivity barriers for vet-
14 erans who reside in rural and highly rural areas.

15 (4) The partnerships entered into by the Office
16 of Connected Care of the Department in an effort to
17 bolster telehealth services.

18 (5) The extent to which the Department has ex-
19 amined the effectiveness of health care services pro-
20 vided to veterans through telehealth in comparison
21 to in-person treatment.

22 (6) Satisfaction of veterans with respect to the
23 telehealth services provided by the Department.

24 (7) The use by the Department of telehealth
25 appointments in comparison to referrals to care

2467

1 under the Veterans Community Care Program under
2 section 1703 of title 38, United States Code.

3 (8) Such other areas as the Comptroller Gen-
4 eral considers appropriate.

5 **Subtitle E—Care for Aging**
6 **Veterans**

7 **SEC. 161. STRATEGY FOR LONG-TERM CARE FOR AGING**
8 **VETERANS.**

9 (a) IN GENERAL.—The Secretary of Veterans Affairs
10 shall develop a strategy for the long-term care of veterans.

11 (b) ELEMENTS.—The strategy developed under sub-
12 section (a) shall—

13 (1) identify current and future needs for the
14 long-term care of veterans based on demographic
15 data and availability of services both from the De-
16 partment of Veterans Affairs and from non-Depart-
17 ment providers in the community, include other Fed-
18 eral Government, non-Federal Government, non-
19 profit, for profit, and other entities;

20 (2) identify the current and future needs of vet-
21 erans for both institutional and non-institutional
22 long-term care (for example, home-based and com-
23 munity-based services), taking into account the
24 needs of growing veteran population groups, includ-
25 ing women veterans, veterans with traumatic brain

1 injury, veterans with memory loss, and other popu-
2 lation groups with unique needs; and

3 (3) address new and different care delivery
4 models, including by—

5 (A) assessing the implications of such mod-
6 els for the design of facilities and how those fa-
7 cilities may need to change;

8 (B) examining the workforce needed to
9 support aging populations of veterans as they
10 grow and receive long-term care through dif-
11 ferent trends of care delivery; and

12 (C) considering the feasibility and advis-
13 ability of implementing a veteran-focused inde-
14 pendent provider model for non-institutional
15 care.

16 (c) REPORT.—Not later than one year after the date
17 of the enactment of this Act, the Secretary shall submit
18 to Congress a report on the strategy developed under sub-
19 section (a).

20 **SEC. 162. IMPROVEMENT OF STATE VETERANS HOMES.**

21 (a) STANDARDIZED SHARING AGREEMENTS.—The
22 Secretary of Veterans Affairs shall develop a standardized
23 process throughout the Department of Veterans Affairs
24 for entering into sharing agreements between State homes
25 and medical centers of the Department.

1 (b) PROVISION OF MEDICATION TO CATASTROPHI-
2 CALLY DISABLED VETERANS.—Section 1745(b) of title
3 38, United States Code, is amended by adding at the end
4 the following new paragraph:

5 “(3) Any veteran who has been determined by
6 the Secretary to be catastrophically disabled, as de-
7 fined in section 17.36(e) of title 38, Code of Federal
8 Regulations, or successor regulations, and on whose
9 behalf the Secretary is paying a per diem for nurs-
10 ing home or domiciliary care in a State home under
11 this chapter.”.

12 (c) OVERSIGHT OF INSPECTIONS.—

13 (1) MONITORING.—The Secretary shall monitor
14 any contractor used by the Department to conduct
15 inspections of State homes, including by reviewing
16 the inspections conducted by each such contractor
17 for quality not less frequently than quarterly.

18 (2) REPORTING OF DEFICIENCIES.—The Sec-
19 retary shall require that any deficiencies of a State
20 home noted during the inspection of the State home
21 be reported to the Secretary.

22 (3) TRANSPARENCY.—The Secretary shall pub-
23 lish the results of any inspection of a State home,
24 and any associated corrective actions planned by the

1 State home, on a publicly available internet website
2 of the Department.

3 (d) STATE HOME DEFINED.—In this section, the
4 term “State home” has the meaning given that term in
5 section 101(19) of title 38, United States Code.

6 **SEC. 163. GERIATRIC PSYCHIATRY PILOT PROGRAM AT**
7 **STATE VETERANS HOMES.**

8 (a) IN GENERAL.—Not later than one year after the
9 date of the enactment of this Act, the Secretary of Vet-
10 erans Affairs shall commence the conduct of a pilot pro-
11 gram under which the Secretary shall provide geriatric
12 psychiatry assistance to eligible veterans at State homes.

13 (b) DURATION.—The Secretary shall carry out the
14 pilot program under this section for a two-year period.

15 (c) TYPE OF ASSISTANCE.—Assistance provided
16 under the pilot program under this section may include—

17 (1) direct provision of geriatric psychiatry serv-
18 ices, including health care if feasible;

19 (2) payments to non-Department of Veterans
20 Affairs providers in the community to provide such
21 services;

22 (3) collaboration with other Federal agencies to
23 provide such services; or

24 (4) such other forms of assistance as the Sec-
25 retary considers appropriate.

2471

1 (d) CONSIDERATION OF LOCAL AREA NEEDS.—In
2 providing assistance under the pilot program under this
3 section, the Secretary shall consider the geriatric psychi-
4 atry needs of the local area, including by considering—

5 (1) State homes with a high proportion of resi-
6 dents with unmet mental health needs;

7 (2) State homes located in mental health care
8 health professional shortage areas designated under
9 section 332 of the Public Health Service Act (42
10 U.S.C. 254e); or

11 (3) State homes located in rural or highly rural
12 areas.

13 (e) DEFINITIONS.—In this section, the terms “State
14 home” and “veteran” have the meanings given those
15 terms in section 101 of title 38, United States Code.

16 **SEC. 164. SUPPORT FOR AGING VETERANS AT RISK OF OR**
17 **EXPERIENCING HOMELESSNESS.**

18 (a) IN GENERAL.—The Secretary of Veterans Affairs
19 shall work with public housing authorities and local orga-
20 nizations to assist aging homeless veterans in accessing
21 existing housing and supportive services, including health
22 services like home-based and community-based services
23 from the Department of Veterans Affairs or from non-De-
24 partment providers in the community.

2472

1 (b) PAYMENT FOR SERVICES.—The Secretary may,
2 and is encouraged to, pay for services for aging homeless
3 veterans described in subsection (a).

4 **SEC. 165. SECRETARY OF VETERANS AFFAIRS CONTRACT**
5 **AUTHORITY FOR PAYMENT OF CARE FOR**
6 **VETERANS IN NON-DEPARTMENT OF VET-**
7 **ERANS AFFAIRS MEDICAL FOSTER HOMES.**

8 (a) AUTHORITY.—

9 (1) IN GENERAL.—Section 1720 of title 38,
10 United States Code, is amended by adding at the
11 end the following new subsection:

12 “(h)(1) During the five-year period beginning on the
13 date of the enactment of the Joseph Maxwell Cleland and
14 Robert Joseph Dole Memorial Veterans Benefits and
15 Health Care Improvement Act of 2022, and subject to
16 paragraph (3)—

17 “(A) at the request of a veteran for whom the
18 Secretary is required to provide nursing home care
19 under section 1710A of this title, the Secretary may
20 place the veteran in a medical foster home that
21 meets Department standards, at the expense of the
22 United States, pursuant to a contract, agreement, or
23 other arrangement entered into between the Sec-
24 retary and the medical foster home for such purpose;
25 and

2473

1 “(B) the Secretary may pay for care of a vet-
2 eran placed in a medical foster home before such
3 date of enactment, if the home meets Department
4 standards, pursuant to a contract, agreement, or
5 other arrangement entered into between the Sec-
6 retary and the medical foster home for such purpose.

7 “(2) A veteran on whose behalf the Secretary pays
8 for care in a medical foster home under paragraph (1)
9 shall agree, as a condition of such payment, to accept
10 home health services furnished by the Secretary under sec-
11 tion 1717 of this title.

12 “(3) In any year, not more than a daily average of
13 900 veterans receiving care in a medical foster home,
14 whether placed before, on, or after the date of the enact-
15 ment of the Joseph Maxwell Cleland and Robert Joseph
16 Dole Memorial Veterans Benefits and Health Care Im-
17 provement Act of 2022, may have their care covered at
18 the expense of the United States under paragraph (1).

19 “(4) The prohibition under section 1730(b)(3) of this
20 title shall not apply to a veteran whose care is covered
21 at the expense of the United States under paragraph (1).

22 “(5) In this subsection, the term ‘medical foster
23 home’ means a home designed to provide non-institutional,
24 long-term, supportive care for veterans who are unable to
25 live independently and prefer a family setting.’”.

1 (2) EFFECTIVE DATE.—Subsection (h) of sec-
2 tion 1720 of title 38, United States Code, as added
3 by paragraph (1), shall take effect 90 days after the
4 date of the enactment of this Act.

5 (b) ONGOING MONITORING OF MEDICAL FOSTER
6 HOME PROGRAM.—

7 (1) IN GENERAL.—The Secretary of Veterans
8 Affairs shall create a system to monitor and assess
9 the workload for the Department of Veterans Affairs
10 in carrying out the authority under section 1720(h)
11 of title 38, United States Code, as added by sub-
12 section (a)(1), including by tracking—

13 (A) requests by veterans to be placed in a
14 medical foster home under such section;

15 (B) denials of such requests, including the
16 reasons for such denials;

17 (C) the total number of medical foster
18 homes applying to participate under such sec-
19 tion, disaggregated by those approved and those
20 denied approval by the Department to partici-
21 pate;

22 (D) veterans receiving care at a medical
23 foster home at the expense of the United
24 States; and

1 (E) veterans receiving care at a medical
2 foster home at their own expense.

3 (2) REPORT.—Based on the monitoring and as-
4 sessments conducted under paragraph (1), the Sec-
5 retary shall identify and submit to Congress a report
6 on such modifications to implementing section
7 1720(h) of title 38, United States Code, as added by
8 subsection (a)(1), as the Secretary considers nec-
9 essary to ensure the authority under such section is
10 functioning as intended and care is provided to vet-
11 erans under such section as intended.

12 (3) MEDICAL FOSTER HOME DEFINED.—In this
13 subsection, the term “medical foster home” has the
14 meaning given that term in section 1720(h) of title
15 38, United States Code, as added by subsection
16 (a)(1).

17 (c) COMPTROLLER GENERAL REPORT.—Not later
18 than each of three years and six years after the date of
19 the enactment of this Act, the Comptroller General of the
20 United States shall submit to Congress a report—

21 (1) assessing the implementation of this section
22 and the amendments made by this section;

23 (2) assessing the impact of the monitoring and
24 modifications under subsection (b) on care provided

2476

1 under section 1720(h) of title 38, United States
2 Code, as added by subsection (a)(1); and

3 (3) setting forth recommendations for improve-
4 ments to the implementation of such section, as the
5 Comptroller General considers appropriate.

6 **Subtitle F—Foreign Medical**
7 **Program**

8 **SEC. 171. ANALYSIS OF FEASIBILITY AND ADVISABILITY OF**
9 **EXPANDING ASSISTANCE AND SUPPORT TO**
10 **CAREGIVERS TO INCLUDE CAREGIVERS OF**
11 **VETERANS IN THE REPUBLIC OF THE PHIL-**
12 **IPPINES.**

13 (a) FINDINGS.—Congress makes the following find-
14 ings:

15 (1) Although section 161 of the VA MISSION
16 Act of 2018 (Public Law 115–182; 132 Stat. 1438)
17 expanded the program of comprehensive assistance
18 for family caregivers of the Department of Veterans
19 Affairs under section 1720G(a) of title 38, United
20 States Code, to veterans of all eras, it did not ex-
21 pand the program to family caregivers for veterans
22 overseas.

23 (2) Although caregivers for veterans overseas
24 can access online resources as part of the program
25 of support services for caregivers of veterans under

2477

1 subsection (b) section 1720G of such title, those
2 caregivers are not currently eligible for the com-
3 prehensive services and benefits provided under sub-
4 section (a) of such section.

5 (3) The Department has an outpatient clinic
6 and a regional benefits office in Manila, Republic of
7 the Philippines, and the Foreign Medical Program of
8 the Department under section 1724 of such title is
9 used heavily in the Republic of the Philippines by
10 veterans who live in that country.

11 (4) Due to the presence of facilities of the De-
12 partment in the Republic of the Philippines and the
13 number of veterans who reside there, that country is
14 a suitable test case to analyze the feasibility and ad-
15 visability of expanding caregiver support to care-
16 givers of veterans overseas.

17 (b) ANALYSIS.—Not later than 180 days after the
18 date of the enactment of this Act, the Secretary of Vet-
19 erans Affairs shall complete an analysis of the feasibility
20 and advisability of making assistance and support under
21 section 1720G(a) of title 38, United States Code, available
22 to caregivers of veterans in the Republic of the Phil-
23 ippines.

24 (c) REPORT.—Not later than 180 days after the con-
25 clusion of the analysis conducted under subsection (b), the

2478

1 Secretary shall submit to the Committee on Veterans' Af-
2 fairs of the Senate and the Committee on Veterans' Af-
3 fairs of the House of Representatives a report that in-
4 cludes the following:

5 (1) The results of such analysis.

6 (2) An assessment of the number of veterans
7 who are enrolled in the patient enrollment system
8 and reside in the Republic of the Philippines.

9 (3) An assessment of the number of veterans
10 residing in the Republic of the Philippines with a
11 disability rating from the Department of not less
12 than 70 percent.

13 (4) An assessment of the number of veterans
14 who are enrolled in the patient enrollment system
15 and reside in the Republic of the Philippines that
16 have a caregiver to provide them personal care serv-
17 ices described in section 1720G(a)(C) of title 38,
18 United States Code.

19 (5) An assessment of the staffing needs and as-
20 sociated costs of making assistance and support
21 available to caregivers of veterans in the Republic of
22 the Philippines.

23 (6) An assessment of the infrastructure needs
24 and associated costs of making assistance and sup-

1 port available to caregivers of veterans in the Repub-
2 lic of the Philippines.

3 (7) An assessment of the local transportation
4 challenges to making assistance and support avail-
5 able to caregivers of veterans in the Republic of the
6 Philippines.

7 (8) An assessment of how the Secretary would
8 determine payment rates for caregivers of veterans
9 in the Republic of the Philippines to account for
10 variances in living standards in the Republic of the
11 Philippines.

12 (9) Such other elements as the Secretary con-
13 siders appropriate.

14 (d) DEFINITIONS.—In this section:

15 (1) CAREGIVER.—The term “caregiver” has the
16 meaning given that term in section 1720G(d) of title
17 38, United States Code.

18 (2) PATIENT ENROLLMENT SYSTEM.—The term
19 “patient enrollment system” means the system of
20 annual patient enrollment of the Department of Vet-
21 erans Affairs established and operated under section
22 1705(a) of such title.

23 (3) VETERAN.—The term “veteran” has the
24 meaning given that term in section 101(2) of such
25 title.

2480

1 **SEC. 172. COMPTROLLER GENERAL REPORT ON FOREIGN**
2 **MEDICAL PROGRAM OF DEPARTMENT OF**
3 **VETERANS AFFAIRS.**

4 (a) IN GENERAL.—Not later than two years after the
5 date of the enactment of this Act, the Comptroller General
6 of the United States shall submit to the Committee on
7 Veterans' Affairs of the Senate and the Committee on Vet-
8 erans' Affairs of the House of Representatives a report
9 on the Foreign Medical Program.

10 (b) ELEMENTS.—The report required by subsection
11 (a) shall include, for the most recent five fiscal years for
12 which data are available, an assessment of the following:

13 (1) The number of veterans who live overseas
14 and are eligible for the Foreign Medical Program.

15 (2) The number of veterans who live overseas,
16 are registered for the Foreign Medical Program, and
17 use such program.

18 (3) The number of veterans who live overseas,
19 are registered for the Foreign Medical Program, and
20 do not use such program.

21 (4) The number of veterans who are eligible for
22 care furnished by the Department of Veterans Af-
23 fairs, live in the United States, including territories
24 of the United States, and make use of such care, in-
25 cluding through the Veterans Community Care Pro-

1 gram under section 1703 of title 38, United States
2 Code.

3 (5) Any challenges faced by the Department in
4 administering the Foreign Medical Program, includ-
5 ing—

6 (A) outreach to veterans on eligibility for
7 such program and ensuring veterans who live
8 overseas are aware of such program;

9 (B) executing timely reimbursements of
10 claims by veterans under such program; and

11 (C) need for and use of translation serv-
12 ices.

13 (6) Any trends relating to—

14 (A) the timeliness of processing by the De-
15 partment of claims under the Foreign Medical
16 Program and reimbursement of veterans under
17 such program;

18 (B) types of care or treatment sought by
19 veterans who live overseas that is reimbursed
20 under such program; and

21 (C) types of care or treatment eligible for
22 reimbursement under such program that vet-
23 erans have difficulty accessing overseas.

24 (7) Any barriers or obstacles cited by veterans
25 who live overseas who are registered for the Foreign

1 Medical Program, including any differences between
2 veterans who use the program and veterans who do
3 not.

4 (8) Satisfaction of veterans who live overseas
5 with the Foreign Medical Program.

6 (9) Such other areas as the Comptroller Gen-
7 eral considers appropriate.

8 (c) FOREIGN MEDICAL PROGRAM DEFINED.—In this
9 section, the term “Foreign Medical Program” means the
10 program under which the Secretary of Veterans Affairs pro-
11 vides hospital care and medical services under section
12 1724 of title 38, United States Code.

13 **Subtitle G—Research Matters**

14 **SEC. 181. INAPPLICABILITY OF PAPERWORK REDUCTION** 15 **ACT.**

16 (a) IN GENERAL.—Subchapter II of chapter 73 of
17 title 38, United States Code, is amended by adding at the
18 end the following new section:

19 **“§ 7330D. Inapplicability of Paperwork Reduction Act** 20 **to research activities**

21 “Subchapter I of chapter 35 of title 44 (commonly
22 referred to as the ‘Paperwork Reduction Act’) shall not
23 apply to the voluntary collection of information during the
24 conduct of research by the Veterans Health Administra-
25 tion, including the Office of Research and Development,

1 or individuals or entities affiliated with the Veterans
2 Health Administration.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such subchapter is amended by insert-
5 ing after the item relating to section 7330C the following
6 new item:

7 “(1) “7330D. Inapplicability of Paperwork Re-
8 duction Act to research activities.”.

9 **SEC. 182. RESEARCH AND DEVELOPMENT.**

10 (a) OFFICE OF RESEARCH AND DEVELOPMENT.—
11 Chapter 73 of title 38, United States Code, is amended
12 by adding at the end the following new subchapter:

13 “SUBCHAPTER V—RESEARCH AND
14 DEVELOPMENT

15 “§ 7381. Office of Research and Development

16 “(a) OFFICE OF RESEARCH AND DEVELOPMENT.—
17 There is in the Veterans Health Administration an Office
18 of Research and Development (in this section referred to
19 as the ‘Office’).

20 “(b) PURPOSES.—The function of the Office is to
21 serve veterans through a full spectrum of research (includ-
22 ing pre-clinical, clinical, and health systems science), tech-
23 nology transfer, and application.

1 “(c) CHIEF RESEARCH AND DEVELOPMENT OFFI-
2 CER.—The head of the Office is the Chief Research and
3 Development Officer.

4 “(d) ORGANIZATION AND PERSONNEL.—The Office
5 shall be organized in such manner, and its personnel shall
6 perform such duties and have such titles, as the Secretary
7 may prescribe.

8 **“§ 7382. Research personnel**

9 “(a) WAIVER OF INTERGOVERNMENTAL PERSONNEL
10 ACT MOBILITY PROGRAM LIMITS.—The Secretary may
11 waive the limit on the period and number of assignments
12 required under section 3372(a) of title 5 with respect to
13 an individual who performs research for the Department
14 under the mobility program under subchapter VI of chap-
15 ter 33 of such title (commonly referred to as the ‘Intergov-
16 ernmental Personnel Act Mobility Program’).

17 “(b) OUTSIDE EARNED INCOME FOR RESEARCH FOR
18 THE DEPARTMENT.—(1) Compensation from a nonprofit
19 corporation established under subchapter IV of this chap-
20 ter, or a university affiliated with the Department, may
21 be paid, without regard to section 209 of title 18, to an
22 employee described in paragraph (2), for research con-
23 ducted pursuant to section 7303 of this title if—

2485

1 “(A) the research has been approved in accord-
2 ance with procedures prescribed by the Under Sec-
3 retary for Health;

4 “(B) the employee conducts research under the
5 supervision of personnel of the Department; and

6 “(C) the Secretary agreed to the terms of such
7 compensation in writing.

8 “(2) An employee described in this subsection is an
9 employee who has an appointment within the Department,
10 whether with or without compensation, and without regard
11 to the source of such compensation.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of such chapter is amended by adding
14 at the end the following new items:

“SUBCHAPTER V—RESEARCH AND DEVELOPMENT

“7381. Office of Research and Development.

“7382. Research personnel.”.

15 **SEC. 183. EXPANSION OF HIRING AUTHORITIES FOR CER-**
16 **TAIN CLASSES OF RESEARCH OCCUPATIONS.**

17 Section 7401(3) of title 38, United States Code, is
18 amended by inserting “statisticians, economists,
19 informaticists, data scientists, and” after “blind rehabili-
20 tation outpatient specialists,”.

2486

1 **SEC. 184. COMPTROLLER GENERAL STUDY ON DEDICATED**
2 **RESEARCH TIME FOR CERTAIN PERSONNEL**
3 **OF THE DEPARTMENT OF VETERANS AF-**
4 **FAIRS.**

5 (a) **STUDY.**—The Comptroller General of the United
6 States shall conduct a study on the amount of time dedi-
7 cated for research for clinician-scientists appointed by the
8 Secretary of Veterans Affairs.

9 (b) **ELEMENTS.**—The study under subsection (a)
10 shall include the following:

11 (1) A review of the policies and practices of the
12 Department of Veterans Affairs regarding the time
13 dedicated for research for the personnel specified in
14 subsection (a).

15 (2) An assessment of the effect of such policies
16 and practices on the following:

17 (A) The recruitment and retention efforts
18 of the Department.

19 (B) The productivity of the personnel spec-
20 ified in subsection (a) with respect to research.

21 (C) The efficient use of resources available
22 for research on issues relating to the health of
23 veterans.

24 (c) **REPORT.**—Not later than two years after the date
25 of the enactment of this Act, the Comptroller General shall
26 submit to the Committee on Veterans' Affairs of the Sen-

1 ate and the Committee on Veterans' Affairs of the House
2 of Representatives a report detailing the findings of the
3 study conducted under subsection (a).

4 **Subtitle H—Mental Health Care**

5 **SEC. 191. ANALYSIS OF FEASIBILITY AND ADVISABILITY OF** 6 **DEPARTMENT OF VETERANS AFFAIRS PRO-** 7 **VIDING EVIDENCE-BASED TREATMENTS FOR** 8 **THE DIAGNOSIS OF TREATMENT-RESISTANT** 9 **DEPRESSION.**

10 (a) FINDINGS.—Congress makes the following find-
11 ings:

12 (1) A systematic review in 2019 of the econom-
13 ics and quality of life relating to treatment-resistant
14 depression summarized that major depressive dis-
15 order (in this subsection referred to as “MDD”) is
16 a global public health concern and that treatment-
17 resistant depression in particular represents a key
18 unmet need. The findings of that review highlighted
19 the need for improved therapies for treatment-resist-
20 ant depression to reduce disease burden, lower med-
21 ical costs, and improve the quality of life of patients.

22 (2) The Clinical Practice Guideline for the
23 Management of MDD (in this subsection referred to
24 as the “CPG”) developed jointly by the Department
25 of Veterans Affairs and the Department of Defense

1 defines treatment-resistant depression as at least
2 two adequate treatment trials and lack of full re-
3 sponse to each.

4 (3) The CPG recommends electro-convulsive
5 therapy (in this subsection referred to as “ECT”) as
6 a treatment strategy for patients who have failed
7 multiple other treatment strategies.

8 (4) The CPG recommends offering repetitive
9 transcranial magnetic stimulation (in this subsection
10 referred to as “rTMS”), an intervention that is indi-
11 cated by the Food and Drug Administration, for
12 treatment during a major depressive episode in pa-
13 tients with treatment-resistant MDD.

14 (5) The final report of the Creating Options for
15 Veterans’ Expedited Recovery Commission (com-
16 monly referred to as the “COVER Commission”) es-
17 tablished under section 931 of the Jason Simcakoski
18 Memorial and Promise Act (title IX of Public Law
19 114–198; 38 U.S.C. 1701 note) found that treat-
20 ment-resistant depression is a major issue through-
21 out the mental health treatment system, and that an
22 estimated 50 percent of depressed patients are inad-
23 equately treated by available interventions.

24 (6) The COVER Commission also reported data
25 collected from the Department of Veterans Affairs

1 that found that only approximately 1,166 patients
2 throughout the Department were referred for ECT
3 in 2018 and only approximately 772 patients were
4 referred for rTMS during that year.

5 (b) ANALYSIS.—Not later than 180 days after the
6 date of the enactment of this Act, the Secretary of Vet-
7 erans Affairs shall complete an analysis of the feasibility
8 and advisability of making repetitive transcranial mag-
9 netic stimulation available at all medical facilities of the
10 Department of Veterans Affairs and electro-convulsive
11 therapy available at one medical center located within each
12 Veterans Integrated Service Network for the treatment of
13 veterans who are enrolled in the patient enrollment system
14 and have a diagnosis of treatment-resistant depression.

15 (c) INCLUSION OF ASSESSMENT OF REPORT.—The
16 analysis conducted under subsection (b) shall include an
17 assessment of the final report of the COVER Commission
18 submitted under section 931(e)(2) of the Jason
19 Simcakoski Memorial and Promise Act (title IX of Public
20 Law 114–198; 38 U.S.C. 1701 note).

21 (d) REPORT.—Not later than 180 days after the con-
22 clusion of the analysis conducted under subsection (b), the
23 Secretary shall submit to the Committee on Veterans' Af-
24 fairs of the Senate and the Committee on Veterans' Af-

1 fairs of the House of Representatives a report that in-
2 cludes the following:

3 (1) The results of such analysis.

4 (2) An assessment of the number of veterans
5 who are enrolled in the patient enrollment system
6 and who have a diagnosis of treatment-resistant de-
7 pression per Veterans Integrated Service Network
8 during the two-year period preceding the date of the
9 report.

10 (3) An assessment of the number of the vet-
11 erans who are enrolled in the patient enrollment sys-
12 tem who have a diagnosis of treatment-resistant de-
13 pression and who have received or are currently re-
14 ceiving repetitive transcranial magnetic stimulation
15 or electro-convulsive therapy as a treatment modality
16 during the two-year period preceding the date of the
17 report.

18 (4) An assessment of the number and locations
19 of medical centers of the Department that currently
20 provide repetitive transcranial magnetic stimulation
21 to veterans who are enrolled in the patient enroll-
22 ment system and who have a diagnosis of treatment-
23 resistant depression.

24 (5) An assessment of the number and locations
25 of medical centers of the Department that currently

1 provide electro-convulsive therapy to veterans who
2 are enrolled in the patient enrollment system and
3 who have a diagnosis of treatment-resistant depres-
4 sion.

5 (e) PATIENT ENROLLMENT SYSTEM DEFINED.—In
6 this section, the term “patient enrollment system” means
7 the system of annual patient enrollment of the Depart-
8 ment of Veterans Affairs established and operated under
9 section 1705(a) of title 38, United States Code.

10 **SEC. 192. MODIFICATION OF RESOURCE ALLOCATION SYS-**
11 **TEM TO INCLUDE PEER SPECIALISTS.**

12 (a) IN GENERAL.—Not later than one year after the
13 date of the enactment of this Act, the Secretary of Vet-
14 erans Affairs shall modify the Veterans Equitable Re-
15 source Allocation system, or successor system, to ensure
16 that resource allocations under such system, or successor
17 system, include peer specialists appointed under section
18 7402(b)(13) of title 38, United States Code.

19 (b) VETERANS EQUITABLE RESOURCE ALLOCATION
20 SYSTEM DEFINED.—In this section, the term “Veterans
21 Equitable Resource Allocation system” means the re-
22 source allocation system established pursuant to section
23 429 of the Departments of Veterans Affairs and House
24 and Urban Development, and Independent Agencies Ap-

1 appropriations Act, 1997 (Public Law 104–204; 110 Stat.
2 2929).

3 **SEC. 193. GAP ANALYSIS OF PSYCHOTHERAPEUTIC INTER-**
4 **VENTIONS OF THE DEPARTMENT OF VET-**
5 **ERANS AFFAIRS.**

6 (a) IN GENERAL.—Not later than 270 days after the
7 date of the enactment of this Act, the Secretary of Vet-
8 erans Affairs shall complete a gap analysis throughout the
9 entire health care system of the Veterans Health Adminis-
10 tration on the use and availability of psychotherapeutic
11 interventions recommended in widely used clinical practice
12 guidelines as recommended in the final report of the
13 COVER Commission submitted under section 931(e)(2) of
14 the Jason Simcakoski Memorial and Promise Act (title IX
15 of Public Law 114–198; 38 U.S.C. 1701 note).

16 (b) ELEMENTS.—The gap analysis required under
17 subsection (a) shall include the following:

18 (1) An assessment of the psychotherapeutic
19 interventions available and routinely delivered to vet-
20 erans at medical centers of the Department of Vet-
21 erans Affairs within each Veterans Integrated Serv-
22 ice Network of the Department.

23 (2) An assessment of the barriers faced by med-
24 ical centers of the Department in offering certain
25 psychotherapeutic interventions and why those inter-

1 ventions are not widely implemented or are excluded
2 from implementation throughout the entire health
3 care system of the Veterans Health Administration.

4 (c) REPORT AND PLAN.—Not later than 180 days
5 after completing the gap analysis under subsection (a), the
6 Secretary shall submit to the Committee on Veterans' Af-
7 fairs of the Senate and the Committee on Veterans' Af-
8 fairs of the House of Representatives—

9 (1) a report on the results of the analysis; and

10 (2) a plan with measurable, time-limited steps
11 for the Department to implement—

12 (A) to address the gaps that limit access of
13 veterans to care; and

14 (B) to treat various mental health condi-
15 tions across the entire health care system of the
16 Veterans Health Administration.

17 **SEC. 193A. PROHIBITION ON COLLECTION OF COPAYMENTS**

18 **FOR FIRST THREE MENTAL HEALTH CARE**

19 **OUTPATIENT VISITS OF VETERANS.**

20 (a) PROHIBITION ON COLLECTION.—Chapter 17 of
21 title 38, United States Code, is amended by inserting after
22 section 1722B the following new section (and conforming
23 the table of sections at the beginning of such chapter ac-
24 cordingly):

1 **“§ 1722C. Copayments: prohibition on collection of**
2 **copayments for first three mental health**
3 **care outpatient visits of veterans**

4 “(a) PROHIBITION.—Except as provided in sub-
5 section (b), notwithstanding section 1710(g) of this title
6 or any other provision of law, the Secretary may not im-
7 pose or collect a copayment for the first three mental
8 health care outpatient visits of a veteran in a calendar
9 year for which the veteran would otherwise be required
10 to pay a copayment under the laws administered by the
11 Secretary.

12 “(b) COPAYMENT FOR MEDICATIONS.—The prohibi-
13 tion under subsection (a) shall not apply with respect to
14 the imposition or collection of copayments for medications
15 pursuant to section 1722A of this title.

16 “(c) MENTAL HEALTH CARE OUTPATIENT VISIT DE-
17 FINED.—In this section, the term ‘mental health care out-
18 patient visit’ means an outpatient visit with a qualified
19 mental health professional for the primary purpose of
20 seeking mental health care or treatment for substance
21 abuse disorder.

22 “(d) SUNSET.—This section shall terminate on the
23 date that is five years after the date of the enactment of
24 the Joseph Maxwell Cleland and Robert Joseph Dole Me-
25 morial Veterans Benefits and Health Care Improvement
26 Act of 2022.”.

2495

1 (b) APPLICABILITY.—The amendment made by sub-
2 section (a) shall apply with respect to mental health care
3 outpatient visits occurring on or after the date that is 180
4 days after the date of the enactment of this Act.

5 **Subtitle I—Other Matters**

6 **SEC. 194. REQUIREMENT FOR ONGOING INDEPENDENT AS-** 7 **SESSMENTS OF HEALTH CARE DELIVERY SYS-** 8 **TEMS AND MANAGEMENT PROCESSES OF** 9 **THE DEPARTMENT OF VETERANS AFFAIRS.**

10 (a) ONGOING ASSESSMENTS.—Subchapter I of chap-
11 ter 17 of title 38, United States Code, is amended by in-
12 serting after section 1704 the following new section:

13 **“§ 1704A. Independent assessments of health care de-** 14 **livery systems and management proc-** 15 **esses**

16 “(a) INDEPENDENT ASSESSMENTS.—(1) Not less
17 frequently than once every 10 years, the Secretary shall
18 enter into one or more contracts with a private sector enti-
19 ty or entities described in subsection (d) to conduct an
20 independent assessment of the hospital care, medical serv-
21 ices, and other health care furnished by the Department.

22 “(2) Each assessment required under paragraph (1)
23 shall address each of the following:

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
6 care demand, including with respect to veteran de-
7 mographics, rates of use of health care furnished by
8 the Department, the inflation of health care costs,
9 and such other factors as may be determined rel-
10 evant by the Secretary.

11 “(C) The reliability and accuracy of models and
12 forecasting methods used by the Department to
13 project the budgetary needs of the Veterans Health
14 Administration and how such models and forecasting
15 methods 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 au-
22 thorities and mechanisms on eligibility and access to
23 care.

24 “(E) The organization, workflow processes, and
25 tools used by the Department to support clinical

1 staffing, access to care, effective length-of-stay man-
2 agement and care transitions, positive patient expe-
3 rience, accurate documentation, and subsequent cod-
4 ing of inpatient services.

5 “(F) The efforts of the Department to recruit
6 and retain staff at levels necessary to carry out the
7 functions of the Veterans Health Administration and
8 the process used by the Department to determine
9 staffing levels necessary for such functions.

10 “(G) The staffing level at each medical facility
11 of the Department and the productivity of each
12 health care provider at the medical facility, com-
13 pared with health care industry performance
14 metrics, which may include the following:

15 “(i) An assessment of the case load of, and
16 number of patients treated by, each health care
17 provider at such medical facility during an aver-
18 age week.

19 “(ii) An assessment of the time spent by
20 each such health care provider on matters other
21 than the case load of the health care provider,
22 including time spent by the health care provider
23 as follows:

24 “(I) At a medical facility that is affili-
25 ated with the Department.

1 “(II) Conducting research.

2 “(III) Training or supervising other
3 health care professionals of the Depart-
4 ment.

5 “(iii) An assessment of the complexity of
6 health care conditions per patient treated by
7 each health care provider at such medical facil-
8 ity during an average week.

9 “(H) The information technology strategies of
10 the Department with respect to furnishing and man-
11 aging health care, including an identification of any
12 weaknesses or opportunities with respect to the tech-
13 nology used by the Department, especially those
14 strategies with respect to clinical documentation of
15 hospital care, medical services, and other health
16 care, including any clinical images and associated
17 textual reports, furnished by the Department in fa-
18 cilities of the Department or non-Department facili-
19 ties.

20 “(I) Business processes of the Veterans Health
21 Administration, including processes relating to fur-
22 nishing non-Department health care, insurance iden-
23 tification, third-party revenue collection, and vendor
24 reimbursement, including an identification of mecha-
25 nisms as follows:

1 “(i) To avoid the payment of penalties to
2 vendors.

3 “(ii) To increase the collection of amounts
4 owed to the Department for hospital care, med-
5 ical services, or other health care provided by
6 the Department for which reimbursement from
7 a third party is authorized and to ensure that
8 such amounts collected are accurate.

9 “(iii) To increase the collection of any
10 other amounts owed to the Department with re-
11 spect to hospital care, medical services, or other
12 health care and to ensure that such amounts
13 collected are accurate.

14 “(iv) To increase the accuracy and timeli-
15 ness of payments by the Department to vendors
16 and providers.

17 “(v) To reduce expenditures while improv-
18 ing the quality of care furnished.

19 “(J) The purchase, distribution, and use of
20 pharmaceuticals, medical and surgical supplies, med-
21 ical devices, and health care-related services by the
22 Department, including the following:

23 “(i) The prices paid for, standardization
24 of, and use by, the Department with respect to
25 the following:

2500

1 “(I) Pharmaceuticals.

2 “(II) Medical and surgical supplies.

3 “(III) Medical devices.

4 “(ii) The use by the Department of group
5 purchasing arrangements to purchase pharma-
6 ceuticals, medical and surgical supplies, medical
7 devices, and health care-related services.

8 “(iii) The strategy and systems used by
9 the Department to distribute pharmaceuticals,
10 medical and surgical supplies, medical devices,
11 and health care-related services to Veterans In-
12 tegrated Service Networks and medical facilities
13 of the Department.

14 “(K) The competency of Department leadership
15 with respect to culture, accountability, reform readi-
16 ness, leadership development, physician alignment,
17 employee engagement, succession planning, and per-
18 formance management.

19 “(L) The effectiveness of the authorities and
20 programs of the Department to educate and train
21 health personnel pursuant to section 7302 of this
22 title.

23 “(M) The conduct of medical and prosthetic re-
24 search of the Department.

1 “(N) The provision of assistance by the Depart-
2 ment to Federal agencies and personnel involved in
3 responding to a disaster or emergency.

4 “(O) Such additional matters as may be deter-
5 mined relevant by the Secretary.

6 “(b) TIMING.—The private sector entity or entities
7 carrying out an assessment pursuant to subsection (a)
8 shall complete such assessment not later than 18 months
9 after entering into the contract described in such para-
10 graph.

11 “(c) LEVERAGING OF EXISTING DATA AND CON-
12 TRACTS.—To the extent practicable, the private sector en-
13 tity or entities carrying out an assessment pursuant to
14 subsection (a) shall—

15 “(1) make maximum use of existing data that
16 has been compiled by the Department, compiled for
17 the Department, or purchased by the Department,
18 including data that has been collected for—

19 “(A) the performance of quadrennial mar-
20 ket assessments under section 7330C of this
21 title;

22 “(B) the quarterly publication of informa-
23 tion on staffing and vacancies with respect to
24 the Veterans Health Administration pursuant
25 to section 505 of the VA MISSION Act of 2018

1 (Public Law 115–182; 38 U.S.C. 301 note);
2 and

3 “(C) the conduct of annual audits pursu-
4 ant to section 3102 of the Johnny Isakson and
5 David P. Roe, M.D. Veterans Health Care and
6 Benefits Improvement Act of 2020 (Public Law
7 116–315; 38 U.S.C. 1701 note).

8 “(2) maximize the use of existing contracts and
9 other agreements of the Department for studies,
10 analysis, data collection, or research in order to effi-
11 ciently fulfill the requirements of this section.

12 “(d) PRIVATE SECTOR ENTITIES DESCRIBED.—A
13 private sector entity described in this subsection is a pri-
14 vate entity that—

15 “(1) has experience and proven outcomes in op-
16 timizing the performance of national health care de-
17 livery systems, including the Veterans Health Ad-
18 ministration, other federal health care systems, and
19 systems in the private, non-profit, or public health
20 care sector;

21 “(2) specializes in implementing large-scale or-
22 ganizational and cultural transformations, especially
23 with respect to health care delivery systems; and

24 “(3) is not currently under contract with the
25 Department to provide direct or indirect patient care

1 or related clinical care services or supplies under the
2 laws administered by the Secretary.

3 “(e) PROGRAM INTEGRATOR.—(1) If the Secretary
4 enters into contracts with more than one private sector
5 entity under subsection (a) with respect to a single assess-
6 ment under such subsection, the Secretary shall designate
7 one such entity as the program integrator.

8 “(2) The program integrator designated pursuant to
9 paragraph (1) shall be responsible for coordinating the
10 outcomes of the assessments conducted by the private sec-
11 tor entities pursuant to such contracts.

12 “(f) REPORTS.—(1)(A) Not later than 60 days after
13 completing an assessment pursuant to subsection (a), the
14 private sector entity or entities carrying out such assess-
15 ment shall submit to the Secretary and the Committee on
16 Veterans’ Affairs of the Senate and the Committee on Vet-
17 erans’ Affairs of the House of Representatives a report
18 on the findings and recommendations of the private sector
19 entity or entities with respect to such assessment.

20 “(B) Each report under subparagraph (A) with re-
21 spect to an assessment shall include an identification of
22 the following:

23 “(i) Any changes with respect to the matters in-
24 cluded in such assessment since the date that is the
25 later of the following:

1 “(I) The date on which the independent
2 assessment under section 201 of the Veterans
3 Access, Choice, and Accountability Act of 2014
4 (Public Law 113–146; 38 U.S.C. 1701 note)
5 was completed.

6 “(II) The date on which the last assess-
7 ment under subsection (a) was completed.

8 “(ii) Any recommendations regarding matters
9 to be covered by subsequent assessments under sub-
10 section (a), including any additional matters to in-
11 clude for assessment or previously assessed matters
12 to exclude.

13 “(2) Not later than 30 days after receiving a report
14 under paragraph (1), the Secretary shall publish such re-
15 port in the Federal Register and on a publicly accessible
16 internet website of the Department.

17 “(3) Not later than 90 days after receiving a report
18 under paragraph (1), the Secretary shall submit to the
19 Committee on Veterans’ Affairs of the Senate and the
20 Committee on Veterans’ Affairs of the House of Rep-
21 resentatives a report outlining the feasibility and advis-
22 ability of implementing the recommendations made by the
23 private sector entity or entities in such report received,
24 including an identification of the timeline, cost, and any
25 legislative authorities necessary for such implementation.

1 “(g) SUNSET.—The requirement to enter into con-
2 tracts under subsection (a) shall terminate on December
3 31, 2055.”.

4 (b) CLERICAL AMENDMENTS.—The table of sections
5 at the beginning of such subchapter is amended by insert-
6 ing after the item relating to section 1704 the following
7 new item:

 “1704A. Independent assessments of health care delivery systems and manage-
 ment processes.”.

8 (c) DEADLINE FOR INITIAL ASSESSMENT.—The ini-
9 tial assessment under section 1704A of title 38, United
10 States Code, as added by subsection (a), shall be com-
11 pleted by not later than December 31, 2025.

12 **SEC. 195. IMPROVED TRANSPARENCY OF, ACCESS TO, AND**
13 **USABILITY OF DATA PROVIDED BY DEPART-**
14 **MENT OF VETERANS AFFAIRS.**

15 (a) REVIEW OF TIMELINESS AND QUALITY OF CARE
16 DATA.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of the enactment of this Act, the Sec-
19 retary of Veterans Affairs shall complete a review of
20 data that is publicly available on the Access to Care
21 internet website of the Department of Veterans Af-
22 fairs (or successor website)) (in this section referred
23 to as the “Website”).

2506

1 (2) ANALYSIS.—The review under paragraph
2 (1) shall include an analysis of the access to and
3 usability of the publicly available data on the
4 Website, including a review of the availability of the
5 following data:

6 (A) Any numeric indicators relating to
7 timely care, effective care, safety, and veteran-
8 centered care that the Secretary collects at
9 medical facilities of the Department pursuant
10 to section 1703C of title 38, United States
11 Code.

12 (B) The patient wait times information re-
13 quired by subsection (a) of section 206 of the
14 Veterans Access, Choice, and Accountability Act
15 of 2014 (Public Law 113–146; 128 Stat.
16 1780); and

17 (C) the patient safety, quality of care, and
18 outcome measures required by subsection (b) of
19 such section 206.

20 (3) CONSULTATION.—In conducting the review
21 under paragraph (1) of data described in such para-
22 graph, the Secretary shall consult with veterans
23 service organizations, veterans, and caregivers of
24 veterans from geographically diverse areas and rep-
25 resenting different eras of service in the Armed

1 Forces to gather insights about potential modifica-
2 tions that could help improve the understanding and
3 use of such data.

4 (4) REPORT.—Not later than 30 days after
5 completing the review under paragraph (1), the Sec-
6 retary shall submit to the Committee on Veterans'
7 Affairs of the Senate and the Committee on Vet-
8 erans' Affairs of the House of Representatives a re-
9 port on the outcome of the review, including an as-
10 sessment of how the Secretary plans to modify the
11 presentation of data described in such paragraph in
12 light of the findings of the review.

13 (b) REQUIREMENTS OF WEBSITE.—

14 (1) IN GENERAL.—Not later than one year
15 after the date of the enactment of this Act, in addi-
16 tion to the requirements of section 206(b)(4) of the
17 Veterans Access, Choice, and Accountability Act of
18 2014 (Public Law 113–146; 128 Stat. 1781), the
19 Secretary shall ensure that the Website meets the
20 following requirements:

21 (A) The Website is directly accessible
22 from—

23 (i) the main homepage of the publicly
24 accessible internet website of the Depart-
25 ment; and

1 (ii) the main homepage of the publicly
2 accessible internet website of each medical
3 center of the Department.

4 (B) Where practicable, the Website is or-
5 ganized and searchable by each medical center
6 of the Department.

7 (C) The Website is easily understandable
8 and usable by the general public.

9 (2) CONSULTATION AND CONTRACT AUTHOR-
10 ITY.—In carrying out the requirements of paragraph
11 (1)(C), the Secretary—

12 (A) shall consult with—

13 (i) veterans service organizations; and

14 (ii) veterans and caregivers of vet-
15 erans from geographically diverse areas
16 and representing different eras of service
17 in the Armed Forces; and

18 (B) may enter into a contract to design the
19 Website with a company, non-profit entity, or
20 other entity specializing in website design that
21 has substantial experience in presenting health
22 care data and information in a easily under-
23 standable and usable manner to patients and
24 consumers.

25 (c) ACCURACY OF DATA.—

1 (1) ANNUAL PROCESS.—Not later than 18
2 months after the date of the enactment of this Act,
3 the Secretary shall develop and implement a process
4 to annually audit a generalizable subset of the data
5 contained on the Website to assess the accuracy and
6 completeness of the data.

7 (2) CRITERIA.—The Secretary shall ensure that
8 each audit under paragraph (1)—

9 (A) determines the extent that the medical
10 record information, clinical information, data,
11 and documentation provided by each medical fa-
12 cility of the Department that is used to cal-
13 culate the information on the Website is accu-
14 rate and complete;

15 (B) identifies any deficiencies in the re-
16 cording of medical record information, clinical
17 information, or data by medical facilities of the
18 Department that affects the accuracy and com-
19 pleteness of the information on the Website;
20 and

21 (C) provides recommendations to medical
22 facilities of the Department on how to—

23 (i) improve the accuracy and com-
24 pleteness of the medical record informa-
25 tion, clinical information, data, and docu-

2510

1 mentation that is used to calculate the in-
2 formation on the Website; and

3 (ii) ensure that each medical facility
4 of the Department provides such informa-
5 tion in a uniform manner.

6 (3) ANNUAL REPORT.—Not later than two
7 years after the date of the enactment of this Act,
8 and annually thereafter, the Secretary shall submit
9 to the Committee on Veterans’ Affairs of the Senate
10 and the Committee on Veterans’ Affairs of the
11 House of Representatives a report on the findings of
12 each audit under paragraph (1).

13 **TITLE II—BENEFITS MATTERS**

14 **Subtitle A—Benefits Generally**

15 **SEC. 201. IMPROVEMENTS TO PROCESS OF THE DEPART-** 16 **MENT OF VETERANS AFFAIRS FOR CLOTHING** 17 **ALLOWANCE CLAIMS.**

18 (a) SHORT TITLE.—This section may be cited as the

19 .

20 (b) PROCESS FOR CLOTHING ALLOWANCE CLAIMS.—

21 Section 1162 of title 38, United States Code, is amend-

22 ed—

23 (1) by striking “The Secretary under” and in-
24 serting:

1 “(a) ELIGIBILITY REQUIREMENTS.—The Secretary,
2 under”;

3 (2) in paragraph (2)—

4 (A) by striking “which (A) a physician”
5 and inserting: “which—”

6 “(A) a physician”; and

7 (B) by striking “, and (B) the Secretary”
8 and inserting the following: “; and

9 “(B) the Secretary”; and

10 (3) by adding at the end the following new sub-
11 sections:

12 “(b) CONTINUOUS NATURE OF PAYMENTS.—Pay-
13 ments made to a veteran under subsection (a) shall con-
14 tinue on an automatically recurring annual basis until the
15 earlier of the following:

16 “(1) The date on which the veteran elects to no
17 longer receive such payments.

18 “(2) The date on which the Secretary deter-
19 mines the veteran is no longer eligible pursuant to
20 subsection (c).

21 “(c) REVIEWS OF CLAIMS.—(1) The Secretary shall,
22 in accordance with this subsection, conduct reviews of a
23 claim on which a clothing allowance for a veteran under
24 subsection (a) is based to determine the continued eligi-
25 bility of the veteran for such allowance.

1 “(2) The Secretary shall prescribe standards for de-
2 termining whether a claim for a clothing allowance is
3 based on a veteran’s wearing or use of a prosthetic, ortho-
4 pedic appliance (including a wheelchair), or medication
5 whose wear or tear or irreparable damage on a veteran’s
6 outergarments or clothing is as likely as not subject to
7 no change for the duration of such wearing or use.

8 “(3)(A) If the Secretary determines, pursuant to
9 standards prescribed under paragraph (2), that a claim
10 for a clothing allowance is based on wear or tear or irrep-
11 arable damage that is as likely as not subject to no change,
12 the veteran shall continue to be deemed eligible for receipt
13 of a clothing allowance under this section until the Sec-
14 retary—

15 “(i) receives notice under subparagraph (B); or

16 “(ii) finds otherwise under subparagraph (C) or
17 (D).

18 “(B) The Secretary shall require a veteran who is re-
19 ceiving a clothing allowance under subsection (a), based
20 on the wearing or use of a prosthetic, orthopedic appliance
21 (including a wheelchair), or medication, to notify the Sec-
22 retary when the veteran terminates the wearing or use of
23 such a prosthetic, orthopedic appliance, or medication.

24 “(C) For each veteran who is receiving a clothing al-
25 lowance under subsection (a), based on the wearing or use

1 of a prosthetic, orthopedic appliance (including a wheel-
2 chair), or medication, the Secretary shall periodically re-
3 view the veteran's Department records for evidence that
4 the veteran has terminated the wearing or use of such a
5 prosthetic, orthopedic appliance, or medication.

6 “(D) If a veteran who is receiving a clothing allow-
7 ance under subsection (a), based on the wearing or use
8 of a prosthetic, orthopedic appliance (including a wheel-
9 chair), or medication, has received such clothing allowance
10 beyond the prescribed or intended lifespan of such pros-
11 thetic, orthopedic appliance, or medication, the Secretary
12 may periodically request the veteran to attest to continued
13 usage.

14 “(4) If the Secretary determines that a claim for a
15 clothing allowance under subsection (a) does not meet the
16 requirements of paragraph (3)(A), then the Secretary may
17 require the veteran to recertify the veteran's continued eli-
18 gibility for a clothing allowance under this section periodi-
19 cally, but not more frequently than once each year.

20 “(5) When reviewing a claim under this subsection,
21 the Secretary shall evaluate the evidence presented by the
22 veteran and such other relevant evidence as the Secretary
23 determines appropriate.

24 “(d) DETERMINATION REGARDING CONTINUED ELI-
25 GIBILITY.—If the Secretary determines, as the result of

1 a review of a claim conducted under subsection (c), that
2 the veteran who submitted such claim no longer meets the
3 requirements specified in subsection (a), the Secretary
4 shall—

5 “(1) provide to the veteran notice of such deter-
6 mination that includes a description of applicable ac-
7 tions that may be taken following the determination,
8 including the actions specified in section 5104C of
9 this title; and

10 “(2) discontinue the clothing allowance based
11 on such claim.”.

12 (c) APPLICABILITY.—The amendments made by sub-
13 section (b) shall apply with respect to—

14 (1) claims for clothing allowance submitted on
15 or after the date of the enactment of this Act; and

16 (2) claims for clothing allowance submitted
17 prior to the date of the enactment of this Act, if the
18 veteran who submitted such claim is in receipt of the
19 clothing allowance as of the date of the enactment
20 of this Act.

21 **SEC. 202. MEDICAL OPINIONS FOR CERTAIN VETERANS**
22 **WITH SERVICE-CONNECTED DISABILITIES**
23 **WHO DIE OF COVID-19.**

24 (a) IN GENERAL.—The Secretary of Veterans Affairs
25 shall secure a medical opinion to determine if a service-

1 connected disability was the principal or contributory
2 cause of death before notifying the survivor of the final
3 decision in any case in which all of the following factors
4 are met:

5 (1) A claim for compensation is filed under
6 chapter 13 of title 38, United States Code, with re-
7 spect to a veteran with one or more service-con-
8 nected disabilities who dies.

9 (2) The death certificate for the veteran identi-
10 fies Coronavirus Disease 2019 (COVID–19) as the
11 principal or contributory cause of death.

12 (3) The death certificate does not clearly iden-
13 tify any of the service-connected disabilities of the
14 veteran as the principal or contributory cause of
15 death.

16 (4) A service-connected disability of the veteran
17 includes a condition more likely to cause severe ill-
18 ness from COVID–19 as determined by the Centers
19 for Disease Control and Prevention.

20 (5) The claimant is not entitled to benefits
21 under section 1318 of such title.

22 (6) The evidence to support the claim does not
23 result in a preliminary finding in favor of the claim-
24 ant.

1 (b) OUTREACH.—The Secretary shall provide infor-
2 mation to veterans, dependents, and veterans service orga-
3 nizations about applying to dependency and indemnity
4 compensation when a veteran dies from COVID–19. The
5 Secretary shall provide such information through the
6 website of the Department of Veterans Affairs and via
7 other outreach mechanisms.

8 (c) ANNUAL REPORT.—

9 (1) IN GENERAL.—Not later than one year
10 after the date of the enactment of this Act, and an-
11 nually thereafter for five years, the Secretary shall
12 submit to the Committee on Veterans’ Affairs of the
13 Senate and the Committee on Veterans’ Affairs of
14 the House of Representatives a report on the effects
15 of the requirement to secure medical opinions pursu-
16 ant to such subsection on dependency and indemnity
17 compensation benefits under chapter 13 of title 38,
18 United States Code.

19 (2) CONTENTS.—Each report submitted under
20 paragraph (1) shall include, with respect to the year
21 for which the report is submitted, the following:

22 (A) The total number of dependency and
23 indemnity compensation claims filed.

24 (B) The number and percentage of de-
25 pendency and indemnity compensation claims

1 for which a disposition has been made,
2 disaggregated by whether the disposition was a
3 grant, denial, deferral, or withdrawal.

4 (C) The accuracy rate for all dependency
5 and indemnity compensation claims.

6 (D) The total number of covered claims
7 filed.

8 (E) The number and percentage of covered
9 claims for which a disposition has been made,
10 disaggregated by whether the disposition was a
11 grant, denial, deferral, or withdrawal.

12 (F) The accuracy rate for covered claims.

13 (G) The total number and cost of medical
14 opinions secured by the Secretary pursuant to
15 subsection (a).

16 (d) STUDY ON CLAIMS DENIED PRIOR TO ENACT-
17 MENT.—

18 (1) STUDY.—Not later than 180 days after the
19 date of the enactment of this Act, the Secretary
20 shall complete a study on covered claims that were
21 denied prior to the date of the enactment of this Act
22 and submit to the Committee on Veterans' Affairs of
23 the Senate and the Committee on Veterans' Affairs
24 of the House of Representatives a report on the
25 findings of the Secretary with respect to such study,

1 including a description of any improvements made
2 as a result of such study to trainings of the Depart-
3 ment of Veterans Affairs relating to dependency and
4 indemnity compensation claims.

5 (2) **METHODOLOGY.**—In carrying out the study
6 under paragraph (1), the Secretary shall use a sta-
7 tistically valid, random sample of covered claims.

8 (3) **ELEMENTS.**—The study under paragraph
9 (1) shall include, with respect to covered claims de-
10 nied prior to the date of the enactment of this Act,
11 the following elements:

12 (A) A review of whether the individuals
13 processing such covered claims—

14 (i) correctly applied applicable laws,
15 regulations, and policies, operating proce-
16 dures, and guidelines of the Department of
17 Veterans Affairs relating to the adjudica-
18 tion of dependency and indemnity com-
19 pensation claims; and

20 (ii) completed all necessary claim de-
21 velopment actions prior to making a dis-
22 position for the claim.

23 (B) An identification of—

24 (i) the total number of covered claims
25 reviewed under the study;

1 (ii) the number and percentage of
2 such covered claims the processing of
3 which involved errors;

4 (iii) the top five claims processing er-
5 rors and the number of such covered
6 claims the processing of which involved any
7 of such five errors.

8 (e) STUDY ON CLAIMS DENIED FOLLOWING ENACT-
9 MENT.—

10 (1) STUDY.—Not later than two years after the
11 date of the enactment of this Act, the Secretary
12 shall complete a study on covered claims that have
13 been denied following the date of the enactment of
14 this Act and submit to the Committee on Veterans'
15 Affairs of the Senate and the Committee on Vet-
16 erans' Affairs of the House of Representatives a re-
17 port on the findings of the Secretary with respect to
18 such study, including a description of any improve-
19 ments made as a result of such study to trainings
20 of the Department of Veterans Affairs relating to
21 dependency and indemnity compensation claims.

22 (2) METHODOLOGY.—In carrying out the study
23 under paragraph (1), the Secretary shall use a sta-
24 tistically valid, random sample of covered claims.

1 (3) ELEMENTS.—The study under paragraph
2 (1) shall include, with respect to covered claims de-
3 nied following the date of the enactment of this Act,
4 each of the elements specified in subsection (d)(3).

5 (f) COVERED CLAIM DEFINED.—In this section, the
6 term “covered claim” means a dependency and indemnity
7 compensation claim filed with respect to a veteran the
8 death certificate of whom identifies COVID–19 as the
9 principal or contributory cause of death.

10 **SEC. 203. ENHANCED LOAN UNDERWRITING METHODS.**

11 (a) IN GENERAL.—Section 3710 of title 38, United
12 States Code, is amended by adding at the end the fol-
13 lowing new subsection:

14 “(i)(1) The Secretary, in consultation with the advi-
15 sory group established under paragraph (3)(A), shall pre-
16 scribe regulations and issue guidance to assist lenders in
17 evaluating the sufficiency of the residual income of a vet-
18 eran pursuant to paragraph (2).

19 “(2)(A) Pursuant to the regulations and guidance
20 prescribed under paragraph (1), in the case of a loan to
21 a veteran to be guaranteed under this chapter, if the vet-
22 eran provides to the lender an energy efficiency report de-
23 scribed in subparagraph (B) —

24 “(i) the evaluation by the lender of the suffi-
25 ciency of the residual income of the veteran shall in-

1 clude a consideration of the estimate of the expected
2 energy cost savings contained in the report; and

3 “(ii) the lender may apply the underwriting ex-
4 pertise of the lender in adjusting the residual income
5 of the veteran in accordance with the information in
6 the report.

7 “(B) An energy efficiency report described in this
8 subparagraph is a report made with respect to a home
9 for which a loan is to be guaranteed under this chapter
10 that includes each of the following:

11 “(i) An estimate of the expected energy cost
12 savings specific to the home, based on specific infor-
13 mation about the home, including savings relating to
14 electricity or natural gas, oil, and any other fuel reg-
15 ularly used to supply energy to the home.

16 “(ii) Any information required to be included
17 pursuant to the regulations and guidance and regu-
18 lations prescribed by the Secretary under paragraph
19 (1).

20 “(iii) Information with respect to the energy ef-
21 ficiency of the home as determined pursuant to—

22 “(I) the Residential Energy Service Net-
23 work’s Home Energy Rating System (commonly
24 know as ‘HERS’) by an individual certified by
25 such Network; or

1 “(II) an other method determined appro-
2 priate by the Secretary, in consultation with the
3 advisory group under paragraph (3), including
4 with respect to third-party quality assurance
5 procedures.

6 “(3)(A) To assist the Secretary in carrying out this
7 subsection, the Secretary shall establish an advisory group
8 consisting of individuals representing the interests of—

9 “(i) mortgage lenders;

10 “(ii) appraisers;

11 “(iii) energy raters and residential energy con-
12 sumption experts;

13 “(iv) energy efficiency organizations;

14 “(v) real estate agents;

15 “(vi) home builders and remodelers;

16 “(vii) consumer advocates;

17 “(viii) veterans’ service organizations; and

18 “(ix) other persons determined appropriate by
19 the Secretary.

20 “(B) The advisory group established under subpara-
21 graph (A) shall not be subject to the Federal Advisory
22 Committee Act (5 U.S.C. App.).

23 “(4) The Secretary shall ensure that marketing mate-
24 rials that the Secretary provides to veterans with respect
25 to loans guaranteed under this chapter include informa-

1 tion regarding the use of energy efficiency reports under
2 this subsection.

3 “(5) Not later than one year after the date on which
4 the Secretary issues the regulations and guidance pursu-
5 ant to paragraph (2), and every year thereafter, the Sec-
6 retary shall submit to Congress and make publicly avail-
7 able a report that includes the following information for
8 the year covered by the report:

9 “(A) An enumeration of the number of loans
10 guaranteed under this chapter for which a veteran
11 provided to the Secretary an energy efficiency report
12 under this subsection, including the number of such
13 loans for which cost savings were taken into account
14 pursuant to paragraph (1).

15 “(B) Of the number of loans enumerated under
16 subparagraph (A), an enumeration of the default
17 rates and rates of foreclosure, including how such
18 enumeration compares with the default rates and
19 rates of foreclosure for guaranteed loans for which
20 no energy efficiency report is provided.”.

21 (b) CLARIFICATION OF REQUIREMENTS REGARDING
22 ENERGY EFFICIENCY STANDARDS.—Section 3704(f) of
23 such title is amended by striking “such standards” and
24 inserting the following: “the standards established under

1 such section 109, as in effect on the date of such construc-
2 tion”.

3 **SEC. 204. DEPARTMENT OF VETERANS AFFAIRS LOAN FEES.**

4 The loan fee table in section 3729(b)(2) of title 38,
5 United States Code, is amended by striking “January 14,
6 2031” each place it appears and inserting “November 14,
7 2031”.

8 **Subtitle B—Education**

9 **SEC. 211. NATIVE VETSUCCESS AT TRIBAL COLLEGES AND**
10 **UNIVERSITIES PILOT PROGRAM.**

11 (a) **SHORT TITLE.**—This section may be cited as the
12 “Native VetSuccess at Tribal Colleges and Universities
13 Pilot Program Act”.

14 (b) **PILOT PROGRAM.**—

15 (1) **IN GENERAL.**—Not later than 18 months
16 after the date of the enactment of this Act, the Sec-
17 retary of Veterans Affairs shall commence carrying
18 out a pilot program to assess the feasibility and ad-
19 visability of expanding the VetSuccess on Campus
20 program to additional Tribal colleges and univer-
21 sities.

22 (2) **DESIGNATION.**—The pilot program carried
23 out under paragraph (1) shall be known as the “Na-
24 tive VetSuccess at Tribal Colleges and Universities
25 Pilot Program”.

1 (c) DURATION.—The Secretary shall carry out the
2 pilot program required by subsection (b)(1) during the
3 five-year period beginning on the date of the commence-
4 ment of the pilot program.

5 (d) PARAMETERS.—Under the pilot program required
6 by subsection (b)(1) the Secretary shall—

7 (1) identify three regional Native VetSuccess
8 service areas consisting of at least two participating
9 Tribal colleges or universities that do not already
10 have a VetSuccess program, counselor, or outreach
11 coordinator; and

12 (2) assign to each regional Native VetSuccess
13 service area a VetSuccess on Campus counselor and
14 a full-time Vet Center outreach coordinator, both of
15 whom shall—

16 (A) be based on one or more of the partici-
17 pating Tribal colleges or universities in the
18 service area; and

19 (B) provide for eligible students at such
20 participating colleges and universities with all
21 services for which such students would be eligi-
22 ble under the VetSuccess on Campus program
23 of the Department of Veterans Affairs.

24 (e) ELIGIBLE STUDENTS.—For purposes of the pilot
25 program, an eligible student is a student who is a veteran,

1 member of the Armed Forces, or dependent of a veteran
2 or member of the Armed Forces who is eligible for any
3 service or benefit under the VetSuccess on Campus pro-
4 gram of the Department.

5 (f) CONSULTATION REQUIREMENT.—In developing
6 the pilot program required by subsection (b)(1), the Sec-
7 retary shall, acting through the Veteran Readiness and
8 Employment Program of the Department of Veterans Af-
9 fairs and in coordination with the Office of Tribal Govern-
10 ment Relations of the Department, consult with Indian
11 Tribes, and Tribal organizations, and seek comment from
12 the Advisory Committee on Tribal and Indian Affairs of
13 the Department, and veterans service organizations re-
14 garding each of the following:

15 (1) The design of the pilot program.

16 (2) The process for selection of the three re-
17 gional Native VetSuccess service areas and partici-
18 pating Tribal colleges and universities, taking into
19 consideration—

20 (A) the number of eligible students en-
21 rolled in the college or university and in the re-
22 gional service area;

23 (B) the capacity of the colleges and univer-
24 sities in the regional service area to accommo-
25 date a full-time VetSuccess on Campus coun-

1 selor and a full-time Vet Center outreach coordi-
2 nator;

3 (C) barriers in specific regional service
4 areas that prevent native veterans' access to
5 benefits and services under the laws adminis-
6 tered by the Secretary; and

7 (D) any other factor that the Secretary, in
8 consultation with Indian Tribes and Tribal or-
9 ganizations, and after considering input from
10 veterans service organizations and the Advisory
11 Committee on Tribal and Indian Affairs identi-
12 fies as relevant.

13 (3) The most effective way to provide culturally
14 competent outreach and services to eligible students
15 at Tribal colleges and universities.

16 (g) OUTREACH TO COLLEGES AND UNIVERSITIES.—
17 The Secretary shall provide notice of the pilot program
18 to all Tribal colleges and universities and encourage all
19 Tribal colleges and universities to coordinate with each
20 other to create regional service areas to participate in the
21 pilot program.

22 (h) BRIEFINGS AND REPORTS.—

23 (1) IMPLEMENTATION BRIEFING.—Not later
24 than one year after the date of the enactment of this

1 Act, the Secretary shall provide the appropriate com-
2 mittees of Congress a briefing on—

3 (A) the design, structure, and objectives of
4 the pilot program required by subsection (b)(1);
5 and

6 (B) the three regional Native Vet Success
7 service areas and the Tribal colleges and uni-
8 versities selected for participation in the pilot
9 program and the reason for the selection of
10 such service areas and such colleges and univer-
11 sities.

12 (2) REPORT.—

13 (A) IN GENERAL.—Not later than four
14 years after the date on which the Secretary
15 commences the pilot program under subsection
16 (b)(1), the Secretary shall submit to the appro-
17 priate committees of Congress a report on the
18 pilot program.

19 (B) CONTENTS.—The report submitted
20 under subparagraph (A) shall include each of
21 the following:

22 (i) The number of eligible students
23 provided services through the pilot pro-
24 gram.

2529

1 (ii) The types of services that eligible
2 students received through the pilot pro-
3 gram.

4 (iii) The graduation rate of eligible
5 students who received services through the
6 pilot program and graduation rate of eligi-
7 ble students who did not receive services
8 through the pilot program.

9 (iv) The rate of employment within
10 one year of graduation for eligible students
11 who received services through the pilot pro-
12 gram.

13 (v) Feedback from each Tribal college
14 or university that participated in the pilot
15 program, including on the regional nature
16 of the program.

17 (vi) Analysis of the feasibility of ex-
18 panding a regionally based Native
19 VetSuccess at Tribal Colleges and Univer-
20 sities Program, including an explanation of
21 the challenges of such a model due to
22 issues with distance, communication, and
23 coordination, and to the level of unmet
24 services.

1 (vii) A detailed proposal regarding a
2 long-term extension of the pilot program,
3 including a budget, unless the Secretary
4 determines that such an extension is not
5 appropriate.

6 (i) DEFINITIONS.—In this section:

7 (1) APPROPRIATE COMMITTEE OF CONGRESS.—

8 The term “appropriate committees of Congress”
9 means—

10 (A) the Committee on Veterans’ Affairs
11 and the Committee on Indian Affairs of the
12 Senate; and

13 (B) the Committee on Veterans’ Affairs
14 and the Committee on Natural Resources of the
15 House of Representatives.

16 (2) CULTURALLY COMPETENT.—The term “cul-
17 turally competent” means considerate of the unique
18 values, customs, traditions, cultures, and languages
19 of Native American veterans.

20 (3) TRIBAL COLLEGE OR UNIVERSITY.—The
21 term “Tribal college or university” has the meaning
22 given the term “Tribal College or University” under
23 section 316 of the Higher Education Act of 1965
24 (20 U.S.C. 1059c).

1 (4) TRIBAL ORGANIZATION.—The term “Tribal
2 organization” has the meaning given that term in
3 section 4 of the Indian Self-Determination and Edu-
4 cation Assistance Act (25 U.S.C. 5304).

5 **SEC. 212. EDUCATION FOR SEPARATING MEMBERS OF THE**
6 **ARMED FORCES REGARDING REGISTERED**
7 **APPRENTICESHIPS.**

8 Section 1144(b)(1) of title 10, United States Code,
9 is amended by inserting “(including apprenticeship pro-
10 grams approved under chapters 30 through 36 of title
11 38)” after “employment opportunities”.

12 **SEC. 213. WEBSITES REGARDING APPRENTICESHIP PRO-**
13 **GRAMS.**

14 (a) WEBSITE UNDER THE JURISDICTION OF SEC-
15 RETARY OF LABOR.—The Assistant Secretary of Labor
16 for Veterans’ Employment and Training, in coordination
17 with the Secretary of Veterans Affairs, shall establish a
18 user-friendly website (or update an existing website) that
19 is available to the public on which veterans can find infor-
20 mation about apprenticeship programs registered under
21 the Act of August 16, 1937 (50 Stat. 664; commonly re-
22 ferred to as the “National Apprenticeship Act”) and ap-
23 proved under chapters 30 through 36 of title 38, United
24 States Code. Such information shall be searchable and

1 sortable by occupation and location, and include, with re-
2 gard to each such program, the following:

3 (1) A description, including any cost to a vet-
4 eran.

5 (2) Contact information.

6 (3) Whether the program has been endorsed by
7 a veterans service organization or nonprofit organi-
8 zation that caters to veterans.

9 (4) Whether the program prefers to hire vet-
10 erans.

11 (5) Each certification or degree an individual
12 earns by completing the program.

13 (b) COORDINATION WITH OTHER WEBSITE.—The
14 Assistant Secretary shall update all information regarding
15 programs for veterans listed on apprenticeship.gov (or any
16 successor website) to include the information specified
17 under subsection (a).

18 **SEC. 214. TRANSFER OF ENTITLEMENT TO POST-9/11 EDU-**
19 **CATIONAL ASSISTANCE PROGRAM OF DE-**
20 **PARTMENT OF VETERANS AFFAIRS.**

21 (a) IN GENERAL.—Paragraph (4) of section 3319(h)
22 of title 38, United States Code, is amended to read as
23 follows:

24 “(4) DEATH OF TRANSFEROR.—

2533

1 “(A) IN GENERAL.—The death of an indi-
2 vidual transferring an entitlement under this
3 section shall not affect the use of the entitle-
4 ment by the dependent to whom the entitlement
5 is transferred.

6 “(B) DEATH PRIOR TO TRANSFER TO DES-
7 IGNATED TRANSFEREES.—(i) In the case of an
8 eligible individual whom the Secretary has ap-
9 proved to transfer the individual’s entitlement
10 under this section who, at the time of death, is
11 entitled to educational assistance under this
12 chapter and has designated a transferee or
13 transferees under subsection (e) but has not
14 transferred all of such entitlement to such
15 transferee or transferees, the Secretary shall
16 transfer the entitlement of the individual under
17 this section by evenly distributing the amount
18 of such entitlement between all such transferees
19 who would not be precluded from using some or
20 all of the transferred benefits due to the expira-
21 tion of time limitations found in paragraph (5)
22 of this subsection or section 3321 of this title,
23 notwithstanding the limitations under sub-
24 section (f).

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect on August 1, 2026, and
3 shall apply with respect to an academic period that begins
4 on or after that date.

5 **SEC. 216. ESTABLISHMENT OF PROTECTIONS FOR A MEM-**
6 **BER OF THE ARMED FORCES WHO LEAVES A**
7 **COURSE OF EDUCATION, PAID FOR WITH**
8 **CERTAIN EDUCATIONAL ASSISTANCE, TO**
9 **PERFORM CERTAIN SERVICE.**

10 (a) ESTABLISHMENT.—Chapter 36 of title 38,
11 United States Code, amended by inserting after section
12 3691 the following new section:

13 **“§ 3691A. Withdrawal or leave of absence from cer-**
14 **tain education**

15 “(a) IN GENERAL.—(1) A covered member may,
16 after receiving orders to enter a period of covered service,
17 withdraw or take a leave of absence from covered edu-
18 cation.

19 “(2)(A) The institution concerned may not take any
20 adverse action against a covered member on the basis that
21 such covered member withdraws or takes a leave of ab-
22 sence under paragraph (1).

23 “(B) Adverse actions under subparagraph (A) include
24 the following:

1 “(i) The assignment of a failing grade to a cov-
2 ered member for covered education.

3 “(ii) The reduction of the grade point average
4 of a covered member for covered education.

5 “(iii) The characterization of any absence of a
6 covered member from covered education as unex-
7 cused.

8 “(iv) The assessment of any financial penalty
9 against a covered member.

10 “(b) WITHDRAWAL.—If a covered member withdraws
11 from covered education under subsection (a), the institu-
12 tion concerned shall refund all tuition and fees (including
13 payments for housing) for the academic term from which
14 the covered member withdraws.

15 “(c) LEAVE OF ABSENCE.—If a covered member
16 takes a leave of absence from covered education under
17 subsection (a), the institution concerned shall—

18 “(1) assign a grade of ‘incomplete’ (or equiva-
19 lent) to the covered member for covered education
20 for the academic term from which the covered mem-
21 ber takes such leave of absence; and

22 “(2) to the extent practicable, permit the cov-
23 ered member, upon completion of the period covered
24 service, to complete such academic term.

25 “(d) DEFINITIONS.—In this section:

1 “(1) The term ‘covered education’ means a
2 course of education—

3 “(A) at an institution of higher education;
4 and

5 “(B) paid for with educational assistance
6 furnished under a law administered by the Sec-
7 retary.

8 “(2) The term ‘covered member’ means a mem-
9 ber of the Armed Forces (including the reserve com-
10 ponents) enrolled in covered education.

11 “(3) The term ‘covered service’ means—

12 “(A) active service or inactive-duty train-
13 ing, as such terms are defined in section 101 of
14 title 10; or

15 “(B) State active duty, as defined in sec-
16 tion 4303 of this title.

17 “(4) The term ‘institution concerned’ means,
18 with respect to a covered member, the institution of
19 higher education where the covered member is en-
20 rolled in covered education.

21 “(5) The term ‘institution of higher education’
22 has the meaning given such term in section 101 of
23 the Higher Education Act of 1965 (20 U.S.C.
24 1001).

1 “(6) The term ‘period of covered service’ means
2 the period beginning on the date on which a covered
3 member enters covered service and ending on the
4 date on which the covered member is released from
5 covered service or dies while in covered service.”.

6 (b) CLERICAL AMENDMENT.—The table of contents
7 at the beginning of such chapter is amended by inserting
8 after the item relating to section 3691 the following new
9 item:

 “3691A. Withdrawal or leave of absence from certain education.”.

10 **Subtitle C—GI Bill National**
11 **Emergency Extended Deadline Act**

12 **SEC. 231. SHORT TITLE.**

13 This subtitle may be cited as the “GI Bill National
14 Emergency Extended Deadline Act of 2022”.

15 **SEC. 232. EXTENSION OF TIME LIMITATION FOR USE OF EN-**
16 **TITLEMENT UNDER DEPARTMENT OF VET-**
17 **ERANS AFFAIRS EDUCATIONAL ASSISTANCE**
18 **PROGRAMS BY REASON OF SCHOOL CLO-**
19 **SURES DUE TO EMERGENCY AND OTHER SIT-**
20 **UATIONS.**

21 (a) MONTGOMERY GI BILL.—Section 3031 of title
22 38, United States Code, is amended—

23 (1) in subsection (a), by inserting “and sub-
24 section (i)” after “through (g)”; and

1 (2) by adding at the end the following new sub-
2 section:

3 “(i)(1) In the case of an individual eligible for edu-
4 cational assistance under this chapter who is prevented
5 from pursuing the individual’s chosen program of edu-
6 cation before the expiration of the 10-year period for the
7 use of entitlement under this chapter otherwise applicable
8 under this section because of a covered reason, as deter-
9 mined by the Secretary, such 10-year period—

10 “(A) shall not run during the period the indi-
11 vidual is so prevented from pursuing such program;
12 and

13 “(B) shall again begin running on a date deter-
14 mined by the Secretary that is—

15 “(i) not earlier than the first day after the
16 individual is able to resume pursuit of a pro-
17 gram of education with educational assistance
18 under this chapter; and

19 “(ii) not later than 90 days after that day.

20 “(2) In this subsection, a covered reason is—

21 “(A) the temporary or permanent closure of an
22 educational institution by reason of an emergency
23 situation; or

24 “(B) another reason that prevents the indi-
25 vidual from pursuing the individual’s chosen pro-

1 gram of education, as determined by the Sec-
2 retary.”.

3 (b) POST-9/11 EDUCATIONAL ASSISTANCE.— Section
4 3321(b)(1) of such title is amended—

5 (1) by inserting “(A)” before “Subsections”;

6 (2) by striking “and (d)” and inserting “(d),
7 and (i)”;

8 (3) by adding at the end the following new sub-
9 paragraph:

10 “(B) Subsection (i) of section 3031 of this title
11 shall apply with respect to the running of the 15-
12 year period described in paragraphs (4)(A) and
13 (5)(A) of this subsection in the same manner as
14 such subsection (i) applies under such section 3031
15 with respect to the running of the 10-year period de-
16 scribed in subsection (a) of such section.”.

17 **SEC. 233. EXTENSION OF PERIOD OF ELIGIBILITY BY REA-**
18 **SON OF SCHOOL CLOSURES DUE TO EMER-**
19 **GENCY AND OTHER SITUATIONS UNDER DE-**
20 **PARTMENT OF VETERANS AFFAIRS TRAINING**
21 **AND REHABILITATION PROGRAM FOR VET-**
22 **ERANS WITH SERVICE-CONNECTED DISABIL-**
23 **ITIES.**

24 Section 3103 of title 38, United States Code, is
25 amended—

1 (1) in subsection (a), by striking “or (g)” and
2 inserting “(g), or (h)”; and

3 (2) by adding at the end the following new sub-
4 section:

5 “(h)(1) In the case of a veteran who is eligible for
6 a vocational rehabilitation program under this chapter and
7 who is prevented from participating in the vocational reha-
8 bilitation program within the period of eligibility pre-
9 scribed in subsection (a) because of a covered reason, as
10 determined by the Secretary, such period of eligibility—

11 “(A) shall not run during the period the vet-
12 eran is so prevented from participating in such pro-
13 gram; and

14 “(B) shall again begin running on a date deter-
15 mined by the Secretary that is—

16 “(i) not earlier than the first day after the
17 veteran is able to resume participation in a vo-
18 cational rehabilitation program under this chap-
19 ter; and

20 “(ii) not later than 90 days after that day.

21 “(2) In this subsection, a covered reason is—

22 “(A) the temporary or permanent closure of an
23 educational institution by reason of an emergency
24 situation; or

1 “(B) another reason that prevents the veteran
2 from participating in the vocational rehabilitation
3 program, as determined by the Secretary.”.

4 **SEC. 234. PERIOD FOR ELIGIBILITY UNDER SURVIVORS’**
5 **AND DEPENDENTS’ EDUCATIONAL ASSIST-**
6 **ANCE PROGRAM OF DEPARTMENT OF VET-**
7 **ERANS AFFAIRS.**

8 (a) IN GENERAL.—Section 3512 of title 38, United
9 States Code, is amended—

10 (1) by redesignating subsection (h) as sub-
11 section (f); and

12 (2) by adding at the end the following new sub-
13 section:

14 “(g) Notwithstanding any other provision of this sec-
15 tion, the following persons may be afforded educational
16 assistance under this chapter at any time after August
17 1, 2023, and without regard to the age of the person:

18 “(1) A person who first becomes an eligible per-
19 son on or after August 1, 2023.

20 “(2) A person who—

21 “(A) first becomes an eligible person be-
22 fore August 1, 2023; and

23 “(B) becomes 18 years of age, or com-
24 pletes secondary schooling, on or after August
25 1, 2023.”.

1 (b) CONFORMING AMENDMENTS.—Such section is
2 further amended—

3 (1) in subsection (a), by striking “The edu-
4 cational” and inserting “Except as provided in sub-
5 section (g), the educational”;

6 (2) in subsection (b)—

7 (A) in paragraph (1)(A), by inserting
8 “subsection (g) or” after “provided in”; and

9 (B) in paragraph (2), by striking “Not-
10 withstanding” and inserting “Except as pro-
11 vided in subsection (g), notwithstanding”; and

12 (3) in subsection (e), by striking “No person”
13 and inserting “Except as provided in subsection (g),
14 no person”.

15 **Subtitle D—Rural Veterans Travel** 16 **Enhancement**

17 **SEC. 241. COMPTROLLER GENERAL OF THE UNITED** 18 **STATES REPORT ON FRAUD, WASTE, AND** 19 **ABUSE OF THE DEPARTMENT OF VETERANS** 20 **AFFAIRS BENEFICIARY TRAVEL PROGRAM.**

21 (a) STUDY AND REPORT REQUIRED.—Not later than
22 three years after the date of the enactment of this Act,
23 the Comptroller General of the United States shall—

24 (1) complete a study on fraud, waste, and abuse
25 of the benefits furnished under section 111 of title

1 38, United States Code, that may have occurred
2 during the five-year period ending on the date of the
3 enactment of this Act; and

4 (2) submit to the Committee on Veterans' Af-
5 fairs of the Senate and the Committee on Veterans'
6 Affairs of the House of Representatives a report on
7 the findings of the Comptroller General with respect
8 to the study completed under paragraph (1).

9 (b) ELEMENTS.—Study conducted under subsection
10 (a)(1) shall cover the following:

11 (1) The quantity and monetary amount of
12 claims that have been adjudicated as fraudulent or
13 improper, disaggregated, to the extent possible, by
14 general health care travel and by special mode of
15 transportation.

16 (2) Instances of potential fraud or improper
17 payments that may have occurred but were not de-
18 tected, disaggregated, to the extent possible, by gen-
19 eral health care travel and by special mode of trans-
20 portation.

21 (3) The efforts of the Secretary of Veterans Af-
22 fairs to mitigate fraud and the effectiveness of the
23 efforts of the Secretary.

24 (4) Assessment of communication and training
25 provided by the Department of Veterans Affairs to

1 employees and contractors handling claims filed
2 under section 111 of such title regarding fraud.

3 (5) Such recommendations as the Comptroller
4 General may have for further mitigation of fraud,
5 waste, and abuse.

6 **SEC. 242. COMPTROLLER GENERAL STUDY AND REPORT ON**
7 **EFFECTIVENESS OF DEPARTMENT OF VET-**
8 **ERANS AFFAIRS BENEFICIARY TRAVEL PRO-**
9 **GRAM MILEAGE REIMBURSEMENT AND DE-**
10 **DUCTIBLE AMOUNTS.**

11 Not later than one year after the date of the enact-
12 ment of this Act, the Comptroller General of the United
13 States shall—

14 (1) complete a study on—

15 (A) the efficacy of the current mileage re-
16 imbursement rate under subsection (a) of sec-
17 tion 111 of title 38, United States Code, in
18 mitigating the financial burden of transpor-
19 tation costs for traveling to and from Depart-
20 ment of Veterans Affairs medical facilities for
21 medical care;

22 (B) the origins of the amount of the de-
23 ductible under subsection (c) of such section
24 and its impact on the efficacy of the benefits
25 provided under such section in mitigating finan-

1 cial burden on veterans seeking medical care;
2 and

3 (C) developing such recommendations as
4 the Comptroller General may have for how this
5 program or another transportation assistance
6 program could further encourage veterans, es-
7 pecially low-income veterans, to seek medical
8 care, especially mental health care; and

9 (2) submit to the Committee on Veterans' Af-
10 fairs of the Senate and the Committee on Veterans'
11 Affairs of the House of Representatives a report on
12 the findings of the Comptroller General with respect
13 to the study completed under paragraph (1).

14 **SEC. 243. DEPARTMENT OF VETERANS AFFAIRS TRANSPOR-**
15 **TATION PILOT PROGRAM FOR LOW INCOME**
16 **VETERANS.**

17 (a) **PILOT PROGRAM REQUIRED.**—Not later than one
18 year after the date of the enactment of this Act, the Sec-
19 retary of Veterans Affairs shall commence carrying out a
20 pilot program to assess the feasibility and advisability of
21 providing payments authorized under subsection (a) of
22 section 111 of title 38, United States Code, 48 hours in
23 advance of travel to eligible appointments to veterans and
24 other eligible individuals who are also eligible for a deduc-

1 tion waiver as provided by paragraphs (3) and (4) of sub-
2 section (c) of such section.

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) REPORT.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of the completion of the pilot pro-
12 gram, the Secretary shall submit to Congress a re-
13 port on the findings of the Secretary with respect to
14 the pilot program.

15 (2) CONTENTS.—The report submitted under
16 paragraph (1) shall include the following:

17 (A) The number of individuals who bene-
18 fitted from the pilot program broken,
19 disaggregated by geographic location, race or
20 ethnicity, age, disability rating, and sex.

21 (B) Average distance traveled by partici-
22 pants to appointments and average funds pro-
23 vided per appointment, disaggregated by geo-
24 graphic region.

2548

1 (C) A description of any impediments to
2 carrying out the pilot program.

3 (D) An account of payments provided for
4 travel that did not occur or was authorized in-
5 correctly.

6 (E) An account of any attempts to retrieve
7 such payment.

8 (F) Recommendations of the Secretary for
9 legislative or administrative action to reduce
10 improper payments.

11 (G) An assessment of the feasibility and
12 advisability of providing payments as described
13 in subsection (a).

14 **SEC. 244. PILOT PROGRAM FOR TRAVEL COST REIMBURSE-**
15 **MENT FOR ACCESSING READJUSTMENT**
16 **COUNSELING SERVICES.**

17 (a) **PILOT PROGRAM REQUIRED.**—Not later than 270
18 days after the date of the enactment of this Act, the Sec-
19 retary shall establish and commence a pilot program, with-
20 in the Readjustment Counseling Services of the Veterans
21 Health Administration, to assess the feasibility and advis-
22 ability of providing payment to cover or offset financial
23 difficulties of an individual in accessing or using transpor-
24 tation to and from the nearest Vet Center service site pro-

1 viding the necessary readjustment counseling services for
2 the individual's plan of service.

3 (b) PARTICIPATION.—

4 (1) IN GENERAL.—In carrying out the pilot
5 program required by subsection (a), the Secretary
6 shall limit participation—

7 (A) by individuals pursuant to paragraph
8 (2); and

9 (B) by Vet Centers pursuant to paragraph
10 (3).

11 (2) PARTICIPATION BY INDIVIDUALS.—

12 (A) IN GENERAL.—The Secretary shall
13 limit participation in the pilot program to indi-
14 viduals who are eligible for services at a partici-
15 pating Vet Center and experiencing financial
16 hardship.

17 (B) FINANCIAL HARDSHIP.—The Secretary
18 shall determine the meaning of “financial hard-
19 ship” for purposes of subparagraph (A).

20 (3) PARTICIPATION OF VET CENTERS.—Vet
21 Centers participating in the program shall be chosen
22 by the Secretary from among those serving individ-
23 uals in areas designated by the Secretary as rural or
24 highly rural or Tribal lands.

1 (c) TRAVEL ALLOWANCES AND REIMBURSEMENTS.—

2 Under the pilot program required by subsection (a), the
3 Secretary shall provide a participating individual a travel
4 allowance or reimbursement at the earliest time prac-
5 ticable, but not later than 10 business days after the date
6 of the appointment.

7 (d) DURATION.—The Secretary shall carry out the
8 pilot program required by subsection (a) during the five-
9 year period beginning on the date of the commencement
10 of the pilot program.

11 (e) LOCATIONS.—

12 (1) IN GENERAL.—The Secretary shall carry
13 out the pilot program at not fewer than five loca-
14 tions selected by the Secretary for purposes of the
15 pilot program.

16 (2) EXISTING INITIATIVE.—

17 (A) LOCATIONS PARTICIPATING IN EXIST-
18 ING INITIATIVE.—Of the locations selected
19 under paragraph (1), four shall be the locations
20 participating in the initiative commenced under
21 section 104(a) of the Honoring America's Vet-
22 erans and Caring for Camp Lejeune Families
23 Act of 2012 (Public Law 112–154), as most re-
24 cently amended by section 105 of the Con-
25 tinuing Appropriations and Ukraine Supple-

1 mental Appropriations Act, 2023 (Public Law
2 117–180), as of the date of the enactment of
3 this Act.

4 (B) TERMINATION OF EXISTING INITIA-
5 TIVE.—Section 104(a) of the Honoring Amer-
6 ica’s Veterans and Caring for Camp Lejeune
7 Families Act of 2012, as so amended, is further
8 amended by striking “September 30, 2023” and
9 inserting “the date on which the pilot program
10 required by subsection (a) of section 244 of the
11 Joseph Maxwell Cleland and Robert Joseph
12 Dole Memorial Veterans Benefits and Health
13 Care Improvement Act of 2022 commences at
14 each of the locations described in subsection
15 (e)(2)(A) of such section”.

16 (f) ANNUAL REPORTS.—

17 (1) IN GENERAL.—Not later than one year
18 after the date of the commencement of the pilot pro-
19 gram required by subsection (a) and each year
20 thereafter for the duration of the pilot program, the
21 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 a
24 report on the findings of the Secretary with respect
25 to the pilot program.

1 (2) CONTENTS.—Each report submitted under
2 paragraph (1) shall include the following:

3 (A) The number of individuals who bene-
4 fitted from the pilot program, disaggregated by
5 age, race or ethnicity, and sex, to the extent
6 possible.

7 (B) The average distance traveled by each
8 individual per each Vet Center.

9 (C) The definition of financial hardship de-
10 termined by the Secretary under subsection
11 (b)(2)(B).

12 (D) A description of how the funds are dis-
13 tributed.

14 (E) The average amount of funds distrib-
15 uted per instance, disaggregated by Vet Center.

16 (F) A description of any impediments to
17 the Secretary in paying expenses or allowances
18 under the pilot program.

19 (G) An assessment of the potential for
20 fraudulent receipt of payment under the pilot
21 program and the recommendations of the Sec-
22 retary for legislative or administrative action to
23 reduce such fraud.

24 (H) Such recommendations for legislative
25 or administrative action as the Secretary con-

1 siders appropriate with respect to the payment
2 of expenses or allowances.

3 (g) VET CENTER DEFINED.—In this section, the
4 term “Vet Center” means a center for readjustment coun-
5 seling and related mental health services for veterans
6 under section 1712A of title 38, United States Code.

7 **Subtitle E—VA Beneficiary Debt**
8 **Collection Improvement Act**

9 **SEC. 251. SHORT TITLE.**

10 This subtitle may be cited as the “VA Beneficiary
11 Debt Collection Improvement Act of 2022”.

12 **SEC. 252. PROHIBITION OF DEBT ARISING FROM OVERPAY-**
13 **MENT DUE TO DELAY IN PROCESSING BY THE**
14 **DEPARTMENT OF VETERANS AFFAIRS.**

15 (a) BAR TO RECOVERY.—

16 (1) IN GENERAL.—Chapter 53 of title 38,
17 United States Code, is amended by inserting after
18 section 5302A the following new section:

19 **“§ 5302B. Prohibition of debt arising from overpay-**
20 **ment due to delay in processing**

21 “(a) LIMITATION.—(1) Except as provided in para-
22 graph (2), no individual may incur a debt to the United
23 States that—

1 “(A) arises from the participation of the indi-
2 vidual in a program or benefit administered by the
3 Under Secretary for Benefits; and

4 “(B) is attributable to the failure of an em-
5 ployee or official of the Department to process infor-
6 mation provided by or on behalf of that individual
7 within applicable timeliness standards established by
8 the Secretary.

9 “(2) Nothing in this section shall be construed to af-
10 fect the penal and forfeiture provisions for fiduciaries set
11 forth in chapter 61 of this title.

12 “(b) NOTICE.—(1) If the Secretary determines that
13 the Secretary has made an overpayment to an individual,
14 the Secretary shall provide notice to the individual of the
15 overpayment.

16 “(2) Notice under paragraph (1) shall include a de-
17 tailed explanation of the right of the individual—

18 “(A) to dispute the overpayment, including a
19 detailed explanation of the process by which to dis-
20 pute the overpayment; or

21 “(B) to request a waiver of indebtedness.

22 “(c) DELAY ON COLLECTION.—(1) Subject to para-
23 graph (2), the Secretary may not take any action under
24 section 3711 of title 31 regarding an overpayment de-
25 scribed in a notice under subsection (b) of this section

1 until the date that is 90 days after the date the Secretary
2 issues such notice.

3 “(2) The Secretary may take action under section
4 3711 of title 31 regarding an overpayment described in
5 a notice under subsection (b) of this section before the
6 date that is 90 days after the date the Secretary issues
7 such notice if the Secretary determines that delaying such
8 action is—

9 “(A) likely to make repayment of such overpay-
10 ment more difficult for an individual;

11 “(B) likely to cause an unpaid debt to be re-
12 ferred to the Treasury Offset Program; or

13 “(C) not in the best interest of the individual.”.

14 (2) CLERICAL AMENDMENT.—The table of sec-
15 tions at the beginning of such chapter is amended
16 by inserting after the item relating to section 5302A
17 the following new item:

“5302B. Prohibition of debt arising from overpayment due to delay in pro-
cessing.”.

18 (3) DEADLINE.—The Secretary of Veterans Af-
19 fairs shall prescribe regulations to establish stand-
20 ards under section 5302B(a)(2) of such title, as
21 added by subsection (a), not later than 180 days
22 after the date of the enactment of this Act.

23 (b) PLAN FOR IMPROVED NOTIFICATION AND COM-
24 MUNICATION OF DEBTS.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, and one
3 year thereafter, the Secretary of Veterans Affairs
4 shall provide the Committee on Veterans' Affairs of
5 the Senate and the Committee on Veterans' Affairs
6 of the House of representatives a briefing and sub-
7 mit to such committees a report on the improvement
8 of the notification of and communication with indi-
9 viduals who receive overpayments made by the Sec-
10 retary.

11 (2) CONTENTS.—Each report under paragraph
12 (1) shall include each of the following:

13 (A) The plan of the Secretary to carry out
14 each of the following:

15 (i) The development and implementa-
16 tion of a mechanism by which individuals
17 enrolled in the patient enrollment system
18 under section 1705 of title 38, United
19 States Code, may view their monthly pa-
20 tient medical statements electronically.

21 (ii) The development and implementa-
22 tion of a mechanism by which individuals
23 eligible for benefits under the laws admin-
24 istered by the Secretary may receive elec-

2557

1 tronic correspondence relating to debt and
2 overpayment information.

3 (iii) The development and implemen-
4 tation of a mechanism by which individuals
5 eligible for benefits under the laws admin-
6 istered by the Secretary may access infor-
7 mation related to Department of Veterans
8 Affairs debt electronically.

9 (iv) The improvement and clarification
10 of Department communications relating to
11 overpayments and debt collection, including
12 letters and electronic correspondence and
13 including information relating to the most
14 common reasons individuals eligible for
15 benefits under the laws administered by
16 the Secretary incur debts to the United
17 States and the process for requesting a
18 waiver of such debt. The Secretary shall
19 develop such improvements and clarifica-
20 tions in consultation with veterans service
21 organizations, labor organizations that rep-
22 resent employees of the Department, other
23 relevant nongovernmental organizations,
24 the Committee on Veterans' Affairs of the

1 Senate, and the Committee on Veterans'
2 Affairs of the House of Representatives.

3 (B) A description of the current efforts
4 and plans for improving the accuracy of pay-
5 ments to individuals entitled to benefits under
6 the laws administered by the Secretary, includ-
7 ing specific data matching agreements.

8 (C) A description of steps to be taken to
9 improve the identification of underpayments to
10 such individuals and to improve Department
11 procedures and policies to ensure that such in-
12 dividuals who are underpaid receive adequate
13 compensation payments.

14 (D) A list of actions completed, implemen-
15 tation steps, and timetables for each require-
16 ment described in subparagraphs (A) through
17 (C).

18 (E) A description of any new legislative
19 authority required to complete any such re-
20 quirement.

2559

1 **SEC. 253. PROHIBITION ON DEPARTMENT OF VETERANS**
2 **AFFAIRS INTEREST AND ADMINISTRATIVE**
3 **COST CHARGES FOR DEBTS RELATING TO**
4 **CERTAIN 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
18 subsection (a) shall apply with respect to an indebtedness
19 that occurs on or after the date of the enactment of this
20 Act.

2560

1 **SEC. 254. EXTENSION OF WINDOW TO REQUEST RELIEF**
2 **FROM RECOVERY OF DEBT ARISING UNDER**
3 **LAWS ADMINISTERED BY THE SECRETARY OF**
4 **VETERANS AFFAIRS.**

5 (a) IN GENERAL.—Section 5302(a) of title 38,
6 United States Code, is amended by striking “180 days”
7 and inserting “one year”.

8 (b) EFFECTIVE DATE.—Subsection (a) shall take ef-
9 fect on the date that is two years after the date of the
10 enactment of this Act.

11 **SEC. 255. REFORMS RELATING TO RECOVERY BY DEPART-**
12 **MENT OF VETERANS AFFAIRS OF AMOUNTS**
13 **OWED BY INDIVIDUALS TO THE UNITED**
14 **STATES.**

15 (a) LIMITATION ON INDEBTEDNESS OFFSETS.—Sub-
16 section (a) of section 5314 of title 38, United States Code,
17 is amended—

18 (1) by inserting “(1)” before “Subject to”; and

19 (2) by adding at the end the following new
20 paragraph:

21 “(2) The Secretary may not make a deduction under
22 paragraph (1) while the existence or amount of such in-
23 debtedness is disputed under section 5314A of this title.”.

24 (b) ADMINISTRATIVE PROCESS FOR DISPUTE OF EX-
25 ISTENCE OR AMOUNT OF INDEBTEDNESS.—

1 (1) ESTABLISHMENT.—Chapter 53 of title 38,
2 United States Code, is amended by inserting after
3 section 5314 the following new section:

4 **“§ 5314A. Dispute of indebtedness**

5 “(a) ESTABLISHMENT.—The Secretary shall pre-
6 scribe regulations that establish an administrative process
7 for the dispute of the existence or amount of an indebted-
8 ness described in section 5314(a)(1) of this title (without
9 regard to whether the Secretary has made a deduction
10 under such section regarding such indebtedness).

11 “(b) STANDARDS.—The process under subsection (a)
12 shall be efficient, effective, and equitable.

13 “(c) TIMELINESS.—The Secretary shall ensure that
14 each dispute under subsection (a) proceeds in accordance
15 with standards for timeliness prescribed by the Secretary
16 under this section.

17 “(d) LIMITATION.—The Secretary may not submit to
18 any debt collector (as defined in section 803 of the Fair
19 Debt Collection Practices Act (15 U.S.C. 1692a)) any dis-
20 pute pending under this section.

21 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion shall be construed to modify the procedures for seek-
23 ing review of a decision of the agency of original jurisdic-
24 tion described in section 5104C(a)(1) of this title.”.

1 (2) EXISTING ADMINISTRATIVE PROCESS.—The
2 Secretary of Veterans Affairs shall carry out section
3 5314A of such title, as added by paragraph (1), by
4 improving the administrative process of the Depart-
5 ment of Veterans Affairs for the dispute of the exist-
6 ing or amount of an indebtedness that was in effect
7 on the day before the date of the enactment of this
8 Act.

9 (3) IMPROVEMENTS TO DEPARTMENT WEBSITE
10 AND NOTICES.—In carrying out paragraph (2), the
11 Secretary shall—

12 (A) improve the website of the Depart-
13 ment; and

14 (B) ensure that such website and written
15 notices sent to a person about indebtedness de-
16 scribed in section 5314(a) of title 38, United
17 States Code, contain all information a person
18 needs to dispute such an indebtedness, includ-
19 ing a description of—

20 (i) the specific actions the person will
21 need to take in order to dispute the indebt-
22 edness;

23 (ii) the documentation that will be re-
24 quired for the dispute; and

2563

1 (iii) how the documentation is to be
2 submitted.

3 (4) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of such chapter is amended
5 by inserting after the item relating to section 5314
6 the following new item:

“5314A. Dispute of indebtedness.”.

7 (c) LIMITATION ON AUTHORITY TO RECOVER
8 DEBTS.—Section 5302(a) of title 38, United States Code,
9 is amended—

10 (1) by inserting “(1)” before “There”; and

11 (2) by adding at the end the following new
12 paragraph:

13 “(2) The Secretary may not seek to recover an in-
14 debtedness described in paragraph (1) if the Secretary de-
15 termines that the cost to the Department to recover such
16 indebtedness, as determined when the debt is established,
17 would exceed the amount of the indebtedness.”.

18 **TITLE III—HOMELESSNESS**
19 **MATTERS**

20 **SEC. 301. ADJUSTMENTS OF GRANTS AWARDED BY THE**
21 **SECRETARY OF VETERANS AFFAIRS FOR**
22 **COMPREHENSIVE SERVICE PROGRAMS TO**
23 **SERVE HOMELESS VETERANS.**

24 (a) ELIMINATION OF MATCHING REQUIREMENT.—

1 (1) IN GENERAL.—Section 2011(e) of title 38,
2 United States Codes, is amended—

3 (A) by striking paragraph (2); and

4 (B) by redesignating paragraph (3) as
5 paragraph (2).

6 (2) APPLICABILITY.—The amendments made
7 by paragraph (1) shall apply with respect to any
8 grant awarded under section 2011 of title 38,
9 United States Code, on or after the date of the en-
10 actment of this Act.

11 (3) DETERMINATION OF AMOUNT OF GRANT.—
12 On or after the date that is five years after the date
13 of the enactment of this Act, the Secretary of Vet-
14 erans Affairs may determine the maximum amount
15 of a grant under section 2011 of title 38, United
16 States Code, which shall be not less than 70 percent
17 of the estimated cost of the project concerned.

18 (4) SUNSET.—Section 4201(b)(2) of the John-
19 ny Isakson and David P. Roe, M.D. Veterans Health
20 Care and Benefits Improvement Act of 2020 (Public
21 Law 116–315; 134 Stat. 5009; 38 U.S.C. 2011
22 note) is amended—

23 (A) by striking “Subsection (e)(2)” and in-
24 serting the following:

2565

1 “(A) IN GENERAL.—Subsection (c)(2)”;

2 and

3 (B) by adding at the end the following new
4 subparagraph:

5 “(B) SUNSET.—Subparagraph (A) shall
6 cease to be effective on the date of the enact-
7 ment of the Joseph Maxwell Cleland and Robert
8 Joseph Dole Memorial Veterans Benefits and
9 Health Care Improvement Act of 2022.”.

10 (b) ELIMINATION OF PROPERTY DISPOSITION RE-
11 QUIREMENTS.—

12 (1) IN GENERAL.—A recipient of a grant
13 awarded under section 2011 of title 38, United
14 States Code, on or after the date of the enactment
15 of this Act for a project described in subsection
16 (b)(1) of such section shall not be subject to any
17 real property or equipment disposition requirements
18 relating to the grant under section 61.67 of title 38,
19 Code of Federal Regulations, sections 200.311(c)
20 and 200.313(e) of title 2, Code of Federal Regula-
21 tions, or successor regulations.

22 (2) SUNSET.—Section 4201(b)(6) of the John-
23 ny Isakson and David P. Roe, M.D. Veterans Health
24 Care and Benefits Improvement Act of 2020 (Public

2566

1 Law 116–315; 134 Stat. 5010; 38 U.S.C. 2011
2 note) is amended—

3 (A) by striking “During” and inserting the
4 following:

5 “(A) IN GENERAL.—During”; and

6 (B) by adding at the end the following new
7 subparagraph:

8 “(B) SUNSET.—Subparagraph (A) shall
9 cease to be effective on the date of the enact-
10 ment of the Joseph Maxwell Cleland and Robert
11 Joseph Dole Memorial Veterans Benefits and
12 Health Care Improvement Act of 2022.”.

13 **SEC. 302. MODIFICATIONS TO PROGRAM TO IMPROVE RE-**
14 **TENTION OF HOUSING BY FORMERLY HOME-**
15 **LESS VETERANS AND VETERANS AT RISK OF**
16 **BECOMING HOMELESS.**

17 Section 2013 of title 38, United States Code, is
18 amended—

19 (1) by redesignating subsection (b) as sub-
20 section (d);

21 (2) by inserting after subsection (a) the fol-
22 lowing new subsections:

23 “(b) SERVICES.—Services provided under the pro-
24 gram shall include services to assist veterans described in
25 subsection (a) with navigating resources provided by the

1 Federal Government and State, local, and Tribal govern-
2 ments.

3 “(c) STAFFING.—In geographic areas where individ-
4 uals who meet the licensure and certification requirements
5 to provide services under the program are in high demand
6 as determined by the Secretary, such services may be pro-
7 vided through one or more individuals with a master’s de-
8 gree in social work who are undergoing training to meet
9 such requirements, if such individuals are under the super-
10 vision of an individual who meets such requirements.”;
11 and

12 (3) in subsection (d), as redesignated by para-
13 graph (1), by adding at the end the following new
14 paragraph:

15 “(3) The Secretary shall require each recipient of a
16 grant awarded under this subsection to submit to the Sec-
17 retary a report that describes the services provided or co-
18 ordinated with amounts under such grant.”.

19 **SEC. 303. MODIFICATIONS TO HOMELESS VETERANS RE-**
20 **INTEGRATION PROGRAMS.**

21 (a) IN GENERAL.—Section 2021 of title 38, United
22 States Code, is amended to read as follows:

23 **“§ 2021. Homeless veterans reintegration programs**

24 “(a) IN GENERAL.—Subject to the availability of ap-
25 propriations provided for such purpose, the Secretary of

1 Labor shall conduct, directly or through grant or contract,
2 such programs as that Secretary determines appropriate
3 to provide job training, counseling, and placement services
4 (including job readiness and literacy and skills training)
5 to expedite the reintegration into the labor force of—

6 “(1) homeless veterans, including—

7 “(A) veterans who were homeless but
8 found housing during the 60-day period pre-
9 ceeding the date on which the veteran begins to
10 participate in a program under this section; and

11 “(B) veterans who are at risk of homeless-
12 ness during the 60-day period beginning on the
13 date on which the veteran begins to participate
14 in a program under this section;

15 “(2) veterans participating in the Department
16 of Housing and Urban Development-Department of
17 Veterans Affairs supported housing program for
18 which rental assistance is provided pursuant to sec-
19 tion 8(o)(19) of the United States Housing Act of
20 1937 (42 U.S.C. 1437f(o)(19)) or the Tribal HUD-
21 VA Supportive Housing (Tribal HUD-VASH) pro-
22 gram;

23 “(3) Indians who are veterans and receiving as-
24 sistance under the Native American Housing Assist-

1 ance and Self-Determination Act of 1996 (25 U.S.C.
2 4101 et seq.);

3 “(4) veterans described in section 2023(d) of
4 this title or any other veterans who are transitioning
5 from being incarcerated; and

6 “(5) veterans participating in the Department
7 of Veterans Affairs rapid rehousing and prevention
8 program authorized in section 2044 of this title.

9 “(b) GRANTS.—(1) In awarding grants for purposes
10 of conducting programs described in subsection (a), the
11 Secretary of Labor shall, to the maximum extent prac-
12 ticable, consider applications for fundable grants from en-
13 tities in all States.

14 “(2) In each State in which no entity has been award-
15 ed a grant described in paragraph (1) as of the date of
16 the enactment of the Joseph Maxwell Cleland and Robert
17 Joseph Dole Memorial Veterans Benefits and Health Care
18 Improvement Act of 2022, the Secretary of Labor shall,
19 in coordination with the Director of Veterans’ Employ-
20 ment and Training in the State, organize and conduct an
21 outreach and education program to ensure communities
22 are aware of the programs conducted under this section
23 and the benefits of the programs.

24 “(c) TRAINING AND TECHNICAL ASSISTANCE.—(1)
25 The Secretary of Labor shall provide training and tech-

1 nical assistance to entities seeking a grant or contract
2 under this section and recipients of a grant or contract
3 under this section regarding the planning, development,
4 and provision of services for which the grant or contract
5 is awarded, including before and during the grant applica-
6 tion or contract award period.

7 “(2) The training and technical assistance provided
8 under paragraph (1) shall include outreach and assistance
9 specifically designed for entities serving regions and popu-
10 lations underserved by the programs conducted under this
11 section.

12 “(3) The Secretary of Labor may provide training
13 and technical assistance under paragraph (1) directly or
14 through grants or contracts with such public or nonprofit
15 private entities as that Secretary considers appropriate.

16 “(d) REQUIREMENT TO MONITOR EXPENDITURES OF
17 FUNDS.—(1) The Secretary of Labor shall collect such in-
18 formation as that Secretary considers appropriate to mon-
19 itor and evaluate the distribution and expenditure of funds
20 appropriated to carry out this section.

21 “(2) Information collected under paragraph (1) shall
22 include data with respect to the results or outcomes of
23 the services provided to each homeless veteran under this
24 section.

1 “(3) Information collected under paragraph (1) shall
2 be furnished in such form and manner as the Secretary
3 of Labor may specify.

4 “(e) ADMINISTRATION THROUGH ASSISTANT SEC-
5 RETARY OF LABOR FOR VETERANS’ EMPLOYMENT AND
6 TRAINING.—The Secretary of Labor shall carry out this
7 section through the Assistant Secretary of Labor for Vet-
8 erans’ Employment and Training.

9 “(f) PROVISION OF SERVICES TO VETERANS IN CER-
10 TAIN INSTITUTIONS.—(1) The Attorney General of the
11 United States shall permit a recipient of a grant or con-
12 tract under this section or section 2023 of this title to
13 provide services under this section or section 2023 of this
14 title to any veteran described in subsection (a)(4) who is
15 residing in a penal institution under the jurisdiction of the
16 Bureau of Prisons.

17 “(2) The recipient of a grant or contract under this
18 section may provide to officials of an institution described
19 in paragraph (1) information regarding the services pro-
20 vided to veterans under this section and section 2023 of
21 this title during the 18-month period preceding the release
22 or discharge of a veteran from the institution.

23 “(g) REPORT ON SERVICES PROVIDED.—(1) The
24 Secretary of Labor shall require each recipient of a grant
25 or contract under this section to submit to that Secretary

1 a report on the services provided and veterans served
2 using grant or contract amounts not later than 90 days
3 after the end of each program year, beginning with the
4 program year the begins after the date of the enactment
5 of the Joseph Maxwell Cleland and Robert Joseph Dole
6 Memorial Veterans Benefits and Health Care Improve-
7 ment Act of 2022.

8 “(2) To the extent practicable, each report submitted
9 under paragraph (1) shall—

10 “(A) disaggregate the number of veterans
11 served by—

12 “(i) sex;

13 “(ii) age;

14 “(iii) race;

15 “(iv) ethnicity;

16 “(v) approximate era in which the veteran
17 served in the Armed Forces;

18 “(vi) the highest level of education at-
19 tained;

20 “(vii) the average period of time the vet-
21 eran was unemployed or underemployed before
22 receiving services under this section and while
23 receiving such services; and

24 “(viii) housing status as of—

2573

1 “(I) the date on which the veteran is
2 first enrolled in services under this section;
3 and

4 “(II) any subsequent date, if such
5 data is available; and

6 “(B) include data on the number of veterans re-
7 ceiving services under this section who are eligible
8 for health care and benefits provided by the Depart-
9 ment of Veterans Affairs.

10 “(h) REPORTS TO CONGRESS.—(1) Not less fre-
11 quently than every two years, the Secretary of Labor shall
12 submit to Congress a report on the programs conducted
13 under this section. The Secretary of Labor shall include
14 in the report the following:

15 “(A) An evaluation of services furnished to vet-
16 erans under this section.

17 “(B) An analysis of the information collected
18 under subsection (d).

19 “(C) An identification of—

20 “(i) the total number of applications for
21 grants under this section that the Secretary of
22 Labor received during the fiscal year preceding
23 the date on which the report is submitted; and

24 “(ii) the number of such applications that
25 were denied.

1 “(D) With respect to each State in which no
2 entity was awarded a grant under this section dur-
3 ing the fiscal year preceding the date on which the
4 report is submitted—

5 “(i) an identification of the top five rea-
6 sons why entities that applied for such a grant
7 were not awarded the grant; and

8 “(ii) information regarding the specific cri-
9 teria used to score the applications and an ex-
10 planation of if, how, or why such criteria dif-
11 fered from the previous fiscal year.

12 “(2) Not later than 180 days after the end of the
13 program year that begins after the date of the enactment
14 of the Joseph Maxwell Cleland and Robert Joseph Dole
15 Memorial Veterans Benefits and Health Care Improve-
16 ment Act of 2022, and not later than 120 days after the
17 end of each program year thereafter, the Secretary of
18 Labor shall submit to the Committee on Veterans’ Affairs
19 of the Senate and the Committee on Veterans’ Affairs of
20 the House of Representatives a report setting forth the
21 following:

22 “(A) Data obtained from the reports submitted
23 under subsection (g), disaggregated by geographic
24 location.

2575

1 “(B) The number of grants and contracts not
2 awarded under this section due to insufficient funds.

3 “(C) The number of returning recipients of
4 grants or contracts that were and were not awarded
5 grants or contracts under this section during the
6 most recent application cycle.

7 “(D) The number of applications received from
8 entities in States in which no entities received a
9 grant or contract under this section.

10 “(E) The number of veterans who were admit-
11 ted to a program conducted under this section but
12 not placed in a job following participation in such
13 program, disaggregated by geographic location, age,
14 sex, and race or ethnicity.

15 “(i) AUTHORIZATION OF APPROPRIATIONS.—(1)
16 There are authorized to be appropriated to carry out this
17 section amounts as follows:

18 “(A) \$50,000,000 for fiscal year 2002.

19 “(B) \$50,000,000 for fiscal year 2003.

20 “(C) \$50,000,000 for fiscal year 2004.

21 “(D) \$50,000,000 for fiscal year 2005.

22 “(E) \$50,000,000 for fiscal year 2006.

23 “(F) \$50,000,000 for each of fiscal years 2007
24 through 2023.

2576

1 “(G) \$60,000,000 for fiscal year 2024 and each
2 fiscal year thereafter.

3 “(2) Funds appropriated to carry out this section
4 shall remain available until expended. Funds obligated in
5 any fiscal year to carry out this section may be expended
6 in that fiscal year and the succeeding fiscal year.”.

7 (b) CONFORMING AMENDMENT.—Section 2021A(e)
8 of title 38, United States Code, is amended by striking
9 “section 2021(d)” and inserting “section 2021(h)(1)”.

10 **SEC. 304. EXPANSION AND EXTENSION OF DEPARTMENT OF**
11 **VETERANS AFFAIRS HOUSING ASSISTANCE**
12 **FOR HOMELESS VETERANS.**

13 (a) EXPANSION.—Subsection (a) of section 2041 of
14 title 38, United States Code, is amended—

15 (1) in paragraph (1)—

16 (A) in the matter preceding subparagraph
17 (A), by inserting “or permanent housing” after
18 “shelter”;

19 (B) in subparagraph (A), by striking
20 “named in, or approved by the Secretary under,
21 section 5902 of this title” and inserting “that
22 is the recipient of a grant under section 2011,
23 2013, 2044, or 2061 of this title”; and

24 (C) in subparagraph (B), by inserting “or
25 tribal entity,” after “State”; and

2577

1 (2) in paragraph (3)(B)—

2 (A) in clause (i)—

3 (i) by inserting “or permanent hous-
4 ing” after “shelter”;

5 (ii) by inserting “(I)” before “utilize”;

6 (iii) by striking the comma and insert-
7 ing “; or”; and

8 (iv) by adding at the end the following
9 new subclause:

10 “(II) sell or rent the property directly
11 to homeless veterans or veterans at risk of
12 homelessness;”; and

13 (B) in each of clauses (ii) and (iii), by
14 striking the comma and inserting a semicolon.

15 (b) EXTENSION.—Subsection (c) of such section is
16 amended by striking “September 30, 2017” and inserting
17 “September 30, 2026”.

18 **SEC. 305. TRAINING AND TECHNICAL ASSISTANCE PRO-**
19 **VIDED BY SECRETARY OF VETERANS AF-**
20 **FAIRS TO CERTAIN ENTITIES.**

21 (a) SUPPORTIVE SERVICES FOR VERY LOW-INCOME
22 FAMILIES IN PERMANENT HOUSING.—Section 2044(e) of
23 title 38, United States Code, is amended—

24 (1) by striking paragraphs (2) and (3); and

1 (2) by striking “(1) From amounts” and insert-
2 ing “From amounts”.

3 (b) COMPREHENSIVE SERVICE PROGRAMS.—

4 (1) IN GENERAL.—Subchapter II of chapter 20
5 of title 38, United States Code, is amended—

6 (A) by redesignating section 2014 as sec-
7 tion 2016; and

8 (B) by inserting after section 2013 the fol-
9 lowing new sections 2014 and 2015:

10 **“§ 2014. Training and technical assistance for recipi-**
11 **ents of certain financial assistance**

12 “(a) IN GENERAL.—The Secretary shall provide
13 training and technical assistance to recipients of grants
14 under sections 2011 and 2013 of this title and recipients
15 of per diem payments under sections 2012 and 2061 of
16 this title regarding the planning, development, and provi-
17 sion of services for which the grant or payment is made.

18 “(b) PROVISION OF TRAINING AND TECHNICAL AS-
19 SISTANCE.—The Secretary may provide training and tech-
20 nical assistance under subsection (a) directly or through
21 grants or contracts with such public or nonprofit private
22 entities as the Secretary considers appropriate.

1 **“§ 2015. Training and technical assistance for entities**
2 **regarding services provided to veterans**
3 **at risk of, experiencing, or transitioning**
4 **out of homelessness**

5 “(a) IN GENERAL.—The Secretary shall provide
6 training and technical assistance to entities serving vet-
7 erans at risk of, experiencing, or transitioning out of
8 homelessness regarding—

9 “(1) the provision of such services to such vet-
10 erans; and

11 “(2) the planning and development of such
12 services.

13 “(b) COORDINATION.—The Secretary may coordinate
14 the provision of training and technical assistance under
15 subsection (a) with the Secretary of Housing and Urban
16 Development and the Secretary of Labor.

17 “(c) ELEMENTS.—The training and technical assist-
18 ance provided under subsection (a) shall include coordina-
19 tion and communication of best practices among all pro-
20 grams administered by the Veterans Health Administra-
21 tion directed at serving veterans at risk of, experiencing,
22 or transitioning out of homelessness.

23 “(d) PROVISION OF TRAINING.—The Secretary may
24 provide the training and technical assistance under sub-
25 section (a) directly or through grants or contracts with

1 such public or nonprofit private entities as the Secretary
2 considers appropriate.”.

3 (2) USE OF AMOUNTS.—The Secretary of Vet-
4 erans Affairs shall provide training and technical as-
5 sistance under sections 2014 and 2015 of such title,
6 as inserted by paragraph (1)(B), using amounts ap-
7 propriated or otherwise made available to the De-
8 partment of Veterans Affairs on or after the date of
9 the enactment of this Act.

10 (3) CONFORMING AMENDMENT.—Section
11 20013(a) of the Coronavirus Aid, Relief, and Eco-
12 nomic Security Act (38 U.S.C. 2011 note) is amend-
13 ed by striking “2014” and inserting “2016”.

14 (4) CLERICAL AMENDMENT.—The table of sec-
15 tions at the beginning of chapter 20 of such title is
16 amended by striking the item relating to section
17 2014 and inserting the following new items:

“2014. Training and technical assistance for recipients of certain financial as-
sistance.

“2015. Training and technical assistance for entities regarding services provided
to veterans at risk of, experiencing, or transitioning out of
homelessness.

“2016. Authorization of appropriations.”.

2581

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)
13 through (E) as subparagraphs (C) through (F), re-
14 spectively; and

15 (2) by inserting after subparagraph (A) the fol-
16 lowing new subparagraph (B):

17 “(B) providing case management services
18 to veterans for obtaining suitable housing at
19 varying locations nationwide or in the area or
20 areas similar to where the services will be pro-
21 vided under the relevant contract or agree-
22 ment;”.

2582

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
8 of the Department of Veterans Affairs shall—

9 (1) provide to staff of medical centers of the
10 Department of Veterans Affairs and homelessness
11 service providers of the Department the information
12 described 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, homeless-
20 ness service providers of the Department, and local part-
21 ners (including local offices of the Department of Housing
22 and Urban Development or public housing agencies, and
23 private and public local community organizations) on the
24 centralized or coordinated assessment systems established
25 and operated by Continuums of Care under section
26 578.7(a)(8) of title 24, Code of Federal Regulations, in-

1 cluding making referrals and sharing data, as the Under
2 Secretary determines 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
8 of Veterans Affairs shall clearly communicate with em-
9 ployees of the Department of Veterans Affairs whose re-
10 sponsibilities are related to homelessness assistance pro-
11 grams regarding—

12 (1) the measurement of performance of such
13 programs by the Homeless Programs Office of the
14 Department; 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
20 shall work together to develop a system for effectively
21 sharing and reporting data between the community-wide
22 homeless management information system described in
23 section 402(f)(3) of the McKinney-Vento Homeless Assist-
24 ance Act (42 U.S.C. 11360a(f)(3)) and the Homeless Op-

1 erations Management and Evaluation System of the De-
2 partment of Veterans Affairs.

3 (b) DEADLINE.—The Secretary of Veterans Affairs
4 and the Secretary of Housing and Urban Development
5 shall ensure that the system developed under subsection
6 (a) is operational not later than three years after the date
7 of the enactment 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.—

1 (1) IN GENERAL.—In carrying out the pilot
2 program, the Secretary shall award grants to eligible
3 entities 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
8 under this section.

9 (3) PREFERENCE.—In awarding grants under
10 this section, the Secretary shall give preference to el-
11 igible entities that are recipients of grants under
12 sections 2012 and 2061 of title 38, United States
13 Code, as of the date on which the entity applies for
14 a grant under this section.

15 (4) EQUITABLE DISTRIBUTION;
16 PRIORITIZATION.—

17 (A) EQUITABLE DISTRIBUTION.—The Sec-
18 retary shall ensure that, to the extent prac-
19 ticable, grant amounts awarded under para-
20 graph (1) are equitably distributed among eligi-
21 ble entities 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—

2586

- 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 in-
8 tervals 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
16 appropriately qualified medical staff to care for vet-
17 erans described in subsection (a) who require assist-
18 ance with activities of daily living or need consistent
19 medical attention and monitoring; and

20 (2) may use such amounts for supplies, admin-
21 istrative support, and infrastructure needs associ-
22 ated with the duties of such staff and the needs of
23 such veterans.

24 (e) REQUIREMENTS FOR RECEIPT OF GRANTS.—

1 (1) NOTIFICATION THAT SERVICES ARE FROM
2 DEPARTMENT.—Each entity receiving a grant under
3 this section shall notify the recipients of services
4 provided pursuant to grant amounts that such serv-
5 ices are being paid for, in whole or in part, by the
6 Department.

7 (2) COORDINATION.—An entity receiving a
8 grant under this section shall—

9 (A) coordinate with the Secretary with re-
10 spect to the provision of clinical services to eli-
11 gible 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 as-
15 sistance under this section from the entity of
16 the ability of the veteran to apply for enroll-
17 ment in the patient enrollment system of the
18 Department under section 1705(a) of title 38,
19 United States Code; and

20 (C) if such a veteran wishes to so enroll,
21 inform the veteran of a point of contact at the
22 Department who can assist the veteran in such
23 enrollment.

24 (f) REPORT ON SERVICES PROVIDED.—The Sec-
25 retary shall require each eligible entity awarded a grant

1 under this section to submit to the Secretary a report that
2 describes the services provided or coordinated with
3 amounts under 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
9 after the date on which the first grants are awarded
10 under this section, and annually thereafter until the
11 program terminates, the Secretary shall submit to
12 the Committee on Veterans' Affairs of the Senate
13 and the Committee on Veterans' Affairs of the
14 House of Representatives a report on the effective-
15 ness of the program.

16 (2) ELEMENTS.—The report required by para-
17 graph (1) shall include the number of veterans
18 served by the pilot program under the care of a staff
19 member the funding for whom is provided by a
20 grant under the program, disaggregated by—

21 (A) geographic location;

22 (B) sex;

23 (C) age;

24 (D) race and ethnicity;

2589

1 (E) whether or not a veteran received
2 health care from the Department during the
3 two-year period preceding the date on which the
4 veteran began participating in the program;

5 (F) the number of veterans who
6 transitioned into permanent housing as a result
7 of participation 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**
16 **SUBSTANCE 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
24 veterans who are homeless, were previously homeless and

1 are transitioning to permanent housing, or are at risk of
2 becoming 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
11 program, the Secretary shall award a grant to an el-
12 igible entity for each veteran with substance use dis-
13 order participating in the pilot program for which
14 the eligible entity is providing or coordinating the
15 provision of recovery services for substance use dis-
16 order under 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-

1 sion of recovery services for substance use disorder
2 for veterans with substance-use dependency who face
3 barriers in accessing substance-use recovery services
4 from 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
9 rural and Tribal communities.

10 (5) **REPORT ON SERVICES PROVIDED.**—The
11 Secretary shall require each eligible entity awarded
12 a grant under paragraph (1) to submit to the Sec-
13 retary a report that describes the services provided
14 or coordinated 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
19 provided pursuant to grant amounts that such serv-
20 ices are being paid for, in whole or in part, by the
21 Department.

22 (2) **COORDINATION.**—An entity receiving a
23 grant under this section shall—

24 (A) coordinate with the Secretary with re-
25 spect to the provision of clinical services to eli-

2592

1 gible individuals or any other provisions of law
2 regarding the delivery of health care by the Sec-
3 retary;

4 (B) inform each veteran who receives as-
5 sistance under this section from the entity of
6 the ability of the veteran to apply for enroll-
7 ment in the patient enrollment system of the
8 Department under section 1705(a) of title 38,
9 United States Code; and

10 (C) if such a veteran wishes to so enroll,
11 inform the veteran of a point of contact at the
12 Department who can assist the veteran in such
13 enrollment.

14 (f) GRANT APPLICATION.—

15 (1) IN GENERAL.—An eligible entity seeking
16 the award of a grant under this section shall submit
17 to the Secretary an application therefor in such
18 form, in such manner, and containing such commit-
19 ments and information as the Secretary considers
20 necessary to carry out this section.

21 (2) CONTENTS OF APPLICATION.—Each appli-
22 cation submitted by an eligible entity under para-
23 graph (1) shall contain the following:

24 (A) A description of the recovery services
25 for substance use disorder proposed to be pro-

1 vided by the eligible entity under the pilot pro-
2 gram 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 eligi-
10 ble entity in providing such recovery services to
11 veterans 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
22 disorder.

23 (3) CRITERIA FOR SELECTION.—

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
5 under subparagraph (A) with respect to an eli-
6 gible entity 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 bene-
16 fits 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
21 planning, development, and provision of recovery
22 services for substance use disorder under this sec-
23 tion.

24 (2) PROVISION OF TRAINING.—The Secretary
25 may provide the training required under paragraph

1 (1) directly or through grants or contracts with such
2 public or nonprofit private entities as the Secretary
3 considers appropriate for purposes of this section,
4 including through grants awarded under section
5 2064 of title 38, United States Code.

6 (i) COLLECTION OF INFORMATION.—To the extent
7 practicable, the Secretary may collect information from an
8 eligible entity awarded a grant under this section relating
9 to a substance use disorder of a veteran participating in
10 the pilot program for inclusion in the electronic health
11 record of the Department for such veteran for the sole
12 purpose of improving care provided to such veteran.

13 (j) STUDY ON EFFECTIVENESS OF PILOT PRO-
14 GRAM.—

15 (1) IN GENERAL.—The Secretary shall conduct
16 a study on the effectiveness of the pilot program in
17 meeting the needs of veterans with substance use
18 disorder.

19 (2) COMPARISON.—In conducting the study re-
20 quired by paragraph (1), the Secretary shall com-
21 pare the results of the pilot program with other pro-
22 grams of the Department dedicated to the delivery
23 to veterans of recovery services for substance use
24 disorder.

2596

1 (3) CRITERIA.—In making the comparison re-
2 quired by paragraph (2), to the extent data is avail-
3 able, the Secretary shall examine the following:

4 (A) The satisfaction of veterans targeted
5 by the programs described in paragraph (2).

6 (B) The health status of such veterans, in-
7 cluding mental health.

8 (C) The degree to which such programs
9 encourage such veterans to engage in produc-
10 tive activity.

11 (D) The number of veterans using such
12 programs, disaggregated by—

13 (i) veterans who have received health
14 care provided by the Department during
15 the two-year period preceding the conduct
16 of the study;

17 (ii) veterans who have not received
18 health care provided by the Department
19 during such period;

20 (iii) veterans eligible for health care
21 provided by the Department, disaggregated
22 by—

23 (I) veterans eligible for services
24 from the Department similar to serv-

2597

1 ices provided under the pilot program;
2 and

3 (II) veterans not eligible for such
4 services from the Department; and

5 (iv) veterans ineligible for health care
6 provided by the Department.

7 (E) The number of veterans who are still
8 homeless or at risk of becoming homeless one
9 year after completion of receipt of recovery
10 services under such programs.

11 (F) The number of veterans who still have
12 a substance use disorder that negatively im-
13 pacts their daily living and ability to maintain
14 independent housing 180 days after discharge
15 from receipt of services provided under this sec-
16 tion.

17 (G) The status of the discharge from the
18 Armed Forces of veterans covered under this
19 paragraph.

20 (4) REPORTS.—Not later than one year after
21 the date on which the first grant is awarded under
22 this section, and annually thereafter, the Secretary
23 shall submit to the Committee on Veterans' Affairs
24 of the Senate and the Committee on Veterans' Af-

1 fairs of the House of Representatives a report on the
2 results of the study required by paragraph (1).

3 (k) DEFINITIONS.—In this section:

4 (1) ELIGIBLE ENTITY.—The term “eligible enti-
5 ty” means any of the following:

6 (A) An incorporated private institution or
7 foundation—

8 (i) no part of the net earnings of
9 which inures to the benefit of any member,
10 founder, contributor, or individual;

11 (ii) that has a governing board that is
12 responsible for the operation of the recov-
13 ery services for substance use disorder pro-
14 vided under this section; and

15 (iii) that is approved by the Secretary
16 with respect to financial responsibility.

17 (B) A for-profit limited partnership, the
18 sole general partner of which is an organization
19 meeting the requirements of subparagraph (A).

20 (C) A corporation wholly owned and con-
21 trolled by an organization meeting the require-
22 ments of subparagraph (A).

23 (D) A tribally designated housing entity
24 (as defined in section 4 of the Native American

2599

1 Housing Assistance and Self-Determination Act
2 of 1996 (25 U.S.C. 4103)).

3 (2) SUBSTANCE USE DISORDER.—The term
4 “substance use disorder”, with respect to a veteran,
5 means the veteran has been diagnosed with, or is
6 seeking treatment for, substance use disorder, as de-
7 termined by the Secretary.

8 **SEC. 312. REPORT BY COMPTROLLER GENERAL OF THE**
9 **UNITED STATES ON AFFORDABLE HOUSING**
10 **FOR VETERANS.**

11 (a) REPORT REQUIRED.—Not later than three years
12 after the date of the enactment of this Act, the Comp-
13 troller General of the United States shall submit to the
14 Committee on Veterans’ Affairs of the Senate and the
15 Committee on Veterans’ Affairs of the House of Rep-
16 resentatives a report on the availability of affordable hous-
17 ing for veterans who have or are participating in any pro-
18 gram administered by the Homeless Programs Office of
19 the Department of Veterans Affairs.

20 (b) CONTENTS.—The report required by subsection
21 (a) shall include, with respect to the one-year period pre-
22 ceding the date of the enactment of this Act, the following:

23 (1) The number of veterans using housing
24 vouchers under the program carried out under sec-
25 tion 8(o)(19) of the United States Housing Act of

2600

1 1937 (42 U.S.C. 1437f(o)(19)) (commonly referred
2 to as “HUD–VASH”).

3 (2) The number of veterans who were allocated
4 a housing voucher described in paragraph (1) but
5 who have been unable to attain permanent housing.

6 (3) The number of available housing vouchers
7 described in paragraph (1) that are unused for any
8 reason.

9 (4) Available data regarding the number of vet-
10 erans who were discharged from transitional housing
11 provided using amounts provided under sections
12 2061 and 2012 of title 38, United States Code, and
13 did not transition to permanent housing due to a
14 shortage of—

15 (A) case managers under the program de-
16 scribed in paragraph (1);

17 (B) housing vouchers described in such
18 paragraph; or

19 (C) housing that meets the requirements
20 and limitations with respect to such vouchers.

21 (c) DISAGGREGATION.—The contents of the report
22 described in paragraphs (1), (2), and (4) of subsection (b)
23 shall be disaggregated by veterans with a household in-
24 come that does not exceed—

25 (1) the area median income;

2601

1 (2) 80 percent of the area median income;

2 (3) 50 percent of the area median income; and

3 (4) 30 percent of the area median income.

4 **SEC. 313. STUDY ON FINANCIAL AND CREDIT COUNSELING.**

5 (a) **STUDY REQUIRED.**—The Secretary of Veterans
6 Affairs shall conduct a comprehensive study on—

7 (1) the use of and variation of financial and
8 credit counseling services available for homeless vet-
9 erans and veterans experiencing housing instability;

10 (2) barriers to accessing financial and credit
11 counseling for such veterans; and

12 (3) the ability to evaluate and assess the poten-
13 tial effects of financial and credit counseling for
14 such veterans with respect to housing, employment,
15 income, and other outcomes the Secretary deter-
16 mines appropriate.

17 (b) **METHODOLOGY.**—In conducting the study under
18 subsection (a), the Secretary shall—

19 (1) survey—

20 (A) homeless veterans and veterans experi-
21 encing housing instability who are enrolled in
22 the Supportive Services for Veterans Families
23 program;

2602

1 (B) such veterans who do not seek or re-
2 ceive the care or services under such program
3 or a similar program;

4 (C) grantees of the Supportive Services for
5 Veterans Families program;

6 (D) financial and credit counselors; and

7 (E) persons who are subject matter experts
8 regarding the use of financial and credit coun-
9 seling services that the Secretary determines
10 appropriate; and

11 (2) administer the survey to a representative
12 sample of homeless veterans and veterans experi-
13 encing housing instability in areas with high veteran
14 homelessness.

15 (c) USE AND VARIATION OF SERVICES.—In con-
16 ducting the study under subsection (a)(1), the Secretary
17 shall—

18 (1) use data from the Supportive Services for
19 Veterans Families program and other data collected
20 by the Department of Veterans Affairs, data col-
21 lected by other departments or agencies of the Fed-
22 eral Government, and data collected by nongovern-
23 mental entities to compare the use of and variation
24 of financial and credit counseling services available
25 for homeless veterans and veterans experiencing

1 housing instability and such use and variation for
2 other individuals; and

3 (2) assess such services made available through
4 the Supportive Services for Veterans Families pro-
5 gram, including with respect to the types, modes of
6 delivery, duration, consistency, and quality, of such
7 services.

8 (d) BARRIERS TO COUNSELING.—In conducting the
9 study under subsection (a)(2), the Secretary shall conduct
10 research on the effects of the following perceived barriers
11 to financial and credit counseling for homeless veterans
12 and veterans experiencing housing instability surveyed in
13 the study:

14 (1) The cost of financial and credit counseling
15 services.

16 (2) The perceived stigma associated with seek-
17 ing financial and credit counseling assistance.

18 (3) The effect of driving distance or availability
19 of other forms of transportation to the nearest facil-
20 ity that received a grant under the Supportive Serv-
21 ices for Veterans Families program.

22 (4) The availability of child care.

23 (5) The comprehension of eligibility require-
24 ments for, and the scope of services available under,

1 the Supportive Services for Veterans Families pro-
2 gram.

3 (6) The effectiveness of outreach for the serv-
4 ices available to such veterans under the Supportive
5 Services for Veterans Families program.

6 (7) The location and operating hours of facili-
7 ties that provide services to such veterans under the
8 Supportive Services for Veterans Families program.

9 (8) The COVID–19 pandemic and other health
10 related issues.

11 (9) Such other significant barriers as the Sec-
12 retary considers appropriate.

13 (e) EVALUATION AND ASSESSMENT OF EFFECTS OF
14 COUNSELING.—

15 (1) EFFECTS.—In conducting the study under
16 subsection (a)(3), the Secretary shall conduct re-
17 search on the ability to evaluate and assess the po-
18 tential effects of financial and credit counseling serv-
19 ices on homeless veterans and veterans experiencing
20 housing instability with respect to the following:

21 (A) The effects of such services on employ-
22 ment by comparing the veterans who received
23 such services and the veterans who did not re-
24 ceive such services.

1 (B) The effects of such services on housing
2 status by comparing the veterans who received
3 such services and the veterans who did not re-
4 ceive such services.

5 (C) The effects of such services on income
6 by comparing the veterans who received such
7 services and the veterans who did not receive
8 such services.

9 (D) The effects of such services on credit
10 score by comparing the veterans who received
11 such services and the veterans who did not re-
12 ceive such services.

13 (E) The effects of such services on other
14 outcomes the Secretary determines appropriate.

15 (2) DATA AND RECOMMENDATIONS.—In car-
16 rying out paragraph (1), the Secretary shall—

17 (A) determine the relevant data that is
18 available to the Secretary and determine the
19 confidence of the Secretary with respect to ac-
20 cessing any additional data the Secretary may
21 require; and

22 (B) provide recommendations regarding
23 the optimal research or evaluation design that
24 would generate the greatest insights and value.

2606

1 (f) DISCHARGE BY CONTRACT.—The Secretary may
2 seek to enter into a contract with a qualified independent
3 entity or organization to carry out the study and research
4 required under this section, including such an entity or
5 organization that is able to access credit scores, data
6 maintained by the Internal Revenue Service, and other
7 data beneficial to studying income.

8 (g) MANDATORY REVIEW OF DATA BY CERTAIN
9 ELEMENTS OF DEPARTMENT.—

10 (1) REVIEWS REQUIRED.—The Secretary shall
11 ensure that the head of each element of the Depart-
12 ment of Veterans Affairs specified in paragraph (3)
13 reviews the results of the study conducted under
14 subsection (a).

15 (2) SUBMITTAL OF FINDINGS.—The head of
16 each element specified in paragraph (3) shall submit
17 to the Deputy Under Secretary for Health for Oper-
18 ations and Management the findings of the head
19 with respect to the review conducted by the under
20 paragraph (1), including recommendations regarding
21 what data the Secretary should collect from grantees
22 under the Supportive Services for Veterans Families
23 program.

2607

1 (3) SPECIFIED ELEMENTS.—The elements of
2 the Department of Veterans Affairs specified in this
3 paragraph are the following:

4 (A) The Advisory Committee on Homeless
5 Veterans established under section 2066 of title
6 38, United States Code.

7 (B) The Advisory Committee on Women
8 Veterans established under section 542 of title
9 38, United States Code.

10 (C) The Advisory Committee on Minority
11 Veterans established under section 544 of title
12 38, United States Code.

13 (D) The Homeless Programs Office of the
14 Veterans Health Administration.

15 (E) The Office of Tribal Government Rela-
16 tions of the Department.

17 (h) REPORTS.—

18 (1) INTERIM REPORT.—Not later than one year
19 after the date of the enactment of this Act, the Sec-
20 retary shall submit to Congress an interim report on
21 the study under subsection (a).

22 (2) FINAL REPORT.—

23 (A) IN GENERAL.—Not later than 30
24 months after the date of the enactment of this

1 Act, the Secretary shall submit to Congress a
2 report on the study under subsection (a).

3 (B) CONTENTS.—The report required by
4 subparagraph (A) shall include—

5 (i) the findings of the head of each
6 element of the Department specified under
7 subsection (g)(3); and

8 (ii) recommendations for such admin-
9 istrative and legislative action as the Sec-
10 retary considers appropriate.

11 (i) DEFINITION.—In this section:

12 (1) HOMELESS VETERANS AND VETERANS EX-
13 PERIENCING HOUSING INSTABILITY.—The term
14 “homeless veterans and veterans experiencing hous-
15 ing instability” means veterans who are homeless (as
16 that term is defined in subsection (a) or (b) of sec-
17 tion 103 of the McKinney–Vento Homeless Assist-
18 ance Act (42 U.S.C. 11302)).

19 (2) SUPPORTIVE SERVICES FOR VETERANS
20 FAMILIES PROGRAM.—The term “Supportive Serv-
21 ices for Veterans Families program” means the pro-
22 gram established pursuant to section 2044 of title
23 38, United States Code.

2609

1 TITLE IV—OTHER MATTERS**2 SEC. 401. DEPARTMENT OF VETERANS AFFAIRS SUPPLY**
3 CHAIN RESILIENCY.

4 (a) REPORT ON CRITICAL ITEMS AND REQUIRE-
5 MENTS.—Not later than 90 days after the date of the en-
6 actment of this Act, the Secretary of Veterans Affairs
7 shall submit to the Committee on Veterans' Affairs of the
8 Senate and the Committee on Veterans' Affairs of the
9 House of Representatives a report containing each of the
10 following:

11 (1) A description of the items and types of
12 items the Secretary considers critical with respect
13 to—

14 (A) the ongoing response to the
15 Coronavirus 2019 (COVID–19) pandemic; and

16 (B) future epidemic, pandemic, emergency,
17 national emergency, or natural disaster sce-
18 narios.

19 (2) The quantities of the items described in
20 paragraph (1) that are available, as of the date of
21 the enactment of this Act, in inventories, emergency
22 caches, or other emergency inventories of the De-
23 partment of Veterans Affairs.

24 (3) The anticipated quantities of the items de-
25 scribed in paragraph (1) that would be necessary

1 under potential epidemic, pandemic, emergency, na-
2 tional emergency, or natural disaster scenarios the
3 Secretary determines to be relevant for planning
4 purposes.

5 (4) The assumptions and key planning factors
6 used by the Secretary to identify the items, types of
7 items, and necessary quantities of items for types of
8 scenarios, as described in paragraphs (1) and (3).

9 (b) PARTICIPATION IN WARSTOPPER PROGRAM.—

10 (1) IN GENERAL.—Not later than one year
11 after the date of the enactment of this Act, the Sec-
12 retary of Veterans Affairs and the Secretary of De-
13 fense shall enter into an agreement to provide for
14 the participation of the Department of Veterans Af-
15 fairs in the program known as the “Warstopper Pro-
16 gram” of the Defense Logistics Agency, or any suc-
17 cessor program.

18 (2) REQUIREMENTS.—Pursuant to the agree-
19 ment under paragraph (1), the Defense Logistics
20 Agency shall—

21 (A) ensure the maintenance and stability
22 of the items that are identified as critical in the
23 report required under subsection (a) and that
24 the Secretary of Defense determines are appro-
25 priate for the Warstopper Program;

1 (B) establish guidance for the participation
2 of the Department of Veterans Affairs in the
3 Warstopper Program that includes an identi-
4 fication of the items and types of items that are
5 critical to the needs of the Department of Vet-
6 erans Affairs; and

7 (C) use existing contracts and agreements
8 and enter into new contracts and agreements,
9 as necessary, with manufacturers and distribu-
10 tors to reserve the supply of such critical items
11 rather than rely on holding physical inventories
12 of such items.

13 (c) REIMBURSEMENT.—The Secretary of Veterans
14 Affairs shall reimburse the Secretary of Defense for any
15 expenses or obligations incurred to facilitate the participa-
16 tion of the Department of Veterans Affairs in the
17 Warstopper Program pursuant to subsection (b).

18 (d) PROHIBITION ON EXCLUSIVE RELIANCE ON RE-
19 GIONAL INVENTORIES.—The Secretary of Veterans Af-
20 fairs shall ensure that the Department does not exclusively
21 rely on holding regional, physical inventories of critical
22 items in order to respond to greater than expected needs
23 for such items during epidemic, pandemic, emergency, na-
24 tional emergency, or natural disaster situations.

25 (e) REPORT ON IMPLEMENTATION.—

1 (1) IN GENERAL.—Not later than 450 days
2 after the date of the enactment of this Act, the Sec-
3 retary of Veterans Affairs shall submit to the Com-
4 mittee on Veterans' Affairs of the Senate and the
5 Committee on Veterans' Affairs of the House of
6 Representatives a report on the implementation of
7 this section.

8 (2) CONTENTS.—The report submitted under
9 paragraph (1) shall contain each the following:

10 (A) An implementation plan for the par-
11 ticipation of the Department of Veterans Af-
12 fairs in the Warstopper Program, including
13 milestones and timelines for related administra-
14 tive, contracting, and readiness activities.

15 (B) For each of the items and associated
16 quantities identified in paragraphs (1) and (3)
17 of subsection (a)—

18 (i) the method by which the Secretary
19 of Veterans Affairs plans to ensure the De-
20 partment continues to have access to ade-
21 quate quantities of such items and types of
22 items, including in the Warstopper Pro-
23 gram, in regional, physical inventories, or
24 other methods; and

2613

1 (ii) justifications for the method or
2 methods identified under clause (i).

3 (3) UPDATES TO REPORT.—The Secretary shall
4 update the report required under paragraph (1) on
5 an annual basis for each of the two years following
6 the submission of the report under such paragraph
7 and submit such updates to the Committee on Vet-
8 erans’ Affairs of the Senate and the Committee on
9 Veterans’ Affairs of the House of Representatives.

10 **SEC. 402. IMPROVEMENTS TO EQUAL EMPLOYMENT OP-**
11 **PORTUNITY FUNCTIONS OF DEPARTMENT OF**
12 **VETERANS AFFAIRS.**

13 (a) ALIGNMENT OF EQUAL EMPLOYMENT OPPOR-
14 TUNITY DIRECTOR.—

15 (1) REPORTING AND DUTIES.—Subsection (h)
16 of section 516 of title 38, United States Code, is
17 amended—

18 (A) by striking “The provisions” and in-
19 serting “(1) The provisions”; and

20 (B) by adding at the end the following new
21 paragraph:

22 “(2) Beginning not later than 90 days after the date
23 of the enactment of the Joseph Maxwell Cleland and Rob-
24 ert Joseph Dole Memorial Veterans Benefits and Health
25 Care Improvement Act of 2022, in carrying out paragraph

1 (1), the Secretary shall ensure that the official of the De-
2 partment who serves as the Equal Employment Oppor-
3 tunity Director of the Department—

4 “(A) reports directly to the Deputy Secretary
5 with respect to the functions under this section; and

6 “(B) does not also serve in a position that has
7 responsibility over personnel functions of the De-
8 partment or other functions that conflict with the
9 functions under this section.”.

10 (2) CONFORMING AMENDMENTS.—Such section
11 is further amended—

12 (A) in subsection (b)(1), by inserting “, in
13 accordance with subsection (h)(2),” after “an
14 Assistant Secretary or a Deputy Assistant Sec-
15 retary”; and

16 (B) in subsection (e)(1)(A), by striking
17 “the Assistant Secretary for Human Resources
18 and Administration” and inserting “the Sec-
19 retary”.

20 (b) ALIGNMENT OF EEO PROGRAM MANAGERS.—

21 Such section is further amended by adding at the end the
22 following new subsection:

23 “(i) In accordance with subsection (b), not later than
24 one year after the date of the enactment of the Joseph
25 Maxwell Cleland and Robert Joseph Dole Memorial Vet-

1 erans Benefits and Health Care Improvement Act of
2 2022, the Secretary shall ensure that each Equal Employ-
3 ment Opportunity program manager of the Department
4 at the facility level reports to the head of the Office of
5 Resolution Management, or such successor office estab-
6 lished pursuant to subsection (a), with respect to the equal
7 employment functions of the program manager.”.

8 (c) REPORTING HARASSMENT AND EMPLOYMENT
9 DISCRIMINATION COMPLAINTS.—Subsection (a) of such
10 section is amended—

11 (1) by striking “The Secretary” and inserting
12 “(1) The Secretary”; and

13 (2) by adding at the end the following new
14 paragraph:

15 “(2) The Secretary shall ensure that the employment
16 discrimination complaint resolution system established
17 under paragraph (1) requires that any manager of the De-
18 partment who receives a sexual or other harassment or
19 employment discrimination complaint reports such com-
20 plaint to the Office of Resolution Management, or suc-
21 cessor office, immediately, or if such immediate reporting
22 is impracticable, not later than two days after the date
23 on which the manager receives the complaint.”.

24 (d) TRAINING.—Subsection (c) of such section is
25 amended—

1 (1) by inserting “(1)” before “The Secretary”;

2 and

3 (2) by adding at the end the following new
4 paragraph:

5 “(2)(A) Beginning not later than 180 days after the
6 date of the enactment of the Joseph Maxwell Cleland and
7 Robert Joseph Dole Memorial Veterans Benefits and
8 Health Care Improvement Act of 2022, the Secretary shall
9 provide to each employee of the Department mandatory
10 annual training on identifying and addressing sexual and
11 other harassment and employment discrimination, includ-
12 ing with respect to processes under the Harassment Pre-
13 vention Program of the Department, or such successor
14 program.

15 “(B) An employee of the Department who is hired
16 on or after such date shall receive the first such manda-
17 tory annual training not later than 60 days after being
18 hired.”.

19 (e) HARASSMENT AND EMPLOYMENT DISCRIMINA-
20 TION POLICIES AND DIRECTIVES.—The Secretary of Vet-
21 erans Affairs shall—

22 (1) by not later than the date that is 180 days
23 after the date of the enactment of this Act, and on
24 a regular basis thereafter, review the policies relat-
25 ing to sexual and other harassment and employment

1 discrimination of the Department of Veterans Af-
2 fairs to ensure that such policies are complete and
3 in accordance with the sexual and other harassment
4 and employment discrimination policies established
5 by the Office of Resolution Management of the De-
6 partment, or successor office; and

7 (2) by not later than 180 days after the date
8 of the enactment of this Act, issue a final directive
9 and a handbook for the Harassment Prevention Pro-
10 gram of the Department.

11 (f) SEMIANNUAL REPORTS.—Not later than 180 days
12 after the date of the enactment of this Act, and semiannu-
13 ally thereafter for one year, the Secretary of Veterans Af-
14 fairs shall submit to the Committee on Veterans' Affairs
15 of the Senate and the Committee on Veterans' Affairs of
16 the House of Representatives a report on the progress the
17 Secretary has made in carrying out this section and sec-
18 tion 516 of title 38, United States Code, as amended by
19 this section, including with respect to reporting sexual and
20 other harassment and employment discrimination com-
21 plaints pursuant to subsection (a)(2) of such section 516.

2618

1 **SEC. 403. DEPARTMENT OF VETERANS AFFAIRS INFORMA-**
2 **TION TECHNOLOGY REFORM ACT OF 2022.**

3 (a) IN GENERAL.—Chapter 81 of title 38, United
4 States Code, is amended by adding at the end the fol-
5 lowing new subchapter:

6 “SUBCHAPTER VI—INFORMATION
7 TECHNOLOGY PROJECTS AND ACTIVITIES

8 “§ 8171. **Definitions**

9 “In this subchapter:

10 “(1) The term ‘appropriate congressional com-
11 mittees’ means—

12 “(A) the Committee on Veterans’ Affairs
13 and the Committee on Appropriations of the
14 Senate; and

15 “(B) the Committee on Veterans’ Affairs
16 and the Committee on Appropriations of the
17 House of Representatives.

18 “(2) The term ‘information technology’ has the
19 meaning given that term in section 11101 of title
20 40.

21 “(3)(A) The term ‘information technology
22 project’ means a project or program of the Depart-
23 ment (including a project or program of any element
24 of the Department) for, or including, the acquisition
25 or implementation of information technology.

1 “(B) In cases where the Secretary transmits to
2 the Director of the Office of Management and Budg-
3 et information regarding information technology in-
4 vestments, which may consist of individual or mul-
5 tiple projects, the term ‘information technology
6 project’ refers to an individual project or program or
7 a grouping of multiple projects or programs result-
8 ing in the acquisition or implementation of discrete
9 information technology.

10 “(4) The term ‘life cycle costs’ means all direct
11 and indirect costs to acquire, implement, operate,
12 and maintain information technology, including with
13 respect to costs of any element of the Department.

14 “(5) The term ‘major information technology
15 project’ means an information technology project
16 if—

17 “(A) the project is designated by the Sec-
18 retary, the Chief Information Officer of the De-
19 partment, or the Director of the Office of Man-
20 agement and Budget as a major information
21 technology investment, as defined in section
22 11302 of title 40; or

23 “(B) the dollar value of the project is esti-
24 mated by the Secretary to exceed—

2620

1 “(i) \$1,000,000,000 (as adjusted for
2 inflation pursuant to section 1908 of title
3 41) for the total life cycle costs of the
4 project; or

5 “(ii) \$200,000,000 (as adjusted for
6 inflation pursuant to section 1908 of title
7 41) annually.

8 “(6) The term ‘business owner’ means, with re-
9 spect to an information technology project, the pro-
10 gram manager, project manager, or other super-
11 visory official of the Department responsible for the
12 project.

13 **“§ 8172. Management of major information tech-
14 nology projects**

15 “(a) COST, SCHEDULE, AND PERFORMANCE INFOR-
16 MATION.—(1) The Secretary shall, acting through the
17 Chief Information Officer of the Department, submit to
18 the appropriate congressional committees a report con-
19 taining information on the cost, schedule, and perform-
20 ance of each major information technology project that be-
21 gins after the date of the enactment of the Joseph Maxwell
22 Cleland and Robert Joseph Dole Memorial Veterans Bene-
23 fits and Health Care Improvement Act of 2022, as gen-
24 erated by the business owner of the project, prior to the
25 commencement of such project.

1 “(2) Each report submitted under paragraph (1) for
2 a project shall include, with respect to such project, the
3 following:

4 “(A) An estimate of acquisition costs, imple-
5 mentation costs, and life cycle costs.

6 “(B) An intended implementation schedule indi-
7 cating significant milestones, initial operating capa-
8 bility, and full operating capability or completion.

9 “(C) Key business, functional, and performance
10 objectives.

11 “(b) BASELINE.—(1) The Secretary shall use the in-
12 formation on the cost, schedule, and performance of a
13 major information technology project included in the re-
14 port under subsection (a) as the baseline against which
15 changes or variances are measured during the life cycle
16 of such project.

17 “(2) The Secretary shall—

18 “(A) annually update the baseline of a major
19 information technology project pursuant to sub-
20 section (c); and

21 “(B) include such updated baseline in the docu-
22 ments providing detailed information on the budget
23 for the Department that the Secretary submits to
24 Congress in conjunction with the President’s budget
25 submission pursuant to section 1105 of title 31.

1 “(c) CHANGES AND VARIANCES.—(1) Not later than
2 60 days after the date on which the Secretary identifies
3 a change or variance described in paragraph (2) in the
4 cost, schedule, or performance of a major information
5 technology project, the Secretary, acting through the Chief
6 Information Officer, shall submit to the appropriate con-
7 gressional committees a notification of such change or
8 variance, including a description and explanation for such
9 change or variance.

10 “(2) A change or variance in the cost, schedule, or
11 performance of a major information technology project de-
12 scribed in this paragraph is—

13 “(A) with respect to the acquisition, implemen-
14 tation, or life cycle cost of the project, or develop-
15 ment increment therein, a change or variance that is
16 10 percent or greater compared to the baseline;

17 “(B) with respect to the schedule for a develop-
18 ment increment or for achieving a significant mile-
19 stone, initial operating capability, or full operating
20 capability, or for the final completion of the project,
21 a change or variance that is 180 days or greater
22 compared to the baseline; or

23 “(C) with respect to the performance, an in-
24 stance where a key business, functional, or perform-

1 ance objective is not attained, or is not anticipated
2 to be attained, in whole or in part.

3 “(d) MANAGEMENT.—The Secretary shall ensure
4 that each major information technology project is man-
5 aged by an interdisciplinary team consisting of the fol-
6 lowing:

7 “(1) A project manager who—

8 “(A)(i) is certified in project management
9 at level three by—

10 “(I) the Department;

11 “(II) the Federal Acquisition Institute
12 pursuant to section 1201 of title 41; or

13 “(III) the Department of Defense
14 pursuant to section 1701a of title 10; or

15 “(ii) holds an equivalent certification by a
16 private sector project management certification
17 organization, as determined appropriate by the
18 Secretary; and

19 “(B) is an employee of the Office of Infor-
20 mation and Technology of the Department or
21 an employee of an element of the Department
22 at which the project originates.

23 “(2) A functional lead who is an employee of
24 the element of the Department at which the project
25 originates.

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 De-
13 partment 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
21 Services 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-

1 nology services unless the contract or other agree-
2 ment has been reviewed and approved by the Chief
3 Information Officer.

4 “(b) OVERSIGHT.—The Chief Information Officer
5 shall have oversight and operational authority over all in-
6 formation security practices of the Financial Services Cen-
7 ter of the Department.

8 **“§ 8174. Submission of annual reviews of information**
9 **technology**

10 “(a) IN GENERAL.—The Secretary, acting through
11 the Chief Information Officer of the Department, shall
12 submit to the appropriate congressional committees each
13 annual review of the information technology portfolio of
14 the Department conducted pursuant to section
15 11319(d)(3) of title 40.

16 “(b) FIRST SUBMISSION.—The first annual review
17 submitted under subsection (a) shall include a copy of
18 each previous annual review conducted under section
19 11319(d)(3) of title 40.

20 **“§ 8175. Information technology matters to be in-**
21 **cluded in budget justification materials**
22 **for the Department**

23 “(a) LIST OF INFORMATION TECHNOLOGY PROJECTS
24 IN EFFECT.—The Secretary shall ensure that whenever
25 the budget justification materials are submitted to Con-

1 gress in support of the Department budget for a fiscal
2 year (as submitted with the budget of the President for
3 such fiscal year under section 1105(a) of title 31), such
4 budget justification materials include a list of every infor-
5 mation technology project currently in effect at the De-
6 partment (including not only congressional projects and
7 subprojects as determined by the Director of the Office
8 of Management and Budget or the Secretary).

9 “(b) PRIORITIZED LIST OF UNFUNDED PROJECTS.—

10 (1) In addition to the list included in the budget justifica-
11 tion materials required by subsection (a), the Secretary
12 shall ensure that the budget justification materials de-
13 scribed in such subsection also include summary descrip-
14 tions and a prioritized list, in rank order, of every informa-
15 tion technology project of the Department, proposed or in-
16 tended to be proposed for the following one, two, or three
17 fiscal years, that is unfunded as of the time of the inclu-
18 sion of the list under this paragraph.

19 “(2) In producing the list required by paragraph (1),
20 the Secretary shall—

21 “(A) ensure such list represents a ranking of all
22 proposed information technology projects that re-
23 flects the needs of all elements of the Department;

24 “(B) produce one unified list for the entire De-
25 partment demonstrating how the various proposed

1 information technology projects of each of the ele-
2 ments of the Department rank in priority with the
3 information technology projects of the other ele-
4 ments of the Department; and

5 “(C) ensure that the list—

6 “(i) does not disaggregate and rank infor-
7 mation technology projects based on element of
8 the Department; and

9 “(ii) does identify the element of the De-
10 partment requesting the information technology
11 project.

12 “(3)(A) In producing each list under paragraph (1),
13 the Secretary shall prioritize and rank each information
14 technology project based on an assessment of each of the
15 following factors:

16 “(i) Degree of collaboration between business
17 owners and the Chief Information Officer with re-
18 spect to joint functional-technical planning, require-
19 ments, and management.

20 “(ii) Operational or efficiency benefits to em-
21 ployees of the Department created or produced by
22 the information technology project.

23 “(iii) The life cycle cost of the information tech-
24 nology project.

1 “(iv) The cost savings or cost avoidance yielded
2 by the information technology project.

3 “(v) Time to completion of the information
4 technology project.

5 “(vi) The difficulty of the information tech-
6 nology project, the likelihood the information tech-
7 nology project will be completed, or the risks associ-
8 ated with undertaking the information technology
9 project.

10 “(vii) Tangible benefits to veterans created or
11 produced by the information technology project.

12 “(viii) Such other factors as the Secretary con-
13 siders appropriate.

14 “(B) The Secretary shall ensure that each list pro-
15 duced under paragraph (1) includes, for each information
16 technology project included in the list, a brief description
17 of the findings of the Secretary with respect to each as-
18 sessment carried out by the Secretary for each factor for
19 the information technology project under subparagraph
20 (A).

21 “(c) PROJECTED FUNDING NEEDS.—(1) In addition
22 to the matters included under subsections (a) and (b), the
23 Secretary shall ensure that the budget justification mate-
24 rials described in subsection (a) also include a projection
25 of the one-year, two-year, and three-year funding needs

1 of the Department for information technology,
2 disaggregated by—

3 “(A) portfolio; and

4 “(B) the product line of the Department that
5 requires the funding.

6 “(2) In addition to the projections under paragraph
7 (1), with respect to each of the periods set forth in such
8 paragraph, the Secretary shall include a description of the
9 funding required for each technology business manage-
10 ment category used by the Office of Information Tech-
11 nology of the Department (commonly referred to as ‘cost
12 pools’ and ‘towers’).”

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of such chapter is amended by adding
15 at the 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 justifica-
tion materials for the Department.”

16 (c) APPLICATION AND REPORT REGARDING MANAGE-
17 MENT OF MAJOR INFORMATION TECHNOLOGY
18 PROJECTS.—

19 (1) CURRENT AND NEW MAJOR PROJECTS.—

20 Except as specifically provided in subsection (a) of
21 section 8172 of title 38, United States Code, as
22 added by subsection (a) of this section, such section

1 8172 shall apply with respect to major information
2 technology projects that begin before, on, or after
3 the date of the enactment of this Act.

4 (2) REPORT ON CURRENT PROJECTS.—

5 (A) IN GENERAL.—Not later than 90 days
6 after the date of the enactment of this Act, the
7 Secretary of Veterans Affairs shall submit to
8 the appropriate congressional committees a re-
9 port on each major information technology
10 project that the Secretary is carrying out as of
11 the date of the report.

12 (B) CONTENTS.—The report submitted
13 under subparagraph (A) shall contain, with re-
14 spect to each project described in such subpara-
15 graph, information on the cost, schedule, and
16 performance of the project as described in sub-
17 section (a) of section 8172 of such title, as so
18 added.

19 (3) DEFINITIONS.—In this subsection, the
20 terms “appropriate congressional committees” and
21 “major information technology project” have the
22 meanings given those terms in section 8171 of title
23 38, United States Code, as added by subsection (a)
24 of this section.

1 (d) INFORMATION TECHNOLOGY ACTIVITIES OF THE
2 FINANCIAL SERVICES CENTER.—

3 (1) EFFECTIVE DATE.—Section 8173 of such
4 title, as added by subsection (a), shall take effect on
5 the date of the enactment of this Act.

6 (2) APPLICABILITY.—Subsection (a)(2) of such
7 section shall apply with respect to contracts and
8 agreements entered into on or after the date of the
9 enactment of this Act.

10 (e) EFFECTIVE DATE OF REQUIREMENT FOR
11 PROJECTS IN BUDGET JUSTIFICATION MATERIALS.—
12 Subsection (c) of section 8175 of such title, as added by
13 subsection (a) of this section, shall take effect on the first
14 Monday in the second January beginning after the date
15 of the enactment of this Act.

16 **SEC. 404. REPORT ON INFORMATION TECHNOLOGY DASH-**
17 **BOARD INFORMATION.**

18 (a) REPORT.—Not later than 90 days after the date
19 of the enactment of this Act, the Secretary of Veterans
20 Affairs, acting through the Chief Information Officer of
21 the Department of Veterans Affairs, shall submit to the
22 appropriate congressional committees a report con-
23 taining—

24 (1) an explanation of the ratings, rankings, and
25 risk categorizations used by the Chief Information

1 Officer pursuant to subparagraph (C) of section
2 11302(c)(3) of title 40, United States Code, with re-
3 spect to the information technology dashboard, or
4 successor system, of the Office of Management and
5 Budget developed under such section; and

6 (2) copies of supporting or explanatory informa-
7 tion provided by the Chief Information Officer to the
8 Office of Management and Budget with respect to
9 submissions by the Chief Information Officer to the
10 information technology dashboard, or successor sys-
11 tem, for the fiscal year in which the report is sub-
12 mitted (other than information not otherwise made
13 public pursuant to such section).

14 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
15 DEFINED.—In section, the term “appropriate congres-
16 sional committees” has the meaning given such term in
17 section 8171 of title 38, United States Code, as added by
18 section 403.

19 **SEC. 405. IMPROVEMENTS TO TRANSPARENCY OF LAW EN-**
20 **FORCEMENT OPERATIONS OF DEPARTMENT**
21 **OF VETERANS AFFAIRS.**

22 (a) PROVISION OF INFORMATION.—Section 902 of
23 title 38, United States Code, is amended by adding at the
24 end the following new subsection:

1 “(e)(1) The Secretary shall publish on the internet
2 website of each facility of the Department the following
3 information with respect to the facility:

4 “(A) Summaries and statistics covering the pre-
5 vious five-year period regarding—

6 “(i) arrests made by and tickets issued by
7 Department police officers;

8 “(ii) prosecutions, ticketing, and other ac-
9 tions relating to such arrests;

10 “(iii) the use of force and weapons dis-
11 charge by Department police officers; and

12 “(iv) complaints, investigations, and dis-
13 ciplinary actions regarding Department police
14 officers.

15 “(B) Contact information for employees of the
16 Department and the public to directly contact the
17 police force of the facility, including for an indi-
18 vidual (or the representative, attorney, or authorized
19 agent of the individual) to request information re-
20 garding the arrest, ticketing, detainment, use of
21 force, or other police matters pertaining to that indi-
22 vidual.

23 “(2) The Secretary shall ensure that each police force
24 of a facility of the Department is able to provide to an
25 individual who contacts the police force pursuant to para-

1 graph (1)(B) the information described in such para-
2 graph.”.

3 (b) USE OF BODY WORN CAMERAS BY DEPARTMENT
4 POLICE OFFICERS.—

5 (1) REQUIREMENT.—Subsection (a) of such
6 section 902 is amended by adding at the end the fol-
7 lowing new paragraph:

8 “(3) Beginning not later than 180 days after the date
9 of the enactment of the Joseph Maxwell Cleland and Rob-
10 ert Joseph Dole Memorial Veterans Benefits and Health
11 Care Improvement Act of 2022, the Secretary shall re-
12 quire Department police officers to use cameras worn on
13 the individual police officer’s person that record and store
14 audio and video (commonly known as ‘body worn cam-
15 eras’).”.

16 (2) GUIDANCE.—Not later than one year after
17 the date of the enactment of this Act, the Secretary
18 of Veterans Affairs shall issue, and make publicly
19 available, guidance on the use of body worn cameras
20 by Department police officers pursuant to section
21 902(a)(3) of title 38, United States Code, as amend-
22 ed by paragraph (1).

23 (3) CONSULTATION.—The Secretary shall issue
24 the guidance under paragraph (2) in consultation
25 with veterans service organizations, civil rights orga-

1 nizations, law enforcement organizations, law en-
2 forcement accreditation organizations, privacy rights
3 organizations, and other relevant organizations or
4 experts.

5 (c) DATA AND REPORTING ON POLICE INCIDENTS.—
6 Section 902 of title 38, United States Code, as amended
7 by subsection (a), is further amended by adding at the
8 end the following new subsection:

9 “(f) POLICE INCIDENTS.—(1)(A) The Secretary shall
10 track and analyze the following information regarding the
11 police force of the Department:

12 “(i) Arrests made by and tickets issued by De-
13 partment police officers.

14 “(ii) Prosecutions, ticketing, and other actions
15 relating to such arrests.

16 “(iii) The use of force and weapons discharge.

17 “(iv) Complaints, investigations, and discipli-
18 nary actions.

19 “(B) The Secretary shall carry out subparagraph (A)
20 by implementing one or more Department-wide data sys-
21 tems.

22 “(2)(A) Beginning not later than one year after the
23 date of the enactment of the Joseph Maxwell Cleland and
24 Robert Joseph Dole Memorial Veterans Benefits and
25 Health Care Improvement Act of 2022, the Secretary shall

1 ensure that each incident described in subparagraph (C)
2 is promptly reported to the Assistant Secretary with re-
3 sponsibility for operations, preparedness, security, and law
4 enforcement functions.

5 “(B) The Assistant Secretary shall, in a timely man-
6 ner—

7 “(i) review each incident described in subpara-
8 graph (C)(i) that is reported under subparagraph
9 (A); and

10 “(ii) investigate each incident described in sub-
11 paragraph (C)(ii) that is reported under subpara-
12 graph (A).

13 “(C) An incident described in this subparagraph is
14 either of the following:

15 “(i) An incident, including an allegation, of the
16 use of force by a Department police officer.

17 “(ii) An incident, including an allegation, of the
18 use of force by a Department police officer that re-
19 sults in any person receiving medical attention.”.

20 (d) PLAN ON POLICE STAFFING.—The Secretary
21 shall develop a plan that establishes minimum standards
22 for police staffing at each facility of the Department, in-
23 cluding with respect to—

24 (1) the number of Department police officers
25 assigned to each facility; and

1 (2) the pay grades for such officers.

2 (e) REPORT ON IMPLEMENTATION.—

3 (1) IN GENERAL.—Not later than one year
4 after the date of the enactment of this Act, the Sec-
5 retary shall submit to the Committee on Veterans'
6 Affairs of the Senate and the Committee on Vet-
7 erans' Affairs of the House of Representatives a re-
8 port on the implementation of this section and the
9 amendments made by this section.

10 (2) CONTENTS.—The report required by para-
11 graph (1) shall include the following:

12 (A) With respect to the staffing needs of
13 the Department police force—

14 (i) identification of the amount of
15 turnover among Department police offi-
16 cers;

17 (ii) how the compensation for Depart-
18 ment police officers affects such turnover;

19 (iii) a comparison of such compensa-
20 tion with the compensation provided to
21 specialty police units, such as police units
22 at medical facilities and other police units
23 in the same locality pay area; and

24 (iv) the plan developed under sub-
25 section (d), including—

2638

1 (I) estimates on the costs to
2 carry out the plan; and

3 (II) any recommendations for
4 legislative actions required to carry
5 out the plan.

6 (B) With respect to body worn cameras, a
7 review of the implementation and use of body
8 worn cameras by Department police officers, in-
9 cluding under pilot programs carried out by the
10 Secretary during the five-year period preceding
11 the date of the report.

12 (f) DEFINITIONS.—In this section:

13 (1) BODY WORN CAMERA.—The term “body
14 worn camera” means a camera worn on an indi-
15 vidual police officer’s person that records and stores
16 audio and video.

17 (2) DEPARTMENT POLICE OFFICER.—The term
18 “Department police officer” means an employee of
19 the Department of Veterans Affairs described in sec-
20 tion 902(a) of title 38, United States Code.

21 **SEC. 406. PLAN FOR REDUCTION OF BACKLOG OF FREE-**
22 **DOM OF INFORMATION ACT REQUESTS.**

23 (a) PLAN.—

24 (1) IN GENERAL.—The Secretary of Veterans
25 Affairs shall establish and carry out a plan for the

1 Secretary to meet, by not later than five years after
2 the date of the enactment of this Act, the require-
3 ments of section 552 of title 5, United States Code,
4 (commonly known as the “Freedom of Information
5 Act” or “FOIA”) with respect to providing docu-
6 ments and information under such section within the
7 timeframes required by such section.

8 (2) ELEMENTS.—The plan required by para-
9 graph (1) shall include the following:

10 (A) Improving and acquiring technology,
11 including with respect to searching email and
12 other electronic information, and the timelines
13 for such improvement, to ensure that the infor-
14 mation technology of the Department of Vet-
15 erans Affairs is capable of carrying out the
16 plan.

17 (B) Identification of efficient procedures,
18 policies, and systems of the Department that
19 could be developed to allow employees of the
20 Department responsible for replying to requests
21 under such section 552 to search and review
22 documents rather than other employees of the
23 Department.

24 (C) A schedule for carrying out the plan,
25 including key milestones and metrics.

1 (b) COMPLIANCE ASSESSMENT.—The Secretary shall
2 request the Director of the Office of Government Informa-
3 tion Services of the National Archives and Records Admin-
4 istration to conduct an assessment of the compliance by
5 the Department of Veterans Affairs with section 552 of
6 title 5, United States Code.

7 (c) REPORTS.—

8 (1) INITIAL REPORT.—

9 (A) IN GENERAL.—Not later than 180
10 days after the date of the enactment of this
11 Act, the Secretary shall submit to the Com-
12 mittee on Veterans' Affairs of the Senate and
13 the Committee on Veterans' Affairs of the
14 House of Representatives a report on imple-
15 menting subsections (a) and (b).

16 (B) CONTENTS.—The report required by
17 subparagraph (A) shall include the following:

18 (i) The plan established under sub-
19 section (a).

20 (ii) An analysis of the root causes of
21 the backlog of Freedom of Information Act
22 requests.

23 (iii) Recommendations with respect to
24 any additional resources or legislative ac-

1 tion the Secretary determines necessary for
2 such implementation.

3 (2) ANNUAL REPORTS.—During the five-year
4 period following the date of the enactment of this
5 Act, the Secretary shall submit to the Committee on
6 Veterans’ Affairs of the Senate and the Committee
7 on Veterans’ Affairs of the House of Representatives
8 annual reports on—

9 (A) carrying out the plan under subsection
10 (a), including any updates or changes made to
11 the plan; and

12 (B) the compliance by the Department as
13 described in subsection (b).

14 (3) PUBLICATION.—The Secretary shall make
15 publicly available on the internet website of the De-
16 partment the reports under paragraphs (1) and (2)
17 by not later than 30 days after the date on which
18 the Secretary submits the reports to the Committee
19 on Veterans’ Affairs of the Senate and the Com-
20 mittee on Veterans’ Affairs of the House of Rep-
21 resentatives.

22 (d) DEFINITION OF BACKLOG OF FREEDOM OF IN-
23 FORMATION ACT REQUESTS.—In this section, the term
24 “backlog of Freedom of Information Act requests” means
25 the number of requests, as reported by the Secretary of

1 Veterans Affairs to the Attorney General in the Annual
2 FOIA Report, made by individuals to the Secretary pursu-
3 ant to section 552 of title 5, United States Code, for docu-
4 ments or information that the Secretary has not fulfilled
5 or provided a response to the individual.

6 **SEC. 407. MEDAL OF HONOR SPECIAL PENSION TECHNICAL**
7 **CORRECTION.**

8 (a) IN GENERAL.—Section 2003(a) of the Johnny
9 Isakson and David P. Roe, M.D. Veterans Health Care
10 and Benefits Improvement Act of 2020 (Public Law 116–
11 315) is amended by striking “\$1,388.68” and inserting
12 “\$1,406.73”.

13 (b) CORRECTION TO CERTAIN PENSION PAY-
14 MENTS.—

15 (1) CORRECT CODIFICATION.—Section
16 1562(a)(1) of title 38, United States Code, is
17 amended by striking “\$1,388.68” and inserting “\$
18 1,406.73”.

19 (2) RETROACTIVE EFFECTIVE DATE.—The
20 amendment made by paragraph (1) shall take effect
21 as if it were enacted immediately after the enact-
22 ment of the Johnny Isakson and David P. Roe,
23 M.D. Veterans Health Care and Benefits Improve-
24 ment Act of 2020 (Public Law 116–315).

25 (c) TREATMENT OF CERTAIN PENSION PAYMENTS.—

2643

1 (1) IN GENERAL.—A payment described in
2 paragraph (2) shall be treated as an authorized pay-
3 ment.

4 (2) PAYMENTS DESCRIBED.—A payment de-
5 scribed in this paragraph is a payment of pension
6 under section 1562 of title 38, United States Code,
7 by the Secretary of Veterans Affairs—

8 (A) in the amount of \$1,406.73 during the
9 period beginning on January 5, 2021, and end-
10 ing on November 30, 2021;

11 (B) in the amount of \$1,489.73 during the
12 period beginning on December 1, 2021, and
13 ending on November 30, 2022; or

14 (C) in the amount of \$1,619.34 during the
15 period beginning on December 1, 2022, and
16 ending on the date of the enactment of this Act.

17 **SEC. 408. IMPOSITION OF CAP ON EMPLOYEES OF THE DE-**
18 **PARTMENT OF VETERANS AFFAIRS WHO PRO-**
19 **VIDE EQUAL EMPLOYMENT OPPORTUNITY**
20 **COUNSELING.**

21 (a) REIMPOSITION OF CAP.—

22 (1) IN GENERAL.—Section 516 of title 38,
23 United States Code, as amended by section 7(a) of
24 the Responsible Education Mitigating Options and

1 Technical Extensions Act (Public Law 117–76), is
2 further amended—

3 (A) by redesignating subsection (g) as sub-
4 section (h); and

5 (B) by inserting after subsection (f) the
6 following new subsection (g):

7 “(g)(1)(A) Except as provided in paragraph (4), be-
8 ginning on the date of the enactment of the Joseph Max-
9 well Cleland and Robert Joseph Dole Memorial Veterans
10 Benefits and Health Care Improvement Act of 2022 and
11 ending on the date that is three years after the date of
12 the enactment of such Act, the number of employees of
13 the Department whose duties include equal employment
14 opportunity counseling functions may not exceed 76 full-
15 time equivalent employees.

16 “(B) Except as provided in paragraph (4), beginning
17 on the date that is three years after the date of enactment
18 of the Joseph Maxwell Cleland and Robert Joseph Dole
19 Memorial Veterans Benefits and Health Care Improve-
20 ment Act of 2022, the number of employees of the Depart-
21 ment whose duties include equal employment opportunity
22 counseling functions may not exceed 81 full-time equiva-
23 lent employees.

24 “(2) Except as provided in paragraph (4), of the 76
25 full-time equivalent employees set forth in paragraph (1),

1 the number of employees of the Department whose duties
2 include equal employment opportunity counseling func-
3 tions as well as other unrelated functions may not exceed
4 40 full-time equivalent employees.

5 “(3) Except as provided in paragraph (4), any em-
6 ployee described in paragraph (2) whose duties include
7 equal employment opportunity counseling functions as well
8 as other unrelated functions may be assigned equal em-
9 ployment opportunity counseling functions only at Depart-
10 ment facilities in remote geographic locations.

11 “(4)(A) Beginning on the date that is one year after
12 the date of enactment of the Joseph Maxwell Cleland and
13 Robert Joseph Dole Memorial Veterans Benefits and
14 Health Care Improvement Act of 2022, the Secretary shall
15 promptly notify Congress if, at any point in time, the num-
16 ber of full-time equivalent employees of the Department
17 specified in paragraph (1), whose duties include equal op-
18 portunity counseling functions, is insufficient for the De-
19 partment to meet its required obligations under law.

20 “(B) Notification under subparagraph (A) shall in-
21 clude—

22 “(i) the specific legal obligations relating to em-
23 ployment discrimination, or other matters similar to
24 those covered by regulations prescribed by the Equal

1 Employment Opportunity Commission, that the De-
2 partment is unable to meet; and

3 “(ii) the total additional number of full-time
4 equivalent employees of the Department that would
5 be needed for the Department to meet such obliga-
6 tions.”.

7 (2) CONFORMING AMENDMENT.—Subsection (b)
8 of section 7 of such Act is hereby repealed.

9 (b) REPORT.—Not later than 3 years after the date
10 of the enactment of this Act, the Secretary of Veterans
11 Affairs shall submit to Congress a report that includes the
12 following elements:

13 (1) An accounting of the number of informal
14 stage cases filed with the employment discrimination
15 complaint resolution system established and adminis-
16 tered under section 516(a) of title 38, United States
17 Code, disaggregated by—

18 (A) the period beginning on January 1,
19 2019, and ending on the date of the enactment
20 of this Act; and

21 (B) the three-year period beginning on the
22 date of the enactment of this Act.

23 (2) A comparison of timeliness, with respect to
24 the average time to process, of processing of infor-
25 mal stage cases by such system with respect to—

2647

1 (A) the period beginning on January 1,
2 2019, and ending on the date of the enactment
3 of this Act; and

4 (B) the three-year period beginning on the
5 date of the enactment of this Act.

6 (3) An accounting of the amounts, times, and
7 quality of informal claims processed by employees of
8 the Department of Veterans Affairs whose duties in-
9 clude only equal employment opportunity counseling
10 functions under section 516 of title 38, United
11 States Code, disaggregated by—

12 (A) the ten-year period ending on the date
13 of the enactment of this Act; and

14 (B) the three-year period beginning on the
15 date of the enactment of this Act.

16 (c) ANNUAL REPORTS.—Not later than one year
17 after the date of the enactment of this Act and once each
18 year thereafter, the Secretary of Veterans Affairs shall
19 make available to the public on an internet website of the
20 Department an annual report that includes, for the year
21 covered by the report, the following:

22 (1) Total number of complaints filed through
23 the employment discrimination complaint resolution
24 system established and administered under sub-

1 section (a) of section 516 of title 38, United States
2 Code.

3 (2) Total number of such complaints completed
4 processing by such system in a timely manner.

5 (3) The percentage of all pre-complaint coun-
6 seling provided under such section that led to resolu-
7 tion without further action.

8 (4) The percentage of all pre-complaint coun-
9 seling provided under such section that led to resolu-
10 tion via alternative dispute resolution.

11 (5) The percentage of all pre-complaint coun-
12 seling provided under such section that led to filing
13 of a formal complaint via such system.

14 (6) An accounting of the amounts, times, and
15 quality of informal claims processed by employees of
16 the Department whose duties include equal employ-
17 ment opportunity counseling under such section.

18 (7) An estimate of the required ratio of Depart-
19 ment employees whose duties include equal employ-
20 ment opportunity counseling functions relative to the
21 number of full-time equivalent employees in the De-
22 partment.

23 (d) INDEPENDENT ASSESSMENT.—Not later than
24 180 days after the first report is made available under
25 subsection (c), the Comptroller General shall submit to the

2649

1 Committee on Veterans' Affairs of the Senate and the
 2 Committee on Veterans' Affairs of the House of Rep-
 3 resentatives an independent assessment of the ratio re-
 4 ported by the Secretary pursuant to paragraph (7) of such
 5 subsection. Such assessment shall include such rec-
 6 ommendations as the Secretary may have for improving
 7 such ratio and the ability of the Department to provide
 8 equal employment opportunity counseling.

9 **DIVISION V—STRONG VETERANS**
 10 **ACT OF 2022**

11 **SEC. 1. SHORT TITLE; TABLE OF CONTENTS.**

12 (a) **SHORT TITLE.**—This division may be cited as the
 13 “Support The Resiliency of Our Nation’s Great Veterans
 14 Act of 2022” or the “STRONG Veterans Act of 2022”.

15 (b) **TABLE OF CONTENTS.**—The table of contents for
 16 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 Af-
fairs.

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.

2650

- 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.
- 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.

2651

1 **TITLE I—TRAINING TO SUPPORT**
2 **VETERANS' MENTAL HEALTH**

3 **SEC. 101. MENTAL HEALTH AND SUICIDE PREVENTION**
4 **OUTREACH TO MINORITY VETERANS AND**
5 **AMERICAN INDIAN AND ALASKA NATIVE VET-**
6 **ERANS.**

7 (a) **STAFFING REQUIREMENT.**—Beginning not later
8 than 90 days after the date of the enactment of this Act,
9 the Secretary of Veterans Affairs shall ensure that each
10 medical center of the Department of Veterans Affairs has
11 no fewer than one full-time employee whose responsibility
12 is serving as a minority veteran coordinator.

13 (b) **TRAINING.**—Not later than 180 days after the
14 date of the enactment of this Act, the Secretary, in con-
15 sultation with the Indian Health Service and the Director
16 of the Office of Mental Health and Suicide Prevention of
17 the Department of Veterans Affairs, shall ensure that all
18 minority veteran coordinators receive training in delivery
19 of mental health and suicide prevention services culturally
20 appropriate for American Indian and Alaska Native vet-
21 erans, especially with respect to the identified populations
22 and tribes within the coordinators' catchment areas.

23 (c) **COORDINATION WITH SUICIDE PREVENTION CO-**
24 **ORDINATORS.**—Not later than 180 days after the date of
25 the enactment of this Act, the Secretary, in consultation

1 with the Director of the Office of Mental Health and Sui-
2 cide Prevention, shall ensure that the suicide prevention
3 coordinator and minority veteran coordinator of each med-
4 ical center of the Department have developed and dissemi-
5 nated to the director of the medical center a written plan
6 for conducting mental health and suicide prevention out-
7 reach to all tribes and urban Indian health organizations
8 within the catchment area of the medical center. Each
9 such plan shall include for each tribe covered by the
10 plan—

11 (1) contact information for tribal leadership
12 and the tribal health facility or Indian Health Serv-
13 ice facility serving that tribe;

14 (2) a schedule for and list of outreach plans
15 (including addressing any barriers to accessing De-
16 partment mental health care);

17 (3) documentation of any conversation with
18 tribal leaders that may guide culturally appropriate
19 delivery of mental health care to American Indian or
20 Alaska Native veterans;

21 (4) documentation of any progress in incor-
22 porating traditional healing practices into mental
23 health and suicide prevention protocols and options
24 available for veterans who are members of such
25 tribe; and

1 (5) documentation of any coordination among
2 the Department, the Indian Health Service, urban
3 Indian health organizations, and the Substance
4 Abuse and Mental Health Services Administration
5 for the purpose of improving suicide prevention ef-
6 forts tailored to veterans who are members of such
7 tribe and the provision of culturally competent men-
8 tal health care to such veterans.

9 (d) REPORT.—Not later than one year after the en-
10 actment of this Act, the Secretary shall submit to the
11 Committee on Veterans' Affairs of the Senate and the
12 Committee on Veterans' Affairs of the House of Rep-
13 resentatives a report on outreach efforts to minority vet-
14 erans and American Indian and Alaska Native veterans.
15 Such report shall include each of the following:

16 (1) The number of minority veteran coordina-
17 tors within the Department.

18 (2) The number and percentage of minority vet-
19 eran coordinators who are women.

20 (3) The number and percentage of minority vet-
21 eran coordinators who are persons of color.

22 (4) The number and percentage of Department
23 medical centers with minority veteran coordinators.

24 (5) The number and percentage of Department
25 mental health providers who are enrolled members of

1 a federally recognized Indian tribe or self-identify as
2 Native American.

3 (6) The number and percentage of Department
4 mental health providers who speak a second lan-
5 guage.

6 (7) A review of the outreach plans developed
7 and submitted to all Department medical centers for
8 outreach to American Indian and Alaska Native vet-
9 erans.

10 (8) A review of mental health care provided an-
11 nually by the Department to American Indian and
12 Alaska Native veterans for the past three years, in-
13 cluding number of appointments, and an assessment
14 of any barriers to providing this care.

15 **SEC. 102. EXPANSION OF VET CENTER WORKFORCE.**

16 (a) IN GENERAL.—Not later than one year after the
17 date of the enactment of this Act and subject to the avail-
18 ability of appropriations, the Secretary of Veterans Affairs
19 shall hire an additional 50 full-time equivalent employees
20 for Vet Centers to bolster the workforce of Vet Centers
21 and to provide expanded mental health care to veterans,
22 members of the Armed Forces, and their families through
23 outreach, community access points, outstations, and Vet
24 Centers.

1 (b) VET CENTER DEFINED.—In this section, the
2 term “Vet Center” has the meaning given that term in
3 section 1712A(h) of title 38, United States Code.

4 **SEC. 103. EXPANSION OF MENTAL HEALTH TRAINING FOR**
5 **DEPARTMENT OF VETERANS AFFAIRS.**

6 (a) IN GENERAL.—Not later than three years after
7 the date of the enactment of this Act and subject to the
8 availability of appropriations, the Secretary of Veterans
9 Affairs, in collaboration with the Office of Mental Health
10 and Suicide Prevention and the Office of Academic Affili-
11 ations, shall add an additional 250 paid trainee slots in
12 covered mental health disciplines to the workforce of the
13 Department of Veterans Affairs.

14 (b) COVERED MENTAL HEALTH DISCIPLINES DE-
15 FINED.—In this section, the term “covered mental health
16 disciplines” means psychiatry, psychology, advanced prac-
17 tice nursing (with a focus on mental health or substance
18 use disorder), social work, licensed professional mental
19 health counseling, and marriage and family therapy.

20 **SEC. 104. EXPANSION OF SCHOLARSHIPS AND LOAN REPAY-**
21 **MENT PROGRAMS FOR MENTAL HEALTH PRO-**
22 **VIDERS.**

23 (a) EXPANSION OF HEALTH PROFESSIONAL SCHOL-
24 ARSHIP PROGRAM.—Beginning in academic year 2022,
25 the Secretary of Veterans Affairs shall include not fewer

1 than an additional (as compared to academic year 2021)
2 50 awards per academic year under the Department of
3 Veterans Affairs Health Professional Scholarship Pro-
4 gram under subchapter II of chapter 76 of title 38, United
5 States Code, for applicants otherwise eligible for such pro-
6 gram who are pursuing degrees or training in mental
7 health disciplines, including advanced practice nursing
8 (with a focus on mental health or substance use disorder),
9 psychology, and social work.

10 (b) EXPANSION OF EDUCATION DEBT REDUCTION
11 PROGRAM.—

12 (1) IN GENERAL.—Beginning in fiscal year
13 2022, the Secretary shall provide not fewer than an
14 additional (as compared to fiscal year 2021) 200
15 debt reduction awards per year under the Depart-
16 ment of Veterans Affairs Education Debt Reduction
17 Program under subchapter VII of chapter 76 of title
18 38, United States Code, to be used to recruit mental
19 health professionals to the Department of Veterans
20 Affairs in disciplines that include psychiatry, psy-
21 chology, advanced practice nursing (with a focus on
22 mental health or substance use disorder), and social
23 work.

24 (2) AUTHORIZATION OF APPROPRIATIONS.—

25 There is authorized to be appropriated to the Sec-

2657

1 retary of Veterans Affairs \$8,000,000 per year to
2 carry out the additional awards under paragraph
3 (1).

4 (c) OUTREACH.—

5 (1) IN GENERAL.—Not later than one year
6 after the date of the enactment of this Act, the Sec-
7 retary shall develop a public awareness campaign to
8 encourage veterans and mental health professionals
9 to choose the Department for their mental health ca-
10 reer.

11 (2) ELEMENTS.—The campaign required under
12 paragraph (1)—

13 (A) shall advertise the paid trainee, schol-
14 arship, and loan repayment opportunities of-
15 fered by the Department; and

16 (B) may highlight the new graduate med-
17 ical education residencies available at the De-
18 partment for medical students entering resi-
19 dency.

20 **TITLE II—VETERANS CRISIS**
21 **LINE**

22 **SEC. 201. VETERANS CRISIS LINE.**

23 In this title, the term “Veterans Crisis Line” means
24 the toll-free hotline for veterans established under section
25 1720F(h) of title 38, United States Code.

1 **Subtitle A—Veterans Crisis Line**
2 **Training and Quality Management**

3 **SEC. 211. STAFF TRAINING.**

4 (a) REVIEW OF TRAINING FOR VETERANS CRISIS
5 LINE CALL RESPONDERS.—

6 (1) IN GENERAL.—The Secretary of Veterans
7 Affairs shall enter into an agreement with an orga-
8 nization outside the Department of Veterans Affairs
9 to review the training for Veterans Crisis Line call
10 responders on assisting callers in crisis.

11 (2) COMPLETION OF REVIEW.—The review con-
12 ducted under paragraph (1) shall be completed not
13 later than one year after the date of the enactment
14 of this Act.

15 (3) ELEMENTS OF REVIEW.—The review con-
16 ducted under paragraph (1) shall consist of a review
17 of the training provided by the Department on sub-
18 jects including risk assessment, lethal means assess-
19 ment, substance use and overdose risk assessment,
20 safety planning, referrals to care, supervisory con-
21 sultation, and emergency dispatch.

22 (4) UPDATE OF TRAINING.—If any deficiencies
23 in the training for Veterans Crisis Line call respond-
24 ers are found pursuant to the review under para-
25 graph (1), the Secretary shall update such training

1 and associated standards of practice to correct those
2 deficiencies not later than one year after the comple-
3 tion of the review.

4 (b) RETRAINING GUIDELINES FOR VETERANS CRISIS
5 LINE CALL RESPONDERS.—

6 (1) IN GENERAL.—Not later than one year
7 after the date of the enactment of this Act, the Sec-
8 retary shall develop guidelines on retraining and
9 quality management for when a Veterans Crisis Line
10 call responder has an adverse event or when a qual-
11 ity review check by a supervisor of such a call re-
12 sponder denotes that the call responder needs im-
13 provement.

14 (2) ELEMENTS OF GUIDELINES.—The guide-
15 lines developed under paragraph (1) shall specify the
16 subjects and quantity of retraining recommended
17 and how supervisors should implement increased use
18 of silent monitoring or other performance review
19 mechanisms.

20 **SEC. 212. QUALITY REVIEW AND MANAGEMENT.**

21 (a) MONITORING OF CALLS ON VETERANS CRISIS
22 LINE.—

23 (1) IN GENERAL.—The Secretary of Veterans
24 Affairs shall require that not fewer than two calls
25 per month for each Veterans Crisis Line call re-

1 sponder be subject to supervisory silent monitoring,
2 which is used to monitor the quality of conduct by
3 such call responder during the call.

4 (2) BENCHMARKS.—The Secretary shall estab-
5 lish benchmarks for requirements and performance
6 of Veterans Crisis Line call responders on super-
7 visory silent monitored calls.

8 (3) QUARTERLY REPORTS.—Not less frequently
9 than quarterly, the Secretary shall submit to the Of-
10 fice of Mental Health and Suicide Prevention of the
11 Department of Veterans Affairs a report on occur-
12 rence and outcomes of supervisory silent monitoring
13 of calls on the Veterans Crisis Line.

14 (b) QUALITY MANAGEMENT PROCESSES FOR VET-
15 ERANS CRISIS LINE.—Not later than one year after the
16 date of the enactment of this Act, the leadership for the
17 Veterans Crisis Line, in partnership with the Office of
18 Mental Health and Suicide Prevention of the Department
19 and the National Center for Patient Safety of the Depart-
20 ment, shall establish quality management processes and
21 expectations for staff of the Veterans Crisis Line, includ-
22 ing with respect to reporting of adverse events and close
23 calls.

24 (c) ANNUAL COMMON CAUSE ANALYSIS FOR CALL-
25 ERS TO VETERANS CRISIS LINE WHO DIE BY SUICIDE.—

1 (1) IN GENERAL.—Not less frequently than an-
2 nually, the Secretary shall perform a common cause
3 analysis for all identified callers to the Veterans Cri-
4 sis Line that died by suicide during the one-year pe-
5 riod preceding the conduct of the analysis before the
6 caller received contact with emergency services and
7 in which the Veterans Crisis Line was the last point
8 of contact.

9 (2) SUBMITTAL OF RESULTS.—The Secretary
10 shall submit to the Office of Mental Health and Sui-
11 cide Prevention of the Department the results of
12 each analysis conducted under paragraph (1).

13 (3) APPLICATION OF THEMES OR LESSONS.—
14 The Secretary shall apply any themes or lessons
15 learned under an analysis under paragraph (1) to
16 updating training and standards of practice for staff
17 of the Veterans Crisis Line.

18 **SEC. 213. GUIDANCE FOR HIGH-RISK CALLERS.**

19 (a) DEVELOPMENT OF ENHANCED GUIDANCE AND
20 PROCEDURES FOR RESPONSE TO CALLS RELATED TO
21 SUBSTANCE USE AND OVERDOSE RISK.—Not later than
22 one year after the date of the enactment of this Act, the
23 Secretary of Veterans Affairs, in consultation with na-
24 tional experts within the Department of Veterans Affairs
25 on substance use disorder and overdose, shall—

2662

1 (1) develop enhanced guidance and procedures
2 to respond to calls to the Veterans Crisis Line re-
3 lated to substance use and overdose risk;

4 (2) update training materials for staff of the
5 Veterans Crisis Line in response to such enhanced
6 guidance and procedures; and

7 (3) update criteria for monitoring compliance
8 with such enhanced guidance and procedures.

9 (b) REVIEW AND IMPROVEMENT OF STANDARDS FOR
10 EMERGENCY DISPATCH.—

11 (1) IN GENERAL.—Not later than one year
12 after the date of the enactment of this Act, the Sec-
13 retary shall—

14 (A) review the current emergency dispatch
15 standard operating procedure of the Veterans
16 Crisis Line to identify any additions to such
17 procedure to strengthen communication regard-
18 ing—

19 (i) emergency dispatch for discon-
20 nected callers; and

21 (ii) the role of social service assistants
22 in requesting emergency dispatch and re-
23 cording such dispatches; and

24 (B) update such procedure to include the
25 additions identified under subparagraph (A).

2663

1 (2) TRAINING.—The Secretary shall ensure
2 that all staff of the Veterans Crisis Line are trained
3 on all updates made under paragraph (1)(B) to the
4 emergency dispatch standard operating procedure of
5 the Veterans Crisis Line.

6 **SEC. 214. OVERSIGHT OF TRAINING OF SOCIAL SERVICE AS-**
7 **SISTANTS AND CLARIFICATION OF JOB RE-**
8 **SPONSIBILITIES.**

9 Not later than one year after the date of the enact-
10 ment of this Act, the Secretary of Veterans Affairs shall—

11 (1) establish oversight mechanisms to ensure
12 that social service assistants and supervisory social
13 service assistants working with the Veterans Crisis
14 Line are appropriately trained and implementing
15 guidance of the Department regarding the Veterans
16 Crisis Line; and

17 (2) refine standard operating procedures to de-
18 lineate roles and responsibilities for all levels of su-
19 pervisory social service assistants working with the
20 Veterans Crisis Line.

21 **Subtitle B—Pilot Programs and**
22 **Research on Veterans Crisis Line**

23 **SEC. 221. PILOT PROGRAMS.**

24 (a) EXTENDED SAFETY PLANNING PILOT PROGRAM
25 FOR VETERANS CRISIS LINE.—

2664

1 (1) IN GENERAL.—Commencing not later than
2 180 days after the date of the enactment of this Act,
3 the Secretary of Veterans Affairs shall carry out a
4 pilot program to determine whether a lengthier,
5 templated safety plan used in clinical settings could
6 be applied in call centers for the Veterans Crisis
7 Line.

8 (2) BRIEFING.—Not later than two years after
9 the date of the enactment of this Act, the Secretary
10 shall provide to Congress a briefing on the findings
11 of the Secretary under the pilot program conducted
12 under paragraph (1), which shall include any rec-
13 ommendations of the Secretary with respect to the
14 continuation or discontinuation of the pilot program.

15 (b) CRISIS LINE FACILITATION PILOT PROGRAM.—

16 (1) IN GENERAL.—Commencing not later than
17 one year after the date of the enactment of this Act,
18 the Secretary shall carry out a pilot program on the
19 use of crisis line facilitation to increase use of the
20 Veterans Crisis Line among high-risk veterans.

21 (2) BRIEFING.—Not later than two years after
22 the date of the enactment of this Act, the Secretary
23 shall provide to Congress a briefing on the findings
24 of the Secretary under the pilot program under
25 paragraph (1), including any recommendations of

2665

1 the Secretary with respect to the continuation or dis-
2 continuation of the pilot program.

3 (3) DEFINITIONS.—In this section:

4 (A) The term “crisis line facilitation”, with
5 respect to a high-risk veteran, means the pres-
6 entation by a therapist of psychoeducational in-
7 formation about the Veterans Crisis Line and a
8 discussion of the perceived barriers and
9 facilitators to future use of the Veterans Crisis
10 Line for the veteran, which culminates in the
11 veteran calling the Veterans Crisis Line with
12 the therapist to provide firsthand experiences
13 that may counter negative impressions of the
14 Veterans Crisis Line.

15 (B) The term “high-risk veteran” means a
16 veteran receiving inpatient mental health care
17 following a suicidal crisis.

18 **SEC. 222. AUTHORIZATION OF APPROPRIATIONS FOR RE-**
19 **SEARCH ON EFFECTIVENESS AND OPPORTU-**
20 **NITIES FOR IMPROVEMENT OF VETERANS**
21 **CRISIS LINE.**

22 There is authorized to be appropriated to the Sec-
23 retary of Veterans Affairs for fiscal years 2022 and 2023,
24 a total of \$5,000,000 for the Mental Illness Research,
25 Education, and Clinical Centers of the Department of Vet-

2666

1 erans Affairs to conduct research on the effectiveness of
2 the Veterans Crisis Line and areas for improvement for
3 the Veterans Crisis Line.

4 **Subtitle C—Transition of Crisis**
5 **Line Number**

6 **SEC. 231. FEEDBACK ON TRANSITION OF CRISIS LINE NUM-**
7 **BER.**

8 (a) IN GENERAL.—The Secretary of Veterans Affairs
9 shall solicit feedback from veterans service organizations
10 on how to conduct outreach to members of the Armed
11 Forces, veterans, their family members, and other mem-
12 bers of the military and veterans community on the move
13 to 988 as the new, national three-digit suicide and mental
14 health crisis hotline, which is expected to be implemented
15 by July 2022, to minimize confusion and ensure veterans
16 are aware of their options for reaching the Veterans Crisis
17 Line.

18 (b) NONAPPLICATION OF FACCA.—The Federal Advi-
19 sory Committee Act (5 U.S.C. App.) shall not apply to
20 any feedback solicited under subsection (a).

21 (c) VETERANS SERVICE ORGANIZATION DEFINED.—
22 In this section, the term “veterans service organization”
23 means an organization recognized by the Secretary for the
24 representation of veterans under section 5902 of title 38,
25 United States Code.

2667

1 **TITLE III—OUTREACH TO**
2 **VETERANS**

3 **SEC. 301. DESIGNATION OF BUDDY CHECK WEEK BY SEC-**
4 **RETARY OF VETERANS AFFAIRS.**

5 (a) IN GENERAL.—The Secretary of Veterans Affairs
6 shall designate one week each year to organize outreach
7 events and educate veterans on how to conduct peer
8 wellness checks, which shall be known as “Buddy Check
9 Week”.

10 (b) EDUCATIONAL OPPORTUNITIES.—

11 (1) IN GENERAL.—During Buddy Check Week,
12 the Secretary, in consultation with organizations
13 that represent veterans, nonprofits that serve vet-
14 erans, mental health experts, members of the Armed
15 Forces, and such other entities and individuals as
16 the Secretary considers appropriate, shall collaborate
17 with organizations that represent veterans to provide
18 educational opportunities for veterans to learn how
19 to conduct peer wellness checks.

20 (2) TRAINING MATTERS.—As part of the edu-
21 cational opportunities provided under paragraph (1),
22 the Secretary shall provide the following:

23 (A) A script for veterans to use to conduct
24 peer wellness checks that includes information

2668

1 on appropriate referrals to resources veterans
2 might need.

3 (B) Online and in-person training, as ap-
4 propriate, on how to conduct a peer wellness
5 check.

6 (C) Opportunities for members of organi-
7 zations that represent veterans to learn how to
8 train individuals to conduct peer wellness
9 checks.

10 (D) Training for veterans participating in
11 Buddy Check Week on how to transfer a phone
12 call directly to the Veterans Crisis Line.

13 (E) Resiliency training for veterans partici-
14 pating in Buddy Check Week on handling a vet-
15 eran in crisis.

16 (3) ONLINE MATERIALS.—All training materials
17 provided under the educational opportunities under
18 paragraph (1) shall be made publicly available on a
19 website of the Department of Veterans Affairs.

20 (c) OUTREACH.—The Secretary, in collaboration with
21 organizations that represent veterans, may conduct out-
22 reach regarding educational opportunities under sub-
23 section (b) at—

24 (1) public events where many veterans are ex-
25 pected to congregate;

1 (2) meetings of organizations that represent
2 veterans;

3 (3) facilities of the Department; and

4 (4) such other locations as the Secretary, in col-
5 laboration with organizations that represent vet-
6 erans, considers appropriate.

7 (d) VETERANS CRISIS LINE PLAN.—

8 (1) IN GENERAL.—The Secretary shall ensure
9 that a plan exists for handling the potential increase
10 in the number of calls into the Veterans Crisis Line
11 that may occur during Buddy Check Week.

12 (2) SUBMITTAL OF PLAN.—The head of the
13 Veterans Crisis Line shall submit to the Secretary a
14 plan for how to handle excess calls during Buddy
15 Check Week, which may include the following:

16 (A) Additional hours for staff.

17 (B) The use of a backup call center.

18 (C) Any other plan to ensure that calls
19 from veterans in crisis are being answered in a
20 timely manner by an individual trained at the
21 same level as a Veterans Crisis Line responder.

22 (e) DEFINITIONS.—In this section:

23 (1) The term “organization that represents vet-
24 erans” means an organization recognized by the Sec-

2670

1 retary for the representation of veterans under sec-
2 tion 5902 of title 38, United States Code.

3 (2) The term “veteran” has the meaning given
4 that term in section 101 of such title.

5 (3) The term “Veterans Crisis Line” means the
6 toll-free hotline for veterans provided by the Sec-
7 retary under section 1720F(h) of such title.

8 **SEC. 302. IMPROVEMENTS TO VETERANS JUSTICE OUT-**
9 **REACH PROGRAM.**

10 (a) **OUTREACH REQUIREMENT.**—The Secretary of
11 Veterans Affairs shall conduct outreach regarding the Vet-
12 erans Justice Outreach Program to justice-involved vet-
13 erans, military and veterans service organizations, and rel-
14 evant stakeholders in the criminal justice community, in-
15 cluding officials from local law enforcement, court, and jail
16 systems and others as determined appropriate by the Sec-
17 retary. Such outreach—

18 (1) shall be designed—

19 (A) to spread awareness and under-
20 standing of the Program;

21 (B) to spread awareness and under-
22 standing of veteran eligibility for the Program,
23 including the eligibility of veterans who were
24 discharged from service in the Armed Forces
25 under conditions other than honorable; and

2671

1 (C) to improve the identification of justice-
2 involved veterans; and

3 (2) may be conducted in person, virtually, or
4 through other means, including by the dissemination
5 of informational materials and contact information.

6 (b) STRATEGIC PLAN.—The Secretary of Veterans
7 Affairs shall develop a strategic plan for the Veterans Jus-
8 tice Outreach Program. In developing such plan, the Sec-
9 retary shall conduct—

10 (1) an assessment of barriers to working with
11 justice-involved veterans in rural, remote, and under-
12 served areas, including potential steps to address
13 such barriers; and

14 (2) a workforce gap analysis for the Program.

15 (c) INCREASE IN NUMBER OF VJO SPECIALISTS.—

16 (1) INCREASE.—The Secretary of Veterans Af-
17 fairs shall increase the number of Veterans Justice
18 Outreach specialists responsible for supporting jus-
19 tice-involved veterans in rural, remote, or under-
20 served areas, including areas located far from De-
21 partment of Veterans Affairs medical centers, as de-
22 termined by the Secretary, through—

23 (A) the hiring of additional Veterans Jus-
24 tice Outreach specialists;

2672

1 (B) the reallocation of existing Veterans
2 Justice Outreach specialists; or

3 (C) such other means as may be deter-
4 mined appropriate by the Secretary.

5 (2) DETERMINATION.—The Secretary shall de-
6 termine the number of Veterans Justice Outreach
7 specialists required, and the locations of such spe-
8 cialists, under paragraph (1) by taking into ac-
9 count—

10 (A) such number and locations needed to
11 achieve the mission and strategic goals of the
12 Veterans Justice Outreach Program;

13 (B) any gaps in the workforce of the Pro-
14 gram, including such gaps identified pursuant
15 to subsection (b)(2); and

16 (C) strategies to address such gaps.

17 (3) USE OF TECHNOLOGY.—In carrying out
18 paragraph (1), the Secretary shall consider the use
19 of virtual technology.

20 (d) PERFORMANCE GOALS AND IMPLEMENTATION
21 PLANS.—

22 (1) ESTABLISHMENT.—The Secretary of Vet-
23 erans Affairs shall establish performance goals and
24 implementation plans for—

2673

1 (A) the Veterans Justice Outreach Pro-
2 gram;

3 (B) Veterans Justice Outreach Specialists;
4 and

5 (C) providing support for research regard-
6 ing justice-involved veterans.

7 (2) CONSISTENCY WITH STRATEGIC PLAN.—
8 The Secretary shall ensure that the performance
9 goals and implementation plans under paragraph (1)
10 are consistent with the strategic plan under sub-
11 section (b) and include—

12 (A) qualitative and quantitative milestones,
13 measures, and metrics, and associated timelines
14 for completion of the plans under paragraph (1)
15 and barriers to such completion;

16 (B) an identification of relevant staff; and

17 (C) an estimate of resource needs and
18 sources.

19 (3) PERFORMANCE DATA.—The Secretary shall
20 establish a process to regularly collect and analyze
21 performance data to assess the efficiency and effec-
22 tiveness of implementing the plans under paragraph
23 (1).

2674

1 (e) TRAINING REQUIREMENT.—The Secretary shall
2 ensure that all Veterans Justice Outreach Specialists re-
3 ceive training not less frequently than annually on—

4 (1) best practices for identifying and con-
5 ducting outreach to justice-involved veterans and rel-
6 evant stakeholders in the criminal justice commu-
7 nity; and

8 (2) veteran eligibility for the Veterans Justice
9 Outreach Program, including with respect to consist-
10 ently communicating changes regarding eligibility
11 (including through the use of a script or other ref-
12 erence materials).

13 (f) REPORTS ON IMPLEMENTATION.—

14 (1) FIRST REPORT.—Not later than one year
15 after the date of the enactment of this Act, the Sec-
16 retary shall submit to Congress a report on the fol-
17 lowing:

18 (A) An assessment of implementing sub-
19 section (c), including—

20 (i) strategies to increase Veterans
21 Justice Outreach specialists responsible for
22 supporting justice-involved veterans in
23 rural, remote, or underserved areas; and

24 (ii) the progress of the Secretary in
25 addressing gaps in the workforce of the

2675

1 Veterans Justice Outreach Program identi-
2 fied pursuant to paragraph (2) of such
3 subsection.

4 (B) The performance goals and implemen-
5 tation plans established under subsection
6 (d)(1).

7 (2) SUBSEQUENT REPORT.—Not later than
8 three years after the date on which the first report
9 is submitted under paragraph (1), the Secretary
10 shall submit to Congress a report on the progress of
11 the Secretary in meeting the performance goals and
12 carrying out activities under the implementation
13 plans established under subsection (d)(1).

14 (g) REPORT ON VETERANS TREATMENT COURTS.—
15 Not later than one year after the date of the enactment
16 of this Act, the Secretary, in consultation with the Attor-
17 ney General, shall submit to Congress a report on the en-
18 gagement of the Department of Veterans Affairs with vet-
19 erans treatment courts, including—

20 (1) the availability and efficacy of veterans
21 treatment courts in meeting the needs of justice-in-
22 volved veterans;

23 (2) best practices for Department of Veterans
24 Affairs staff and justice-involved veterans in working
25 with veterans treatment courts; and

1 (3) the ability of justice-involved veterans to ac-
2 cess veterans treatment courts, including any bar-
3 riers that exist to increasing such access.

4 (h) DEFINITIONS.—In this section:

5 (1) The term “justice-involved veteran” means
6 a veteran with active, ongoing, or recent contact
7 with some component of a local criminal justice sys-
8 tem.

9 (2) The term “Veterans Justice Outreach Pro-
10 gram” means the program through which the De-
11 partment of Veterans Affairs identifies justice-in-
12 volved veterans and provides such veterans with ac-
13 cess to Department services.

14 (3) The term “Veterans Justice Outreach Spe-
15 cialist” means an employee of the Department of
16 Veterans Affairs who serves as a liaison between the
17 Department and the local criminal justice system on
18 behalf of a justice-involved veteran.

19 (4) The term “veterans treatment court” means
20 a State or local court that is participating in the vet-
21 erans treatment court program (as defined in section
22 2991(i)(1) of the Omnibus Crime Control and Safe
23 Streets Act of 1968 (42 U.S.C. 3797aa(i)(1))).

2677

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
14 Act of 2018 (Public Law 115–182; 38 U.S.C. 1701 note)
15 is 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 TIME-
25 FRAME”;

26 (4) in subsection (c)—

1 (A) in the heading, by striking “SELEC-
2 TION” and inserting “INITIAL SELECTION”; and

3 (B) in paragraph (1), by striking “The
4 Secretary shall” and inserting “In establishing
5 the program at initial locations, the Secretary
6 shall”;

7 (5) by inserting after subsection (c) the fol-
8 lowing 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 Depart-
14 ment as follows:

15 “(A) As of the date of the enactment of
16 the STRONG Veterans Act of 2022, the Sec-
17 retary shall make such program permanent at
18 each medical center participating in the pro-
19 gram on the day before such date of enactment.

20 “(B) During the seven-year period fol-
21 lowing such date of enactment, the Secretary
22 shall expand the program to an additional 25
23 medical centers per year until the program is
24 carried out at each medical center of the De-
25 partment.

1 “(2) SELECTION OF ADDITIONAL LOCATIONS.—

2 In selecting medical centers for the expansion of the
3 program 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 fol-
8 lowing 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 geo-
14 graphic locations, such as census tracts estab-
15 lished by the 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

2680

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
11 year after the date of the enactment of the
12 STRONG Veterans Act of 2022, and annually
13 thereafter for five years, the Secretary shall
14 submit to the Committees on Veterans’ Affairs
15 of the House of Representatives and the Senate
16 a report on the program, including the expan-
17 sion of the program 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.

2681

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 effective-
5 ness of peer specialists in engaging under
6 subsection (f) with health care providers in
7 the community and veterans served by
8 such 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
15 peer specialists within the Department
16 hired pursuant to this section.

17 “(vi) An assessment of any barriers
18 confronting the recruitment, training, or
19 retention 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 Represent-

1 atives and the Senate a report notifying such com-
2 mittees 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 MIS-
6 SION Act of 2018 (Public Law 115–182; 38 U.S.C. 1701
7 note), as amended by subsection (a), the following
8 amounts:

9 (1) \$3,600,000 for fiscal year 2022.

10 (2) \$7,200,000 for fiscal year 2023.

11 (3) \$10,800,000 for fiscal year 2024.

12 (4) \$14,400,000 for fiscal year 2025.

13 (5) \$18,000,000 for fiscal year 2026.

14 (6) \$21,600,000 for fiscal year 2027.

15 (7) \$25,000,000 for fiscal year 2028.

16 **SEC. 402. EXPANSION OF VET CENTER SERVICES.**

17 (a) **VETERANS AND MEMBERS USING EDUCATIONAL**
18 **ASSISTANCE BENEFITS.**—Section 1712A of title 38,
19 United States Code, is amended—

20 (1) by striking “clauses (i) through (vi)” both
21 places it appears and inserting “clauses (i) through
22 (vii)”;

23 (2) by striking “in clause (vii)” both places it
24 appears and inserting “in clause (viii)”;

25 (3) in subsection (a)(1)(C)—

2683

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
20 U.S.C. 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
24 Veterans’ Affairs of the House of Representatives and the
25 Senate a report assessing—

2684

1 (1) the mental health needs of veterans pur-
2 suing a course of education using covered edu-
3 cational assistance benefits (as defined in section
4 1712A(h)(6) of title 38, United States Code, as
5 added by subsection (a)); and

6 (2) the efforts of the Department of Veterans
7 Affairs 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 pe-
15 riod 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 coun-
19 seling furnished to such individual is found to
20 aid in 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;

2685

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
6 the end;

7 (B) in subclause (II), by striking the pe-
8 riod 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
13 subsection (a) shall apply with respect to family members
14 of a member or veteran who died by suicide before, on,
15 or after the date of the enactment of this Act.

16 **SEC. 404. MENTAL HEALTH CONSULTATIONS.**

17 (a) **MENTAL HEALTH CONSULTATIONS FOR VET-**
18 **ERANS FILING FOR COMPENSATION.**—

19 (1) **IN GENERAL.**—Subchapter VI of chapter 11
20 of title 38, United States Code, is amended by add-
21 ing 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-con-

1 nected disability relating to a mental health diagnosis, the
2 Secretary shall offer the veteran a mental health consulta-
3 tion to assess the mental health needs of, and care options
4 for, 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 nected 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
15 offered or during such longer period beginning on
16 such 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
25 item:

“1167. Mental health consultations.”.

1 (b) MENTAL HEALTH CONSULTATIONS FOR VET-
2 ERANS ENTERING HOMELESS PROGRAMS OFFICE PRO-
3 GRAMS.—

4 (1) IN GENERAL.—Subchapter VII of chapter
5 20 of title 38, United States Code, is amended by
6 adding at the end the following new section:

7 **“§ 2068. Mental health consultations**

8 “(a) IN GENERAL.—Not later than two weeks after
9 the date on which a veteran described in subsection (b)
10 enters into a program administered by the Homeless Pro-
11 grams Office of the Department, the Secretary shall offer
12 the veteran a mental health consultation to assess the
13 health needs of, and care options for, the veteran.

14 “(b) VETERAN DESCRIBED.—A veteran described in
15 this subsection is a veteran to whom a mental health con-
16 sultation is not offered or provided through the case man-
17 agement services of the program of the Homeless Pro-
18 grams Office into which the veteran enters.”.

19 (2) CLERICAL AMENDMENT.—The table of sec-
20 tions at the beginning of chapter 20 of such title is
21 amended by adding at the end the following new
22 item:

“2068. Mental health consultations.”.

2688

TITLE V—RESEARCH**2 SEC. 501. VETERANS INTEGRATION TO ACADEMIC LEADER-**
3 SHIP PROGRAM OF THE DEPARTMENT OF
4 VETERANS AFFAIRS.

5 (a) REPORT.—Not later than one year after the date
6 of the enactment of this Act, the Secretary of Veterans
7 Affairs shall submit to the Committees on Veterans' Af-
8 fairs of the House of Representatives and the Senate a
9 report on the Veterans Integration to Academic Leader-
10 ship program of the Department of Veterans Affairs. The
11 report shall include the following:

12 (1) The number of medical centers of the De-
13 partment, institutions of higher learning, non-college
14 degree programs, and student veterans supported by
15 the program, and relevant trends since the program
16 began.

17 (2) The staff and resources allocated to the
18 program, and relevant trends since the program
19 began.

20 (3) An assessment of the outcomes and effec-
21 tiveness of the program in—

22 (A) supporting student veterans;

23 (B) connecting student veterans to needed
24 services of the Department or services provided
25 by non-Department entities;

1 (C) addressing the mental health needs of
2 student veterans;

3 (D) lowering the suicide risk of student
4 veterans; 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
11 should be expanded outside of the Office of Mental
12 Health and Suicide Prevention to support students
13 veterans with needs unrelated to mental health or
14 suicide.

15 (b) UNIFORM BEST PRACTICES, GOALS, AND MEAS-
16 URES.—The Secretary shall establish best practices, goals,
17 and measures for the Veterans Integration to Academic
18 Leadership program of the Department that are uniform
19 among the medical centers of the Department.

20 (c) OUTREACH.—The Secretary shall conduct out-
21 reach among the Armed Forces, veterans service organiza-
22 tions, institutions of higher learning, and non-college de-
23 gree programs with respect to the Veterans Integration
24 to Academic Leadership program of the Department.

1 (d) ASSESSMENT.—The Secretary shall assess the
2 feasibility and advisability of including the suicide rate for
3 student veterans in the National Veteran Suicide Preven-
4 tion Annual Report of the Office of Mental Health and
5 Suicide Prevention of the Department.

6 (e) DEFINITIONS.—In this section:

7 (1) The term “institution of higher learning”
8 has the meaning given that term in section 3452 of
9 title 38, United States Code.

10 (2) The term “student veteran” means the fol-
11 lowing:

12 (A) A veteran or member of the Armed
13 Forces using educational assistance under any
14 of the following provisions of law:

15 (i) Chapter 30, 31, 32, or 33 of title
16 38, United States Code, or chapter 1606
17 or 1607 of title 10, United States Code.

18 (ii) Section 116 of the Harry W.
19 Colmery Veterans Educational Assistance
20 Act of 2017 (Public Law 115–48; 38
21 U.S.C. 3001 note).

22 (iii) Section 8006 of the American
23 Rescue Plan Act of 2021 (Public Law
24 117–2; 38 U.S.C. 3001 note prec.).

2691

1 (B) A veteran who is enrolled in an institu-
2 tion of higher learning or other training pro-
3 gram, without regard to whether the veteran is
4 using educational assistance specified in sub-
5 paragraph (A).

6 **SEC. 502. IMPROVEMENT OF SLEEP DISORDER CARE FUR-**
7 **NISHED BY DEPARTMENT OF VETERANS AF-**
8 **FAIRS.**

9 (a) IN GENERAL.—Pursuant to the analysis con-
10 ducted under subsection (b), the Secretary of Veterans Af-
11 fairs shall take such action as the Secretary considers ap-
12 propriate to improve the assessment and treatment of vet-
13 erans with sleep disorders, including by conducting in-
14 home sleep studies for veterans.

15 (b) ANALYSIS.—The Secretary shall conduct an anal-
16 ysis of the ability of the Department of Veterans Affairs
17 to treat sleep disorders among veterans, including—

18 (1) assessment and treatment options for such
19 disorders;

20 (2) barriers to care for such disorders, such as
21 wait time, travel time, and lack of staffing;

22 (3) the efficacy of the clinical practice guide-
23 lines of the Department of Veterans Affairs and the
24 Department of Defense for such disorders; and

1 cess of veterans to care under the residential rehabilitation
2 treatment programs of the Department of Veterans Af-
3 fairs to determine—

4 (1) if there are sufficient geographic offerings
5 of inpatient mental health care, especially for vet-
6 erans in rural and remote communities;

7 (2) if there are sufficient bed spaces at each lo-
8 cation, based on demand and drive time from the
9 homes of veterans;

10 (3) if there are any workforce-related capacity
11 limitations at each location, including if beds are un-
12 able to be used because there are not enough pro-
13 viders to care for additional patients;

14 (4) if there are diagnosis-specific or sex-specific
15 barriers to accessing care under such programs; and

16 (5) the average wait time for a bed in such a
17 program, broken out by—

18 (A) Veterans Integrated Service Network;

19 (B) rural or urban area;

20 (C) sex; and

21 (D) specialty (general program, substance
22 use disorder program, military sexual trauma
23 program, etc.).

24 (b) **RECOMMENDATIONS FOR MODIFICATIONS TO**
25 **TREATMENT PROGRAMS.**—Using the results from the

2694

1 study conducted under subsection (a), the Secretary shall
2 make recommendations for—

3 (1) new locations for opening facilities to par-
4 ticipate in the residential rehabilitation treatment
5 programs of the Department;

6 (2) facilities under such programs at which new
7 beds can be added; and

8 (3) any additional specialty tracks to be added
9 to such programs, such as substance use disorder or
10 military sexual trauma, in order to meet veteran
11 need and demand.

12 (c) REPORT.—Not later than 180 days after comple-
13 tion of the study under subsection (a), the Secretary shall
14 submit to the Committee on Veterans' Affairs of the Sen-
15 ate and the Committee on Veterans' Affairs of the House
16 of Representatives a report on the findings of the study
17 conducted under subsection (a) and the recommendations
18 made by the Secretary under subsection (b).

19 **SEC. 504. STUDY ON TREATMENT FROM DEPARTMENT OF**
20 **VETERANS AFFAIRS FOR CO-OCCURRING**
21 **MENTAL HEALTH AND SUBSTANCE USE DIS-**
22 **ORDERS.**

23 (a) IN GENERAL.—Not later than one year after the
24 date of the enactment of this Act, the Secretary of Vet-
25 erans Affairs shall conduct a study examining—

2695

1 (1) the availability of treatment programs for
2 veterans with co-occurring mental health and sub-
3 stance use disorders (including both inpatient and
4 outpatient care);

5 (2) any geographic disparities in access to such
6 programs, such as for rural and remote veterans;
7 and

8 (3) the average wait times for care under such
9 programs.

10 (b) REPORT.—

11 (1) IN GENERAL.—Not later than two years
12 after the date of the enactment of this Act, the Sec-
13 retary shall submit to the Committee on Veterans'
14 Affairs of the Senate and the Committee on Vet-
15 erans' Affairs of the House of Representatives a re-
16 port on the findings of the study conducted under
17 subsection (a).

18 (2) ELEMENTS.—The report required by para-
19 graph (1) shall include—

20 (A) any recommendations resulting from
21 the study conducted under subsection (a) with
22 respect to improving timeliness and quality of
23 care and meeting treatment preferences for vet-
24 erans with co-occurring mental health and sub-
25 stance use disorders; and

2696

1 (B) a description of any actions taken by
2 the Secretary to improve care for such veterans.

3 **SEC. 505. STUDY ON WORKLOAD OF SUICIDE PREVENTION**
4 **TEAMS OF DEPARTMENT OF VETERANS AF-**
5 **FAIRS.**

6 (a) IN GENERAL.—The Secretary of Veterans Af-
7 fairs, acting through the Under Secretary for Health and
8 the Office of Mental Health and Suicide Prevention, shall
9 conduct a study evaluating the workload of local suicide
10 prevention teams of the Department of Veterans Affairs.

11 (b) ELEMENTS.—The study conducted under sub-
12 section (a) shall—

13 (1) identify the effects of the growth of the sui-
14 cide prevention program of the Department on the
15 workload of suicide prevention teams;

16 (2) incorporate key practices for staffing model
17 design in determining suicide prevention staffing
18 needs; and

19 (3) determine which facilities of the Depart-
20 ment need increased suicide prevention coordinator
21 staffing to meet the needs of veterans, with an em-
22 phasis placed on facilities with high patient volume
23 and facilities located in States with high rates of vet-
24 eran suicide.

1 (c) REPORT.—Not later than one year after the date
2 of the enactment of this Act, the Secretary shall submit
3 to the Committee on Veterans' Affairs of the Senate and
4 the Committee on Veterans' Affairs of the House of Rep-
5 resentatives a report—

6 (1) on the findings of the study conducted
7 under subsection (a); and

8 (2) indicating any changes made to the staffing
9 of suicide prevention teams of the Department re-
10 sulting from the determinations made under sub-
11 section (b)(3), including a list of facilities of the De-
12 partment where staffing was adjusted.

13 **SEC. 506. EXPANSION OF SUICIDE PREVENTION AND MEN-**
14 **TAL HEALTH RESEARCH.**

15 (a) RESEARCH ON MORAL INJURY.—The Secretary
16 of Veterans Affairs, acting through the Office of Research
17 and Development of the Department of Veterans Affairs,
18 shall conduct suicide prevention and mental health care
19 improvement research on how moral injury relates to the
20 mental health needs of veterans who served in the Armed
21 Forces after September 11, 2001, and best practices for
22 mental health treatment for such veterans.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to the Department of Vet-
25 erans Affairs an additional \$10,000,000 to be used by the

1 Center of Excellence for Suicide Prevention of the Depart-
2 ment and the Rocky Mountain Mental Illness Research
3 Education and Clinical Center for purposes of conducting
4 research on the factors impacting veteran suicide and best
5 practices for early intervention and support.

6 **SEC. 507. STUDY ON MENTAL HEALTH AND SUICIDE PRE-**
7 **VENTION SUPPORT FOR MILITARY FAMILIES.**

8 (a) IN GENERAL.—The Secretary of Veterans Af-
9 fairs, in collaboration with the Secretary of Defense, shall
10 conduct a study on secondary post-traumatic stress dis-
11 order and depression and its impact on spouses, children,
12 and caregivers of members of the Armed Forces.

13 (b) REPORT.—

14 (1) IN GENERAL.—Not later than three years
15 after the date of the enactment of this Act, the Sec-
16 retary of Veterans Affairs, in collaboration with the
17 Secretary of Defense, shall submit to Congress, vet-
18 erans service organizations, and military support or-
19 ganizations a report on the findings of the study
20 conducted under subsection (a).

21 (2) DEFINITIONS.—In this subsection:

22 (A) The term “military support organiza-
23 tion” has the meaning given that term by the
24 Secretary of Defense.

2699

1 (B) The term “veterans service organiza-
2 tion” means an organization recognized by the
3 Secretary of Veterans Affairs for the represen-
4 tation of veterans under section 5902 of title
5 38, United States Code.

6 **SEC. 508. RESEARCH ON BRAIN HEALTH.**

7 There is authorized to be appropriated to the Depart-
8 ment of Veterans Affairs an additional \$5,000,000 for on-
9 going and future research at the Translational Research
10 Center of the Department of Veterans Affairs for trau-
11 matic brain injury and stress disorders to provide better
12 understanding of, and improved treatment options for,
13 veterans who served in the Armed Forces after September
14 11, 2001, and who have traumatic brain injury or post-
15 traumatic stress disorder.

16 **SEC. 509. STUDY ON EFFICACY OF CLINICAL AND AT-HOME**
17 **RESOURCES FOR POST-TRAUMATIC STRESS**
18 **DISORDER.**

19 Not later than two years after the date of the enact-
20 ment of this Act, the Secretary of Veterans Affairs, acting
21 through the Office of Research and Development of the
22 Department of Veterans Affairs, shall conduct a study
23 on—

24 (1) the efficacy of clinical and at-home re-
25 sources, such as mobile applications like COVID

2700

1 Coach, for providers, veterans, caregivers, and fam-
2 ily members to use for dealing with stressors;

3 (2) the feasibility and advisability of developing
4 more such resources;

5 (3) strategies for improving mental health care
6 and outcomes for veterans with post-traumatic stress
7 disorder; and

8 (4) best practices for helping family members of
9 veterans deal with secondary post-traumatic stress
10 disorder or mental health concerns.

11 **DIVISION W—UNLEASHING**
12 **AMERICAN INNOVATORS ACT**
13 **OF 2022**

14 **SEC. 101. SHORT TITLE.**

15 This division may be cited as the “Unleashing Amer-
16 ican Innovators Act of 2022”.

17 **SEC. 102. DEFINITIONS.**

18 In this division:

19 (1) **DIRECTOR.**—The term “Director” means
20 the Under Secretary of Commerce for Intellectual
21 Property and Director of the Office.

22 (2) **OFFICE.**—The term “Office” means the
23 United States Patent and Trademark Office.

24 (3) **PATENT PRO BONO PROGRAMS.**—The term
25 “patent pro bono programs” means the programs

1 established pursuant to section 32 of the Leahy-
2 Smith America Invents Act (35 U.S.C. 2 note).

3 (4) SOUTHEAST REGION OF THE UNITED
4 STATES.—The term “southeast region of the United
5 States” means the area of the United States that is
6 comprised of the States of Virginia, North Carolina,
7 South Carolina, Georgia, Florida, Tennessee, Ala-
8 bama, Mississippi, Louisiana, and Arkansas.

9 **SEC. 103. SATELLITE OFFICES.**

10 (a) AMENDMENTS TO PURPOSE AND REQUIRED CON-
11 siderations.—Section 23 of the Leahy-Smith America
12 Invents Act (35 U.S.C. 1 note) is amended—

13 (1) in subsection (b)—

14 (A) in paragraph (1)—

15 (i) by striking “increase outreach ac-
16 tivities to”; and

17 (ii) by inserting after “Office” the fol-
18 lowing: “, including by increasing outreach
19 activities, including to individual inventors,
20 small businesses, veterans, low-income pop-
21 ulations, students, rural populations, and
22 any geographic group of innovators that
23 the Director may determine to be under-
24 represented in patent filings”; and

1 (B) by striking paragraph (2) and insert-
2 ing the following:

3 “(2) enhance patent examiner and administra-
4 tive patent judge retention, including patent exam-
5 iners and administrative patent judges from eco-
6 nomically, geographically, and demographically di-
7 verse backgrounds;” and

8 (2) in subsection (c)(1)—

9 (A) in subparagraph (D), by striking
10 “and” at the end;

11 (B) in subparagraph (E), by striking the
12 period at the end and inserting “; and”; and

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

14 “(F) with respect to each office established
15 after January 1, 2023, shall consider the prox-
16 imity of the office to anchor institutions (such
17 as hospitals primarily serving veterans and in-
18 stitutions of higher education), individual inven-
19 tors, small businesses, veterans, low-income
20 populations, students, rural populations, and
21 any geographic group of innovators that the Di-
22 rector may determine to be underrepresented in
23 patent filings.”.

24 (b) SOUTHEAST REGIONAL OFFICE.—

1 (1) IN GENERAL.—Not later than 3 years after
2 the date of enactment of this Act, the Director shall
3 establish a satellite office of the Office in the south-
4 east region of the United States.

5 (2) CONSIDERATIONS.—When selecting a site
6 for the office required under paragraph (1), the Di-
7 rector shall consider the following:

8 (A) The number of patent-intensive indus-
9 tries located near the site.

10 (B) How many research-intensive institu-
11 tions, including institutions of higher education,
12 are located near the site.

13 (C) The State and local government legal
14 and business frameworks that support intellec-
15 tual property-intensive industries located near
16 the site.

17 (c) STUDY ON ADDITIONAL SATELLITE OFFICES.—
18 Not later than 2 years after the date of enactment of this
19 Act, the Director shall complete a study to determine
20 whether additional satellite offices of the Office are nec-
21 essary to—

22 (1) achieve the purposes described in section
23 23(b) of the Leahy-Smith America Invents Act (35
24 U.S.C. 1 note), as amended by this section; and

1 (2) increase participation in the patent system
2 by individual inventors, small businesses, veterans,
3 low-income populations, students, rural populations,
4 and any geographic group of innovators that the Di-
5 rector may determine to be underrepresented in pat-
6 ent filings.

7 **SEC. 104. COMMUNITY OUTREACH OFFICES.**

8 (a) ESTABLISHMENT.—

9 (1) IN GENERAL.—Subject to paragraphs (2)
10 and (3), not later than 5 years after the date of en-
11 actment of this Act, the Director shall establish not
12 fewer than 4 community outreach offices throughout
13 the United States.

14 (2) RESTRICTION.—No community outreach of-
15 fice established under paragraph (1) may be located
16 in the same State as—

17 (A) the principal office of the Office; or

18 (B) any satellite office of the Office.

19 (3) REQUIREMENT FOR NORTHERN NEW ENG-
20 LAND REGION.—

21 (A) IN GENERAL.—The Director shall es-
22 tablish not less than 1 community outreach of-
23 fice under this subsection in the northern New
24 England region, which shall serve the States of
25 Vermont, New Hampshire, and Maine.

2705

1 (B) CONSIDERATIONS.—In determining
2 the location for the office required to be estab-
3 lished under subparagraph (A), the Director
4 shall give preference to a location in which—

5 (i) as of the date of enactment of this
6 Act—

7 (I) there is located not less than
8 1 public institution of higher edu-
9 cation and not less than 1 private in-
10 stitution of higher education; and

11 (II) there are located not more
12 than 15 registered patent attorneys,
13 according to data from the Office of
14 Enrollment and Discipline of the Of-
15 fice; and

16 (ii) according to data from the 2012
17 Survey of Business Owners conducted by
18 the Bureau of the Census, less than 45
19 percent of the firms (as that term is de-
20 fined for the purposes of that Survey) are
21 owned by women, minorities, or veterans.

22 (b) PURPOSES.—The purposes of the community out-
23 reach offices established under subsection (a) are to—

24 (1) further achieve the purposes described in
25 section 23(b)(1) of the Leahy-Smith America In-

1 vents Act (35 U.S.C. 1 note), as amended by this di-
2 vision;

3 (2) partner with local community organizations,
4 institutions of higher education, research institu-
5 tions, and businesses to create community-based
6 programs that—

7 (A) provide education regarding the patent
8 system; and

9 (B) promote the career benefits of innova-
10 tion and entrepreneurship; and

11 (3) educate prospective inventors, including in-
12 dividual inventors, small businesses, veterans, low-in-
13 come populations, students, rural populations, and
14 any geographic group of innovators that the Director
15 may determine to be underrepresented in patent fil-
16 ings, about all public and private resources available
17 to potential patent applicants, including the patent
18 pro bono programs.

19 **SEC. 105. UPDATES TO THE PATENT PRO BONO PROGRAMS.**

20 (a) STUDY AND UPDATES.—

21 (1) IN GENERAL.—Not later than 1 year after
22 the date of enactment of this Act, the Director
23 shall—

24 (A) complete a study of the patent pro
25 bono programs; and

1 (B) submit the results of the study re-
2 quired under subparagraph (A) to the Com-
3 mittee on the Judiciary of the Senate and the
4 Committee on the Judiciary of the House of
5 Representatives.

6 (2) SCOPE OF THE STUDY.—The study required
7 under paragraph (1)(A) shall—

8 (A) assess—

9 (i) whether the patent pro bono pro-
10 grams, as in effect on the date on which
11 the study is commenced, are sufficiently
12 serving prospective and existing partici-
13 pants;

14 (ii) whether the patent pro bono pro-
15 grams are sufficiently funded to serve pro-
16 spective participants;

17 (iii) whether any participation require-
18 ment of the patent pro bono programs, in-
19 cluding any requirement to demonstrate
20 knowledge of the patent system, serves as
21 a deterrent for prospective participants;

22 (iv) the degree to which prospective
23 inventors are aware of the patent pro bono
24 programs;

1 (v) what factors, if any, deter attor-
2 neys from participating in the patent pro
3 bono programs;

4 (vi) whether the patent pro bono pro-
5 grams would be improved by expanding
6 those programs to include non-attorney ad-
7 vocates; and

8 (vii) any other issue the Director de-
9 termines appropriate; and

10 (B) make recommendations for such ad-
11 ministrative and legislative action as may be ap-
12 propriate.

13 (b) USE OF RESULTS.—Upon completion of the study
14 required under subsection (a), the Director shall work
15 with the Pro Bono Advisory Council, the operators of the
16 patent pro bono programs, and intellectual property law
17 associations across the United States to update the patent
18 pro bono programs in response to the findings of the
19 study.

20 (c) EXPANSION OF INCOME ELIGIBILITY.—

21 (1) IN GENERAL.—The Director shall work with
22 and support, including by providing financial sup-
23 port to, existing patent pro bono programs and intel-
24 lectual property law associations across the United
25 States to expand eligibility for the patent pro bono

1 programs to an individual living in a household, the
2 gross household income of which is not more than
3 400 percent of the Federal poverty line.

4 (2) RULE OF CONSTRUCTION.—Nothing in
5 paragraph (1) may be construed to prevent a patent
6 pro bono program from electing to establish a higher
7 eligibility level, as compared to the level described in
8 that paragraph.

9 **SEC. 106. PRE-PROSECUTION ASSESSMENT PILOT PRO-**
10 **GRAM.**

11 (a) PILOT PROGRAM.—Not later than 1 year after
12 the date of enactment of this Act, the Director shall estab-
13 lish a pilot program to assist first-time prospective patent
14 applicants in assessing the strengths and weaknesses of
15 a potential patent application submitted by such a pro-
16 spective applicant.

17 (b) CONSIDERATIONS.—In developing the pilot pro-
18 gram required under subsection (a), the Director shall es-
19 tablish—

20 (1) a notification process to notify a prospective
21 patent applicant seeking an assessment described in
22 that subsection that any assessment so provided may
23 not be considered an official ruling of patentability
24 from the Office;

1 (2) conditions to determine eligibility for the
2 pilot program, taking into consideration available re-
3 sources;

4 (3) reasonable limitations on the amount of
5 time to be spent providing assistance to each indi-
6 vidual first-time prospective patent applicant;

7 (4) procedures for referring prospective patent
8 applicants to legal counsel, including through the
9 patent pro bono programs; and

10 (5) procedures to protect the confidentiality of
11 the information disclosed by prospective patent ap-
12 plicants.

13 **SEC. 107. FEE REDUCTION FOR SMALL AND MICRO ENTI-**
14 **TIES.**

15 (a) TITLE 35.—Section 41(h) of title 35, United
16 States Code, is amended—

17 (1) in paragraph (1), by striking “50 percent”
18 and inserting “60 percent”; and

19 (2) in paragraph (3), by striking “75 percent”
20 and inserting “80 percent”.

21 (b) FALSE CERTIFICATIONS.—Title 35, United
22 States Code, is amended—

23 (1) in section 41, by adding at the end the fol-
24 lowing:

1 “(j) PENALTY FOR FALSE ASSERTIONS.—In addition
2 to any other penalty available under law, an entity that
3 is found to have falsely asserted entitlement to a fee reduc-
4 tion under this section shall be subject to a fine, to be
5 determined by the Director, the amount of which shall be
6 not less than 3 times the amount that the entity failed
7 to pay as a result of the false assertion, whether the Direc-
8 tor discovers the false assertion before or after the date
9 on which a patent has been issued.”; and

10 (2) in section 123, by adding at the end the fol-
11 lowing:

12 “(f) PENALTY FOR FALSE CERTIFICATIONS.—In ad-
13 dition to any other penalty available under law, an entity
14 that is found to have falsely made a certification under
15 this section shall be subject to a fine, to be determined
16 by the Director, the amount of which shall be not less than
17 3 times the amount that the entity failed to pay as a result
18 of the false certification, whether the Director discovers
19 the false certification before or after the date on which
20 a patent has been issued.”.

21 (c) LEAHY-SMITH AMERICA INVENTS ACT.—Section
22 10(b) of the Leahy Smith America Invents Act (35 U.S.C.
23 41 note) is amended—

24 (1) by striking “50 percent” and inserting “60
25 percent”; and

1 (2) by striking “75 percent” and inserting “80
2 percent”.

3 (d) STUDY ON FEES.—

4 (1) IN GENERAL.—Not later than 2 years after
5 the date of enactment of this Act, the Director
6 shall—

7 (A) complete a study of the fees charged
8 by the Office; and

9 (B) submit the results of the study re-
10 quired under subparagraph (A) to the Com-
11 mittee on the Judiciary of the Senate and the
12 Committee on the Judiciary of the House of
13 Representatives.

14 (2) SCOPE OF STUDY.—The study required
15 under paragraph (1)(A) shall—

16 (A) assess whether—

17 (i) fees for small and micro entities
18 are inhibiting the filing of patent applica-
19 tions by those entities;

20 (ii) fees for examination should ap-
21 proximately match the costs of examina-
22 tion and what incentives are created by
23 using maintenance fees to cover the costs
24 of examination; and

2713

1 (iii) the results of the assessments
2 performed under clauses (i) and (ii) coun-
3 sel in favor of changes to the fee structure
4 of the Office, such as—

5 (I) raising standard application
6 and examination fees;

7 (II) reducing standard mainte-
8 nance fees; and

9 (III) reducing the fees for small
10 and micro entities as a percentage of
11 standard application fees; and

12 (B) make recommendations for such ad-
13 ministrative and legislative action as may be ap-
14 propriate.

15 **DIVISION X—EXTENSION OF AU-**
16 **THORIZATION FOR SPECIAL**
17 **ASSESSMENT FOR DOMESTIC**
18 **TRAFFICKING VICTIMS’ FUND**

19 **SEC. 101. EXTENSION OF AUTHORIZATION FOR SPECIAL AS-**
20 **SESSMENT FOR DOMESTIC TRAFFICKING VIC-**
21 **TIMS’ FUND.**

22 Section 3014(a) of title 18, United States Code, is
23 amended, in the matter preceding paragraph (1), by strik-
24 ing “December 23, 2022” and inserting “December 23,
25 2024”.

1 (1) Access to computers and computer tech-
2 nology is indispensable for success in the 21st cen-
3 tury. Millions of Americans do not regularly use a
4 computer and research shows that substantial dis-
5 parities remain in both internet use and the quality
6 of access, with the digital divide concentrated among
7 older, less educated, less affluent populations, espe-
8 cially veterans, low-income students, and senior citi-
9 zens.

10 (2) The COVID–19 pandemic has highlighted
11 the gap between those with computer access and
12 those without. Millions of students, their families,
13 and workers from across the economy were unable to
14 do schoolwork, work remotely from home, or connect
15 to loved ones and their communities because of the
16 digital divide.

17 (3) Any Federal program that distributes sur-
18 plus, repairable Federal computers or technology
19 equipment would benefit from a partnership with a
20 nonprofit organization whose mission is bridging the
21 digital divide.

1 **SEC. 103. REFURBISHMENT AND DISTRIBUTION OF SUR-**
2 **PLUS COMPUTERS AND TECHNOLOGY EQUIP-**
3 **MENT.**

4 (a) IN GENERAL.—Subchapter III of chapter 5 of
5 title 40, United States Code, is amended by inserting after
6 section 549 the following:

7 **“§ 549a. Donation of personal property through non-**
8 **profit refurbishers**

9 “(a) AUTHORIZATION.—Not later than 30 days after
10 the date on which the Administrator provides State agen-
11 cies for surplus property an opportunity to review surplus
12 computer or technology equipment under section 549, the
13 Administrator shall, as appropriate, transfer full title to
14 such surplus computer or technology equipment that is de-
15 termined to be eligible under subsection (b)(1) to non-
16 profit computer refurbishers for repair, distribution, and
17 subsequent transfer of full title of the equipment to eligi-
18 ble recipients under this section.

19 “(b) ELIGIBILITY, PARTICIPATION, AND DUTIES.—

20 “(1) ELIGIBILITY.—Surplus computer or tech-
21 nology equipment is eligible for transfer under this
22 section if a Federal agency determines that—

23 “(A) the surplus computer or technology
24 equipment is repairable; and

25 “(B) the surplus computer or technology
26 equipment meets the Guidelines for Media Sani-

2717

1 tization issued by the National Institute of
2 Standards and Technology (NIST Special Pub-
3 lication 800–88), or any successor thereto.

4 “(2) PARTICIPATION.—The Administrator may
5 establish partnerships with nongovernmental enti-
6 ties, at no cost and through cooperative agreements,
7 to facilitate the identification and participation of
8 nonprofit computer refurbishers under this section.

9 “(3) DUTIES OF REFURBISHERS.—A nonprofit
10 computer refurbisher that receives surplus computer
11 or technology equipment under this section shall—

12 “(A) make necessary repairs to restore the
13 surplus computer or technology equipment to
14 working order;

15 “(B) distribute the repaired surplus com-
16 puter or technology equipment to eligible recipi-
17 ents at no cost, except to the extent—

18 “(i) necessary to facilitate shipping
19 and handling of such equipment; and

20 “(ii) that such cost is consistent with
21 any regulations promulgated by the Ad-
22 ministrator under subsection (d);

23 “(C) offer training programs on the use of
24 the repaired computers and technology equip-
25 ment for the recipients of the equipment; and

1 “(D) use recyclers to the maximum extent
2 practicable in the event that surplus computer
3 or technology equipment transferred under this
4 section cannot be repaired or reused.

5 “(c) REPORTING REQUIREMENTS.—

6 “(1) REFURBISHER REPORTS.—A nonprofit
7 computer refurbisher that receives surplus computer
8 or technology equipment under this section shall
9 provide the Administrator with any information the
10 Administrator determines to be necessary for re-
11 quired reporting—

12 “(A) including information about the dis-
13 tribution of such equipment; and

14 “(B) which shall not include any personal
15 identifying information about the recipient of
16 such equipment apart from whether a recipient
17 is an educational institution, individual with
18 disabilities, low-income individual, student, sen-
19 ior in need, or veteran for the purposes of eligi-
20 bility under this section.

21 “(2) ADMINISTRATOR REPORTS.—Annually and
22 consistent with reporting requirements for transfers
23 of Federal personal property to non-Federal entities,
24 the Administrator shall submit to Congress and

2719

1 make publicly available a report that includes, for
2 the period covered by the report—

3 “(A) a description of the efforts of the Ad-
4 ministrator under this section;

5 “(B) a list of nongovernmental entities
6 with which the Administrator had a partnership
7 described in subsection (b)(2);

8 “(C) a list of nonprofit computer refurbishers that received, made repairs to, and dis-
9 tributed surplus computer and technology
10 equipment, including disclosure of any foreign
11 ownership interest in a nonprofit computer re-
12 furbisher; and

13
14 “(D) a list of donated and subsequently re-
15 paired surplus computer or technology equip-
16 ment identifying—

17 “(i) the Federal agency that donated
18 the surplus computer or technology equip-
19 ment;

20 “(ii) the State and county (or similar
21 unit of local government) where the recipi-
22 ent is located; and

23 “(iii) whether the recipient is an edu-
24 cational institution, individual with disabil-

1 ities, low-income individual, student, senior
2 in need, or veteran.

3 “(3) AGENCY REPORTS.—Not later than 5
4 years after the date of enactment of this section,
5 and annually thereafter, the head of each Federal
6 agency shall make publicly available a report on the
7 number of pieces of repairable surplus computer or
8 technology equipment that were sent to recycling,
9 abandoned, or destroyed.

10 “(d) REGULATIONS.—The Administrator shall issue
11 regulations that are necessary and appropriate to imple-
12 ment this section, including—

13 “(1) allowing nonprofit computer refurbishers
14 to assess nominal fees (which shall not exceed fair
15 market value) on recipients of refurbished surplus
16 computer or technology equipment to facilitate ship-
17 ping and handling of the surplus computer or tech-
18 nology equipment;

19 “(2) determining, in coordination with other
20 relevant Federal agencies, eligibility and certification
21 requirements for nongovernmental entities and non-
22 profit computer refurbishers to participate in the
23 program established under this section, including
24 whether the participation of a nongovernmental enti-
25 ty or nonprofit computer refurbisher poses any ac-

2721

1 tual or potential harm to the national security inter-
2 ests of the United States;

3 “(3) establishing an efficient process for identi-
4 fying eligible recipients; and

5 “(4) determining appropriate recyclers to dis-
6 pose of surplus computer or technology equipment if
7 it cannot be repaired or refurbished under this sec-
8 tion.

9 “(e) JUDICIAL REVIEW.—Nothing in this section
10 shall be construed to create any substantive or procedural
11 right or benefit enforceable by law by a party against the
12 United States, its agencies, its officers, or its employees.

13 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion may be construed to supersede the requirements of
15 the Stevenson-Wydler Technology Innovation Act of 1980
16 (Public Law 96–480; 15 U.S.C. 3701 et seq.).

17 “(g) DEFINITIONS.—In this section:

18 “(1) ADMINISTRATOR.—The term ‘Adminis-
19 trator’ means the Administrator of General Services.

20 “(2) DIGITAL DIVIDE.—The term ‘digital di-
21 vide’ means the gap between those who have an
22 internet-connected computer and the skills to use the
23 computer and those who do not.

24 “(3) DISABILITY.—The term ‘disability’ has the
25 meaning given that term in section 3 of the Ameri-

1 cans with Disabilities Act of 1990 (42 U.S.C.
2 12102).

3 “(4) EDUCATIONAL INSTITUTION.—The term
4 ‘educational institution’ means—

5 “(A) any public or private child care cen-
6 ter, preschool, elementary school, secondary
7 school, accredited institution of vocational or
8 professional education, or institution of higher
9 education;

10 “(B) in the case of an accredited institu-
11 tion of vocational or professional education or
12 an institution of higher education composed of
13 more than 1 school, college, or department that
14 is administratively a separate unit, each such
15 school, college, or department; and

16 “(C) a home school (whether treated as a
17 home school or private school for the purposes
18 of applicable State law).

19 “(5) ELIGIBLE RECIPIENT.—The term ‘eligible
20 recipient’ means an educational institution, indi-
21 vidual with a disability, low-income individual, stu-
22 dent, senior in need, or veteran that is residing or
23 based in the United States.

24 “(6) INSTITUTION OF HIGHER EDUCATION.—
25 The term ‘institution of higher education’ has the

1 meaning given that term in section 101 of the High-
2 er Education Act of 1965 (20 U.S.C. 1001).

3 “(7) LOW-INCOME INDIVIDUAL.—The term
4 ‘low-income individual’ has the meaning given that
5 term in section 351 of the Small Business Invest-
6 ment Act of 1958 (15 U.S.C. 689).

7 “(8) NONGOVERNMENTAL ENTITY.—The term
8 ‘nongovernmental entity’ means an organization or
9 group of organizations that—

10 “(A) are not part of a Federal, State,
11 local, Tribal, or territorial government; and

12 “(B) are nonprofit computer refurbishers
13 or other industry participants that—

14 “(i) primarily work to improve access
15 to information and communication tech-
16 nology in their mission to bridge the digital
17 divide through coordination and oversight
18 of computer refurbishment and repair; and

19 “(ii) operate in the United States.

20 “(9) NONPROFIT COMPUTER REFURBISHER.—
21 The term ‘nonprofit computer refurbisher’ means a
22 nonprofit organization that—

23 “(A) primarily works to improve access to
24 information and communication technology in
25 their mission to bridge the digital divide; and

1 “(B) operates in the United States.

2 “(10) NONPROFIT ORGANIZATION.—The term
3 ‘nonprofit organization’ means an organization that
4 is described under section 501(c)(3) of the Internal
5 Revenue Code of 1986 and is exempt from taxation
6 under section 501(a) of such Code.

7 “(11) REPAIRABLE.—The term ‘repairable’
8 means property that is unusable in its current state
9 but can be economically repaired.

10 “(12) SECONDARY SCHOOL.—The term ‘sec-
11 ondary school’ has the meaning given that term in
12 section 8101 of the Elementary and Secondary Edu-
13 cation Act of 1965 (20 U.S.C. 7801).

14 “(13) SENIOR.—The term ‘senior’ means an in-
15 dividual who is 65 years of age or older.

16 “(14) SENIOR IN NEED.—The term ‘senior in
17 need’ means a senior who experiences cultural, so-
18 cial, or geographical isolation that—

19 “(A) restricts the ability of the senior to
20 perform normal daily tasks; or

21 “(B) threatens the capacity of the senior
22 to live independently.

23 “(15) STATE AGENCY FOR SURPLUS PROP-
24 PERTY.—The term ‘State agency for surplus prop-

1 erty’ has the meaning given the term ‘state agency’
2 under section 549(a).

3 “(16) STUDENT.—The term ‘student’ means
4 any individual enrolled in an educational institution,
5 but not a public or private child care center.

6 “(17) SURPLUS COMPUTER OR TECHNOLOGY
7 EQUIPMENT.—The term ‘surplus computer or tech-
8 nology equipment’ means computer or technology
9 equipment that is property described under section
10 549(b)(2).

11 “(18) TECHNOLOGY EQUIPMENT.—The term
12 ‘technology equipment’ means any physical asset re-
13 lated to a computer or information technology, in-
14 cluding any peripheral component, tablet, commu-
15 nication device (such as a router, server, or cell
16 phone), printer, scanner, uninterruptible power
17 source, cable, or connection.

18 “(19) VETERAN.—The term ‘veteran’ has the
19 meaning given that term in section 101 of title 38.”.

20 (b) CONFORMING AMENDMENT.—The table of sec-
21 tions for chapter 5 of title 40, United States Code, is
22 amended by inserting after the item relating to section
23 549 the following:

 “549a. Donation of personal property through nonprofit refurbishers.”.

1 **DIVISION AA—FINANCIAL**
2 **SERVICES MATTERS**
3 **TITLE I—REGISTRATION FOR**
4 **INDEX-LINKED ANNUITIES**

5 **SEC. 101. PARITY FOR REGISTERED INDEX-LINKED ANNU-**
6 **ITIES REGARDING REGISTRATION RULES.**

7 (a) **DEFINITIONS.**—In this section:

8 (1) **COMMISSION.**—The term “Commission”
9 means the Securities and Exchange Commission.

10 (2) **INVESTMENT COMPANY.**—The term “invest-
11 ment company” has the meaning given the term in
12 section 3 of the Investment Company Act of 1940
13 (15 U.S.C. 80a–3).

14 (3) **MARKET VALUE ADJUSTMENT.**—The term
15 “market value adjustment” means, with respect to a
16 registered index-linked annuity, after an early with-
17 drawal or contract discontinuance—

18 (A) an adjustment to the value of that an-
19 nuity based on calculations using a predeter-
20 mined formula; or

21 (B) a change in interest rates (or other
22 factor, as determined by the Commission) that
23 apply to that annuity.

1 (4) PURCHASER.—The term “purchaser”
2 means a purchaser of a registered index-linked an-
3 nuity.

4 (5) REGISTERED INDEX-LINKED ANNUITY.—
5 The term “registered index-linked annuity” means
6 an annuity—

7 (A) that is deemed to be a security;

8 (B) that is registered with the Commission
9 in accordance with section 5 of the Securities
10 Act of 1933 (15 U.S.C. 77e);

11 (C) that is issued by an insurance com-
12 pany that is subject to the supervision of—

13 (i) the insurance commissioner or
14 bank commissioner of any State; or

15 (ii) any agency or officer performing
16 like functions as a commissioner described
17 in clause (i);

18 (D) that is not issued by an investment
19 company; and

20 (E) the returns of which—

21 (i) are based on the performance of a
22 specified benchmark index or rate (or a
23 registered exchange traded fund that seeks
24 to track the performance of a specified
25 benchmark index or rate); and

1 (ii) may be subject to a market value
2 adjustment if amounts are withdrawn be-
3 fore the end of the period during which
4 that market value adjustment applies.

5 (6) SECURITY.—The term “security” has the
6 meaning given the term in section 2(a) of the Secu-
7 rities Act of 1933 (15 U.S.C. 77b(a)).

8 (b) RULES.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date of enactment of this Act, the Commis-
11 sion shall propose, and, not later than 18 months
12 after the date of enactment of this Act, the Commis-
13 sion shall prepare and finalize, new or amended
14 rules, as appropriate, to establish a new form in ac-
15 cordance with paragraph (2) on which an issuer of
16 a registered index-linked annuity may register that
17 registered index-linked annuity, subject to conditions
18 the Commission determines appropriate, which may
19 include requiring the issuer to take the steps de-
20 scribed in section 240.12h–7(e) of title 17, Code of
21 Federal Regulations, or any successor regulation,
22 with respect to the registered index-linked annuity.

23 (2) DESIGN OF FORM.—In developing the form
24 required to be established under paragraph (1), the
25 Commission shall—

1 (A) design the form to ensure that a pur-
2 chaser using the form receives the information
3 necessary to make knowledgeable decisions, tak-
4 ing into account—

5 (i) the availability of information;

6 (ii) the knowledge and sophistication
7 of that class of purchasers;

8 (iii) the complexity of the registered
9 index-linked annuity; and

10 (iv) any other factor the Commission
11 determines appropriate;

12 (B) engage in investor testing; and

13 (C) incorporate the results of the testing
14 required under subparagraph (B) in the design
15 of the form, with the goal of ensuring that key
16 information is conveyed in terms that a pur-
17 chaser is able to understand.

18 (c) TREATMENT IF RULES NOT PREPARED AND FI-
19 NALIZED IN A TIMELY MANNER.—

20 (1) IN GENERAL.—If, as of the date that is 18
21 months after the date of enactment of this Act, the
22 Commission has failed to prepare and finalize the
23 rules required under subsection (b)(1), any reg-
24 istered index-linked annuity may be registered on
25 the form described in section 239.17b of title 17,

1 Code of Federal Regulations, or any successor regu-
2 lation.

3 (2) PREPARATION.—A registration described in
4 paragraph (1) shall be prepared pursuant to applica-
5 ble provisions of the form described in that para-
6 graph.

7 (3) TERMINATION.—This subsection shall ter-
8minate upon the establishment by the Commission of
9 the form described in subsection (b).

10 (d) RULES OF CONSTRUCTION.—Nothing in this sec-
11 tion may be construed to—

12 (1) limit the authority of the Commission to—

13 (A) determine the information to be re-
14 quested in the form described in subsection (b);

15 or

16 (B) extend the eligibility for the form de-
17 scribed in subsection (b) to a product that is
18 similar to, but is not, a registered index-linked
19 annuity; or

20 (2) preempt any State law, regulation, rule, or
21 order.

2731

1 **TITLE II—MASIH ALINEJAD**
2 **HUNT ACT OF 2022**

3 **SEC. 201. SHORT TITLE.**

4 This title may be cited as the “Masih Alinejad Har-
5 assessment and Unlawful Targeting Act of 2022” or the
6 “Masih Alinejad HUNT Act of 2022”.

7 **SEC. 202. FINDINGS.**

8 Congress finds that the Government of the Islamic
9 Republic of Iran surveils, harasses, terrorizes, tortures,
10 abducts, and murders individuals who peacefully defend
11 human rights and freedoms in Iran, and innocent entities
12 and individuals considered by the Government of Iran to
13 be enemies of that regime, including United States citizens
14 on United States soil, and takes foreign nationals hostage,
15 including in the following instances:

16 (1) In 2021, Iranian intelligence agents were
17 indicted for plotting to kidnap United States citizen,
18 women’s rights activist, and journalist Masih
19 Alinejad, from her home in New York City, in retal-
20 iation for exercising her rights under the First
21 Amendment to the Constitution of the United
22 States. Iranian agents allegedly spent at least ap-
23 proximately half a million dollars to capture the out-
24 spoken critic of the authoritarianism of the Govern-
25 ment of Iran, and studied evacuating her by mili-

1 tary-style speedboats to Venezuela before rendition
2 to Iran.

3 (2) Prior to the New York kidnapping plot, Ms.
4 Alinejad's family in Iran was instructed by authori-
5 ties to lure Ms. Alinejad to Turkey. In an attempt
6 to intimidate her into silence, the Government of
7 Iran arrested 3 of Ms. Alinejad's family members in
8 2019, and sentenced her brother to 8 years in prison
9 for refusing to denounce her.

10 (3) According to Federal prosecutors, the same
11 Iranian intelligence network that allegedly plotted to
12 kidnap Ms. Alinejad is also targeting critics of the
13 Government of Iran who live in Canada, the United
14 Kingdom, and the United Arab Emirates.

15 (4) In 2021, an Iranian diplomat was convicted
16 in Belgium of attempting to carry out a 2018 bomb-
17 ing of a dissident rally in France.

18 (5) In 2021, a Danish high court found a Nor-
19 wegian citizen of Iranian descent guilty of illegal es-
20 pionage and complicity in a failed plot to kill an Ira-
21 nian Arab dissident figure in Denmark.

22 (6) In 2021, the British Broadcasting Corpora-
23 tion (BBC) appealed to the United Nations to pro-
24 tect BBC Persian employees in London who suffer

1 regular harassment and threats of kidnapping by
2 Iranian 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 re-
19 leased counterterrorism files exposing how Iranian
20 authorities allegedly collaborated with drug gangs to
21 kidnap Habib Chabi, an Iranian-Swedish activist for
22 Iran’s Arab minority. In 2020, the Government of
23 Iran allegedly lured Mr. Chabi to Istanbul through
24 a female agent posing as a potential lover. Mr.
25 Chabi was then allegedly kidnapped from Istanbul,

1 and smuggled into Iran where he faces execution,
2 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 orches-
14 trated the assassination of Iranian dissident jour-
15 nalist Masoud Molavi Vardanjani, who was shot
16 while walking with a friend in Istanbul. Unbe-
17 knownst to Mr. Molavi, his “friend” was in fact an
18 undercover Iranian agent and the leader of the kill-
19 ing squad, according to a Turkish police report.

20 (12) In 2019, around 1,500 people were alleg-
21 edly killed amid a less than 2 week crackdown by se-
22 curity forces on anti-government protests across
23 Iran, including at least an alleged 23 children and
24 400 women.

1 (13) In 2019, Iranian operatives allegedly lured
2 Paris-based Iranian journalist Ruhollah Zam to
3 Iraq, where he was abducted, and hanged in Iran for
4 sedition.

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 Nether-
17 lands accused the Government of Iran of directing
18 the assassination of Iranian Arab activist Ahmad
19 Mola Nissi, in The Hague, and the assassination of
20 another opposition figure, Reza Kolahi Samadi, who
21 was murdered 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

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 ambas-
11 sador 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
18 employed 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.

1 (22) In 1992, 4 Iranian Kurdish dissidents
2 were assassinated at a restaurant in Berlin, Ger-
3 many, allegedly by Iranian agents.

4 (23) In 1992, singer, actor, poet, and gay Ira-
5 nian dissident Fereydown Farrokhzad was found
6 dead with multiple stab wounds in his apartment in
7 Germany. His death is allegedly the work of Iran-
8 directed agents.

9 (24) In 1980, Ali Akbar Tabatabaei, a leading
10 critic of Iran and then president of the Iran Free-
11 dom Foundation, was murdered in front of his Be-
12 thesda, Maryland, home by an assassin disguised as
13 a postal courier. The Federal Bureau of Investiga-
14 tion had identified the “mailman” as Dawud
15 Salahuddin, born David Theodore Belfield. Mr.
16 Salahuddin was working as a security guard at an
17 Iranian interest office in Washington, DC, when he
18 claims he accepted the assignment and payment of
19 \$5,000 from the Government of Iran to kill Mr.
20 Tabatabaei.

21 (25) Other exiled Iranian dissidents alleged to
22 have been victims of the Government of Iran’s mur-
23 derous extraterritorial campaign include Shahriar
24 Shafiq, Shapour Bakhtiar, and Gholam Ali Oveissi.

1 (26) Iranian Americans face an ongoing cam-
2 paign of intimidation both in the virtual and phys-
3 ical world by agents and affiliates of the Government
4 of Iran, which aims to stifle freedom of expression
5 and eliminate the threat Iranian authorities believe
6 democracy, justice, and gender equality pose to their
7 rule.

8 **SEC. 203. DEFINITIONS.**

9 In this title:

10 (1) **ADMISSION; ADMITTED; ALIEN.**—The terms
11 “admission”, “admitted”, and “alien” have the
12 meanings given those terms in section 101 of the
13 Immigration and Nationality Act (8 U.S.C. 1101).

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

17 (A) the Committee on Banking, Housing,
18 and Urban Affairs, the Committee on Foreign
19 Relations, the Committee on the Judiciary, and
20 the Select Committee on Intelligence of the
21 Senate; and

22 (B) the Committee on Financial Services,
23 the Committee on Foreign Affairs, the Com-
24 mittee on the Judiciary, and the Permanent Se-

1 lect Committee on Intelligence of the House of
2 Representatives.

3 (3) CORRESPONDENT ACCOUNT; PAYABLE-
4 THROUGH ACCOUNT.—The terms “correspondent ac-
5 count” and “payable-through account” have the
6 meanings given those terms in section 5318A of title
7 31, United States Code.

8 (4) FOREIGN FINANCIAL INSTITUTION.—The
9 term “foreign financial institution” has the meaning
10 of that term as determined by the Secretary of the
11 Treasury pursuant to section 104(i) of the Com-
12 prehensive Iran Sanctions, Accountability, and Di-
13 vestment Act of 2010 (22 U.S.C. 8513(i)).

14 (5) FOREIGN PERSON.—The term “foreign per-
15 son” means any individual or entity that is not a
16 United States person.

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

19 (A) a United States citizen or an alien law-
20 fully admitted for permanent residence to the
21 United States; or

22 (B) an entity organized under the laws of
23 the United States or any jurisdiction within the
24 United States, including a foreign branch of
25 such an entity.

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
8 after the date of the enactment of this Act, the Sec-
9 retary of State, in consultation with the Secretary of
10 the Treasury, the Director of National Intelligence,
11 and the Attorney General, shall submit to the appro-
12 priate congressional committees a report that—

13 (A) includes a detailed description and as-
14 sessment 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
20 of Iran during the year preceding submis-
21 sion of the report to target and silence dis-
22 sidents both inside and outside of Iran who
23 advocate for human rights inside Iran;

24 (iii) the methods used by the Govern-
25 ment of Iran to target and silence dis-

1 sidents both inside and outside of Iran;
2 and

3 (iv) the means through which the
4 Government of Iran finances efforts to tar-
5 get and silence dissidents both inside and
6 outside of Iran and the amount of that fi-
7 nancing;

8 (B) identifies foreign persons working as
9 part of the Government of Iran or acting on be-
10 half of that Government or its proxies that are
11 involved in harassment and surveillance and
12 that the Secretary of State may also, as appro-
13 priate, determine, in consultation with the Sec-
14 retary of the Treasury, are knowingly respon-
15 sible for, complicit in, or involved in ordering,
16 conspiring, planning, or implementing the sur-
17 veillance, harassment, kidnapping, illegal extra-
18 dition, imprisonment, torture, killing, or assas-
19 sination, on or after the date of the enactment
20 of this Act, of citizens of Iran (including citi-
21 zens of Iran of dual nationality) or citizens of
22 the United States, inside or outside Iran, who
23 seek—

1 (i) to expose illegal or corrupt activity
2 carried out by officials of the Government
3 of Iran; or

4 (ii) to obtain, exercise, defend, or pro-
5 mote the human rights of individuals, in-
6 cluding members of marginalized commu-
7 nities, in Iran; and

8 (C) includes, for each foreign person iden-
9 tified under subparagraph (B), a clear expla-
10 nation for why the foreign person was so identi-
11 fied.

12 (2) UPDATES OF REPORT.—The report required
13 by paragraph (1) shall be updated, and the updated
14 version submitted to the appropriate congressional
15 committees, during the 10-year period following the
16 date of the enactment of this Act—

17 (A) not less frequently than annually; and

18 (B) with respect to matters relating to the
19 identification of foreign persons under para-
20 graph (1)(B), on an ongoing basis as appro-
21 priate.

22 (3) FORM OF REPORT.—

23 (A) IN GENERAL.—Each report required
24 by paragraph (1) and each update required by

1 paragraph (2) shall be submitted in unclassified
2 form but may include a classified annex.

3 (B) PUBLIC AVAILABILITY.—The Secretary
4 of State shall post the unclassified portion of
5 each report required by paragraph (1) and each
6 update required by paragraph (2) on a publicly
7 available internet website of the Department of
8 State.

9 (b) IMPOSITION OF SANCTIONS.—In the case of a for-
10 eign person identified under paragraph (1)(B) of sub-
11 section (a) in the most recent report or update submitted
12 under that subsection, the President shall impose the
13 sanctions described in subsection (c), pursuant to this sec-
14 tion or an appropriate Executive authority.

15 (c) SANCTIONS DESCRIBED.—The sanctions de-
16 scribed in this subsection are the following:

17 (1) BLOCKING OF PROPERTY.—The President
18 shall exercise all powers granted to the President by
19 the International Emergency Economic Powers Act
20 (50 U.S.C. 1701 et seq.) to the extent necessary to
21 block and prohibit all transactions in all property
22 and interests in property of a foreign person de-
23 scribed in subsection (a)(1)(B) if such property and
24 interests in property are in the United States, come

1 within the United States, or are or come within the
2 possession or control of a United States person.

3 (2) INADMISSIBILITY OF CERTAIN INDIVIDUALS

4 .—

5 (A) INELIGIBILITY FOR VISAS AND ADMIS-
6 SION TO THE UNITED STATES.—In the case of
7 a foreign person described in subsection
8 (a)(1)(B) who is an individual, the individual
9 is—

10 (i) inadmissible to the United States;

11 (ii) ineligible to receive a visa or other
12 documentation to enter the United States;

13 and

14 (iii) otherwise ineligible to be admitted
15 or paroled into the United States or to re-
16 ceive any other benefit under the Immigra-
17 tion and Nationality Act (8 U.S.C. 1101 et
18 seq.).

19 (B) CURRENT VISAS REVOKED.—

20 (i) IN GENERAL.—The visa or other
21 entry documentation of an individual de-
22 scribed in subparagraph (A) shall be re-
23 voked, regardless of when such visa or
24 other entry documentation is or was
25 issued.

2745

1 (ii) IMMEDIATE EFFECT.—A revoca-
2 tion under clause (i) shall—

3 (I) take effect immediately; and

4 (II) automatically cancel any
5 other valid visa or entry documenta-
6 tion that is in the individual's posses-
7 sion.

8 **SEC. 205. REPORT AND IMPOSITION OF SANCTIONS WITH**
9 **RESPECT TO FOREIGN FINANCIAL INSTITU-**
10 **TIONS CONDUCTING SIGNIFICANT TRANS-**
11 **ACTIONS WITH PERSONS RESPONSIBLE FOR**
12 **OR COMPLICIT IN ABUSES TOWARD DIS-**
13 **SIDENTS ON BEHALF OF THE GOVERNMENT**
14 **OF IRAN.**

15 (a) REPORT REQUIRED.—Not earlier than 30 days
16 and not later than 60 days after the Secretary of State
17 submits to the appropriate congressional committees a re-
18 port required by section 204(a), the Secretary of the
19 Treasury, in consultation with the Secretary of State, shall
20 submit to the appropriate congressional committees a re-
21 port that identifies any foreign financial institution that
22 knowingly conducts a significant transaction with a for-
23 eign person identified in the report submitted under sec-
24 tion 204(a) on or after the date on which the foreign per-
25 son is identified in that report.

1 (b) IMPOSITION OF SANCTIONS.—The Secretary of
2 the Treasury may prohibit the opening, or prohibit or im-
3 pose strict conditions on the maintaining, in the United
4 States of a correspondent account or a payable-through
5 account by a foreign financial institution identified under
6 subsection (a).

7 **SEC. 206. EXCEPTIONS; WAIVERS; IMPLEMENTATION.**

8 (a) EXCEPTIONS.—

9 (1) EXCEPTION FOR INTELLIGENCE, LAW EN-
10 FORCEMENT, AND NATIONAL SECURITY ACTIVI-
11 TIES.—Sanctions under sections 204 and 205 shall
12 not apply to any authorized intelligence, law enforce-
13 ment, or national security activities of the United
14 States.

15 (2) EXCEPTION TO COMPLY WITH UNITED NA-
16 TIONS HEADQUARTERS AGREEMENT.—Sanctions
17 under section 204(c)(2) shall not apply with respect
18 to the admission of an individual to the United
19 States if the admission of the individual is necessary
20 to permit the United States to comply with the
21 Agreement regarding the Headquarters of the
22 United Nations, signed at Lake Success June 26,
23 1947, and entered into force November 21, 1947,
24 between the United Nations and the United States,
25 the Convention on Consular Relations, done at Vi-

1 enna April 24, 1963, and entered into force March
2 19, 1967, or other applicable international obliga-
3 tions.

4 (b) NATIONAL INTERESTS WAIVER.—The President
5 may waive the application of sanctions under section 204
6 with respect to a person if the President—

7 (1) determines that the waiver is in the national
8 interests of the United States; and

9 (2) submits to the appropriate congressional
10 committees a report on the waiver and the reasons
11 for the waiver.

12 (c) IMPLEMENTATION; PENALTIES.—

13 (1) IMPLEMENTATION.—The President may ex-
14 ercise all authorities provided to the President under
15 sections 203 and 205 of the International Emer-
16 gency Economic Powers Act (50 U.S.C. 1702 and
17 1704) to carry out this title.

18 (2) PENALTIES.—A person that violates, at-
19 tempts to violate, conspires to violate, or causes a
20 violation of section 204(c)(1) or 205(b) or any regu-
21 lation, license, or order issued to carry out either
22 such section shall be subject to the penalties set
23 forth in subsections (b) and (c) of section 206 of the
24 International Emergency Economic Powers Act (50
25 U.S.C. 1705) to the same extent as a person that

1 commits an unlawful act described in subsection (a)
2 of that section.

3 **SEC. 207. EXCEPTION RELATING TO IMPORTATION OF**
4 **GOODS.**

5 (a) **IN GENERAL.**—Notwithstanding any other provi-
6 sion of this title, the authorities and requirements to im-
7 pose sanctions under this title shall not include the author-
8 ity or a requirement to impose sanctions on the importa-
9 tion of goods.

10 (b) **GOOD DEFINED.**—In this section, the term
11 “good” means any article, natural or manmade substance,
12 material, supply or manufactured product, including in-
13 spection and test equipment, and excluding technical data.

14 **TITLE III—TRADING**
15 **PROHIBITIONS**

16 **SEC. 301. TRADING PROHIBITION FOR 2 CONSECUTIVE**
17 **NON-INSPECTION YEARS.**

18 Section 104(i) of the Sarbanes-Oxley Act of 2002 (15
19 U.S.C. 7214(i)) is amended—

20 (1) in paragraph (2)(A)(ii), by striking “the
21 foreign jurisdiction described in clause (i)” and in-
22 serting “a foreign jurisdiction”; and

23 (2) in paragraph (3)—

24 (A) in the paragraph heading, by striking
25 “3” and inserting “2”; and

1 (B) in subparagraph (A), in the matter
2 preceding clause (i), by striking “3” and insert-
3 ing “2”.

4 **TITLE IV—ANTI-MONEY LAUN-**
5 **DERING WHISTLEBLOWER IM-**
6 **PROVEMENT**

7 **SEC. 401. WHISTLEBLOWER INCENTIVES AND PROTEC-**
8 **TIONS.**

9 (a) IN GENERAL.—Section 5323 of title 31, United
10 States Code, as amended by section 6314 of the Anti-
11 Money Laundering Act of 2020 (division F of Public Law
12 116–283) is amended by striking subsection (b) and in-
13 serting the following:

14 “(b) AWARDS.—

15 “(1) IN GENERAL.—In any covered judicial or
16 administrative action, or related action, the Sec-
17 retary, under regulations prescribed by the Sec-
18 retary, in consultation with the Attorney General
19 and subject to subsection (c), shall pay an award or
20 awards to 1 or more whistleblowers who voluntarily
21 provided original information to the employer of the
22 individual, the Secretary, or the Attorney General,
23 as applicable, that led to the successful enforcement
24 of the covered judicial or administrative action, or
25 related action, in an aggregate amount equal to—

1 “(A) not less than 10 percent, in total, of
2 what has been collected of the monetary sanc-
3 tions imposed in the action or related actions;
4 and

5 “(B) not more than 30 percent, in total, of
6 what has been collected of the monetary sanc-
7 tions imposed in the action or related actions.

8 “(2) PAYMENT OF AWARDS.—

9 “(A) IN GENERAL.—Any amount paid
10 under paragraph (1) shall be paid from the
11 Fund established under paragraph (3).

12 “(B) RELATED ACTIONS.—The Secretary
13 may pay awards less than the amount described
14 in paragraph (1)(A) for related actions in which
15 a whistleblower may be paid by another whistle-
16 blower award program.

17 “(3) SOURCE OF AWARDS.—

18 “(A) IN GENERAL.—There shall be estab-
19 lished in the Treasury of the United States a
20 revolving fund to be known as the Financial In-
21 tegrity Fund (referred to in this subsection as
22 the ‘Fund’).

23 “(B) USE OF FUND.—The Fund shall be
24 available to the Secretary, without further ap-
25 propriation or fiscal year limitations, only for

2751

1 the payment of awards to whistleblowers as pro-
2 vided in subsection (b).

3 “(C) RESTRICTIONS ON USE OF FUND.—
4 The Fund shall not be available to pay any per-
5 sonnel or administrative expenses.

6 “(4) DEPOSITS AND CREDITS.—

7 “(A) IN GENERAL.—There shall be depos-
8 ited into or credited to the Fund an amount
9 equal to—

10 “(i) any monetary sanction collected
11 by the Secretary or Attorney General in
12 any judicial or administrative action under
13 this title, chapter 35 or section 4305 or
14 4312 of title 50, or the Foreign Narcotics
15 Kingpin Designation Act (21 U.S.C. 1901
16 et seq.), unless the balance of the Fund at
17 the time the monetary sanction is collected
18 exceeds \$300,000,000; and

19 “(ii) all income from investments
20 made under paragraph (5).

21 “(B) ADDITIONAL AMOUNTS.—If the
22 amounts deposited into or credited to the Fund
23 under subparagraph (A) are not sufficient to
24 satisfy an award made under this subsection,
25 there shall be deposited into or credited to the

1 Fund an amount equal to the unsatisfied por-
2 tion of the award from any monetary sanction
3 collected by the Secretary of the Treasury or
4 Attorney General in the covered judicial or ad-
5 ministrative action on which the award is based.

6 “(C) EXCEPTION.—No amounts to be de-
7 posited or transferred into the United States
8 Victims of State Sponsored Terrorism Fund
9 pursuant to the Justice for United States Vic-
10 tims of State Sponsored Terrorism Act (34
11 U.S.C. 20144) or the Crime Victims Fund pur-
12 suant section 1402 of the Victims of Crime Act
13 of 1984 (34 U.S.C. 20101) shall be deposited
14 into or credited to the Fund.

15 “(5) INVESTMENTS.—

16 “(A) AMOUNTS IN FUND MAY BE IN-
17 VESTED.—The Secretary of the Treasury may
18 invest the portion of the Fund that is not re-
19 quired to meet the current needs of the Fund.

20 “(B) ELIGIBLE INVESTMENTS.—Invest-
21 ments shall be made by the Secretary of the
22 Treasury in obligations of the United States or
23 obligations that are guaranteed as to principal
24 and interest by the United States, with matu-

1 rities suitable to the needs of the Fund as de-
2 termined by the Secretary.

3 “(C) INTEREST AND PROCEEDS CRED-
4 ITED.—The interest on, and the proceeds from
5 the sale or redemption of, any obligations held
6 in the Fund shall be credited to, and form a
7 part of, the Fund.”.

8 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
9 Section 5323 of title 31, United States Code, is amend-
10 ed—

11 (1) in subsection (a)—

12 (A) in paragraphs (1) and (5), by striking
13 “this subchapter or subchapter III” each place
14 the term appears and inserting “this sub-
15 chapter, chapter 35 or section 4305 or 4312 of
16 title 50, the Foreign Narcotics Kingpin Des-
17 ignation Act (21 U.S.C. 1901 et seq.), or .),
18 and for conspiracies to violate the aforemen-
19 tioned provisions”; and

20 (B) in paragraph (4)—

21 (i) by inserting “covered” after “re-
22 spect to any”;

23 (ii) by striking “under this subchapter
24 or subchapter III”; and

2754

1 (iii) by striking “action by the Sec-
2 retary or the Attorney General” and in-
3 sserting “covered action”;

4 (2) in subsection (c)(1)(B)(iii)—

5 (A) by striking “subchapter and sub-
6 chapter III” and inserting “this subchapter,
7 chapter 35 or section 4305 or 4312 of title 50,
8 and the Foreign Narcotics Kingpin Designation
9 Act (21 U.S.C. 1901 et seq.)”; and

10 (B) by striking “either such subchapter”
11 and inserting “the covered judicial or adminis-
12 trative action”; and

13 (3) in subsection (g)(4)(D)(i), by inserting
14 “chapter 35 or section 4305 or 4312 of title 50, or
15 the Foreign Narcotics Kingpin Designation Act (21
16 U.S.C. 1901 et seq.),” after “subchapter,”.

17 **TITLE V—SMALL BUSINESS**
18 **MERGERS, ACQUISITIONS,**
19 **SALES, AND BROKERAGE SIM-**
20 **PLIFICATION**

21 **SEC. 501. REGISTRATION EXEMPTION FOR MERGER AND**
22 **ACQUISITION BROKERS.**

23 (a) IN GENERAL.—Section 15(b) of the Securities
24 Exchange Act of 1934 (15 U.S.C. 78o(b)) is amended by
25 adding at the end the following:

1 “(13) REGISTRATION EXEMPTION FOR MERGER
2 AND ACQUISITION BROKERS.—

3 “(A) IN GENERAL.—Except as provided in
4 subparagraph (B), an M&A broker shall be ex-
5 empt from registration under this section.

6 “(B) EXCLUDED ACTIVITIES.—An M&A
7 broker is not exempt from registration under
8 this paragraph if such broker does any of the
9 following:

10 “(i) Directly or indirectly, in connec-
11 tion with the transfer of ownership of an
12 eligible privately held company, receives,
13 holds, transmits, or has custody of the
14 funds or securities to be exchanged by the
15 parties to the transaction.

16 “(ii) Engages on behalf of an issuer in
17 a public offering of any class of securities
18 that is registered, or is required to be reg-
19 istered, with the Commission under section
20 12 or with respect to which the issuer files,
21 or is required to file, periodic information,
22 documents, and reports under subsection
23 (d).

24 “(iii) Engages on behalf of any party
25 in a transaction involving a shell company,

2756

1 other than a business combination related
2 shell company.

3 “(iv) Directly, or indirectly through
4 any of its affiliates, provides financing re-
5 lated to the transfer of ownership of an eli-
6 gible privately held company.

7 “(v) Assists any party to obtain fi-
8 nancing from an unaffiliated third party
9 without—

10 “(I) complying with all other ap-
11 plicable laws in connection with such
12 assistance, including, if applicable,
13 Regulation T (12 C.F.R. 220 et seq.);
14 and

15 “(II) disclosing any compensation
16 in writing to the party.

17 “(vi) Represents both the buyer and
18 the seller in the same transaction without
19 providing clear written disclosure as to the
20 parties the broker represents and obtaining
21 written consent from both parties to the
22 joint representation.

23 “(vii) Facilitates a transaction with a
24 group of buyers formed with the assistance

1 of the M&A broker to acquire the eligible
2 privately held company.

3 “(viii) Engages in a transaction in-
4 volving the transfer of ownership of an eli-
5 gible privately held company to a passive
6 buyer or group of passive buyers.

7 “(ix) Binds a party to a transfer of
8 ownership of an eligible privately held com-
9 pany.

10 “(C) DISQUALIFICATION.—An M&A broker
11 is not exempt from registration under this para-
12 graph if such broker (and if and as applicable,
13 including any officer, director, member, man-
14 ager, partner, or employee of such broker)—

15 “(i) has been barred from association
16 with a broker or dealer by the Commission,
17 any State, or any self-regulatory organiza-
18 tion; or

19 “(ii) is suspended from association
20 with a broker or dealer.

21 “(D) RULE OF CONSTRUCTION.—Nothing
22 in this paragraph shall be construed to limit
23 any other authority of the Commission to ex-
24 empt any person, or any class of persons, from

1 any provision of this title, or from any provision
2 of any rule or regulation thereunder.

3 “(E) DEFINITIONS.—In this paragraph:

4 “(i) BUSINESS COMBINATION RE-
5 LATED SHELL COMPANY.—The term ‘busi-
6 ness combination related shell company’
7 means a shell company that is formed by
8 an entity that is not a shell company—

9 “(I) solely for the purpose of
10 changing the corporate domicile of
11 that entity solely within the United
12 States; or

13 “(II) solely for the purpose of
14 completing a business combination
15 transaction (as defined under section
16 230.165(f) of title 17, Code of Fed-
17 eral Regulations) among one or more
18 entities other than the company itself,
19 none of which is a shell company.

20 “(ii) CONTROL.—The term ‘control’
21 means the power, directly or indirectly, to
22 direct the management or policies of a
23 company, whether through ownership of
24 securities, by contract, or otherwise. There
25 is a presumption of control if, upon com-

2759

1 pletion of a transaction, the buyer or group
2 of buyers—

3 “**(I)** has the right to vote 25 per-
4 cent or more of a class of voting secu-
5 rities or the power to sell or direct the
6 sale of 25 percent or more of a class
7 of voting securities; or

8 “**(II)** in the case of a partnership
9 or limited liability company, has the
10 right to receive upon dissolution, or
11 has contributed, 25 percent or more
12 of the capital.

13 “**(iii)** **ELIGIBLE PRIVATELY HELD**
14 **COMPANY.**—The term ‘eligible privately
15 held company’ means a privately held com-
16 pany that meets both of the following con-
17 ditions:

18 “**(I)** The company does not have
19 any class of securities registered, or
20 required to be registered, with the
21 Commission under section 12 or with
22 respect to which the company files, or
23 is required to file, periodic informa-
24 tion, documents, and reports under
25 subsection (d).

2760

1 “(II) In the fiscal year ending
2 immediately before the fiscal year in
3 which the services of the M&A broker
4 are initially engaged with respect to
5 the securities transaction, the com-
6 pany meets either or both of the fol-
7 lowing conditions (determined in ac-
8 cordance with the historical financial
9 accounting records of the company):

10 “(aa) The earnings of the
11 company before interest, taxes,
12 depreciation, and amortization
13 are less than \$25,000,000.

14 “(bb) The gross revenues of
15 the company are less than
16 \$250,000,000.

17 For purposes of this subclause, the
18 Commission may by rule modify the
19 dollar figures if the Commission deter-
20 mines that such a modification is nec-
21 essary or appropriate in the public in-
22 terest or for the protection of inves-
23 tors.

24 “(iv) M&A BROKER.—The term ‘M&A
25 broker’ means a broker, and any person

2761

1 associated with a broker, engaged in the
2 business of effecting securities transactions
3 solely in connection with the transfer of
4 ownership of an eligible privately held com-
5 pany, regardless of whether the broker acts
6 on behalf of a seller or buyer, through the
7 purchase, sale, exchange, issuance, repur-
8 chase, or redemption of, or a business com-
9 bination involving, securities or assets of
10 the eligible privately held company, if the
11 broker reasonably believes that—

12 “(I) upon consummation of the
13 transaction, any person acquiring se-
14 curities or assets of the eligible pri-
15 vately held company, acting alone or
16 in concert—

17 “(aa) will control the eligible
18 privately held company or the
19 business conducted with the as-
20 sets of the eligible privately held
21 company; and

22 “(bb) directly or indirectly,
23 will be active in the management
24 of the eligible privately held com-
25 pany or the business conducted

2762

1 with the assets of the eligible pri-
2 vately held company, including
3 without limitation, for example,
4 by—

5 “(AA) electing execu-
6 tive officers;

7 “(BB) approving the
8 annual budget;

9 “(CC) serving as an ex-
10 ecutive or other executive
11 manager; or

12 “(DD) carrying out
13 such other activities as the
14 Commission may, by rule,
15 determine to be in the public
16 interest; and

17 “(II) if any person is offered se-
18 curities in exchange for securities or
19 assets of the eligible privately held
20 company, such person will, prior to
21 becoming legally bound to consum-
22 mate the transaction, receive or have
23 reasonable access to the most recent
24 fiscal year-end financial statements of
25 the issuer of the securities as custom-

2763

1 arily prepared by the management of
2 the issuer in the normal course of op-
3 erations and, if the financial state-
4 ments of the issuer are audited, re-
5 viewed, or compiled, any related state-
6 ment by the independent accountant,
7 a balance sheet dated not more than
8 120 days before the date of the offer,
9 and information pertaining to the
10 management, business, results of op-
11 erations for the period covered by the
12 foregoing financial statements, and
13 material loss contingencies of the
14 issuer.

15 “(v) SHELL COMPANY.—The term
16 ‘shell company’ means a company that at
17 the time of a transaction with an eligible
18 privately held company—

19 “(I) has no or nominal oper-
20 ations; and

21 “(II) has—

22 “(aa) no or nominal assets;

23 “(bb) assets consisting solely
24 of cash and cash equivalents; or

2764

1 “(cc) assets consisting of
2 any amount of cash and cash
3 equivalents and nominal other as-
4 sets.

5 “(F) INFLATION ADJUSTMENT.—

6 “(i) IN GENERAL.—On the date that
7 is 5 years after the date of the enactment
8 of this paragraph, and every 5 years there-
9 after, each dollar amount in subparagraph
10 (E)(iii)(II) shall be adjusted by—

11 “(I) dividing the annual value of
12 the Employment Cost Index For
13 Wages and Salaries, Private Industry
14 Workers (or any successor index), as
15 published by the Bureau of Labor
16 Statistics, for the calendar year pre-
17 ceding the calendar year in which the
18 adjustment is being made by the an-
19 nual value of such index (or suc-
20 cessor) for the calendar year ending
21 December 31, 2020; and

22 “(II) multiplying such dollar
23 amount by the quotient obtained
24 under subclause (I).

2765

1 “(ii) ROUNDING.—Each dollar
2 amount determined under clause (i) shall
3 be rounded to the nearest multiple of
4 \$100,000.”.

5 (b) EFFECTIVE DATE.—This section and any amend-
6 ment made by this section shall take effect on the date
7 that is 90 days after the date of enactment of this Act.

8 **TITLE VI—PUBLIC AND FEDER-**
9 **ALLY ASSISTED HOUSING**
10 **FIRE SAFETY**

11 **SEC. 601. SMOKE ALARMS IN FEDERALLY ASSISTED HOUS-**
12 **ING.**

13 (a) PUBLIC HOUSING, TENANT-BASED ASSISTANCE,
14 AND PROJECT-BASED ASSISTANCE.—The United States
15 Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amend-
16 ed—

17 (1) in section 3(a) (42 U.S.C. 1437a(a)), by
18 adding at the end the following:

19 “(9) QUALIFYING SMOKE ALARMS.—

20 “(A) IN GENERAL.—Each public housing
21 agency shall ensure that a qualifying smoke
22 alarm is installed in accordance with applicable
23 codes and standards published by the Inter-
24 national Code Council or the National Fire Pro-
25 tection Association and the requirements of the

1 National Fire Protection Association Standard
2 72, or any successor standard, in each level and
3 in or near each sleeping area in any dwelling
4 unit in public housing owned or operated by the
5 public housing agency, including in basements
6 but excepting crawl spaces and unfinished at-
7 tics, and in each common area in a project con-
8 taining such a dwelling unit.

9 “(B) DEFINITIONS.—For purposes of this
10 paragraph, the following definitions shall apply:

11 “(i) SMOKE ALARM DEFINED.—The
12 term ‘smoke alarm’ has the meaning given
13 the term ‘smoke detector’ in section 29(d)
14 of the Federal Fire Prevention and Control
15 Act of 1974 (15 U.S.C. 2225(d)).

16 “(ii) QUALIFYING SMOKE ALARM DE-
17 FINED.—The term ‘qualifying smoke
18 alarm’ means a smoke alarm that—

19 “(I) in the case of a dwelling unit
20 built before the date of enactment of
21 this paragraph and not substantially
22 rehabilitated after the date of enact-
23 ment of this paragraph—

24 “(aa)(AA) is hardwired; or

2767

1 “(BB) uses 10-year non re-
2 chargeable, nonreplaceable pri-
3 mary batteries and is sealed, is
4 tamper resistant, and contains si-
5 lencing means; and

6 “(bb) provides notification
7 for persons with hearing loss as
8 required by the National Fire
9 Protection Association Standard
10 72, or any successor standard; or

11 “(II) in the case of a dwelling
12 unit built or substantially rehabili-
13 tated after the date of enactment of
14 this paragraph, is hardwired.”; and

15 (2) in section 8 (42 U.S.C. 1437f)—

16 (A) by inserting after subsection (k) the
17 following:

18 “(1) QUALIFYING SMOKE ALARMS.—

19 “(1) IN GENERAL.—Each owner of a dwelling
20 unit receiving project-based assistance under this
21 section shall ensure that qualifying smoke alarms
22 are installed in accordance with applicable codes and
23 standards published by the International Code Coun-
24 cil or the National Fire Protection Association and
25 the requirements of the National Fire Protection As-

1 society Standard 72, or any successor standard, in
2 each level and in or near each sleeping area in such
3 dwelling unit, including in basements but excepting
4 crawl spaces and unfinished attics, and in each com-
5 mon area in a project containing such a dwelling
6 unit.

7 “(2) DEFINITIONS.—For purposes of this sub-
8 section, the following definitions shall apply:

9 “(A) SMOKE ALARM DEFINED.—The term
10 ‘smoke alarm’ has the meaning given the term
11 ‘smoke detector’ in section 29(d) of the Federal
12 Fire Prevention and Control Act of 1974 (15
13 U.S.C. 2225(d)).

14 “(B) QUALIFYING SMOKE ALARM DE-
15 FINED.—The term ‘qualifying smoke alarm’
16 means a smoke alarm that—

17 “(i) in the case of a dwelling unit
18 built before the date of enactment of this
19 subsection and not substantially rehabili-
20 tated after the date of enactment of this
21 subsection—

22 “(I)(aa) is hardwired; or

23 “(bb) uses 10-year non recharge-
24 able, nonreplaceable primary batteries
25 and—

2769

1 “(AA) is sealed;
2 “(BB) is tamper resistant;
3 and
4 “(CC) contains silencing
5 means; and
6 “(II) provides notification for
7 persons with hearing loss as required
8 by the National Fire Protection Asso-
9 ciation Standard 72, or any successor
10 standard; or
11 “(ii) in the case of a dwelling unit
12 built or substantially rehabilitated after the
13 date of enactment of this paragraph, is
14 hardwired.”; and

15 (B) in subsection (o), by adding at the end
16 the following:

17 “(22) QUALIFYING SMOKE ALARMS.—

18 “(A) IN GENERAL.—Each dwelling unit re-
19 ceiving tenant-based assistance or project-based
20 assistance under this subsection shall have a
21 qualifying smoke alarm installed in accordance
22 with applicable codes and standards published
23 by the International Code Council or the Na-
24 tional Fire Protection Association and the re-
25 quirements of the National Fire Protection As-

2770

1 society Standard 72, or any successor stand-
2 ard, in each level and in or near each sleeping
3 area in such dwelling unit, including in base-
4 ments but excepting crawl spaces and unfin-
5 ished attics, and in each common area in a
6 project containing such a dwelling unit.

7 “(B) DEFINITIONS.—For purposes of this
8 paragraph, the following definitions shall apply:

9 “(i) SMOKE ALARM DEFINED.—The
10 term ‘smoke alarm’ has the meaning given
11 the term ‘smoke detector’ in section 29(d)
12 of the Federal Fire Prevention and Control
13 Act of 1974 (15 U.S.C. 2225(d)).

14 “(ii) QUALIFYING SMOKE ALARM DE-
15 FINED.—The term ‘qualifying smoke
16 alarm’ means a smoke alarm that—

17 “(I) in the case of a dwelling unit
18 built before the date of enactment of
19 this paragraph and not substantially
20 rehabilitated after the date of enact-
21 ment of this paragraph—

22 “(aa)(AA) is hardwired; or

23 “(BB) uses 10-year non re-
24 chargeable, nonreplaceable pri-
25 mary batteries and is sealed, is

2771

1 tamper resistant, and contains si-
2 lencing means; and

3 “(bb) provides notification
4 for persons with hearing loss as
5 required by the National Fire
6 Protection Association Standard
7 72, or any successor standard; or

8 “(II) in the case of a dwelling
9 unit built or substantially rehabili-
10 tated after the date of enactment of
11 this paragraph, is hardwired.”.

12 (b) SUPPORTIVE HOUSING FOR THE ELDERLY.—
13 Section 202(j) of the Housing Act of 1959 (12 U.S.C.
14 1701q(j)) is amended by adding at the end the following:

15 “(10) QUALIFYING SMOKE ALARMS.—

16 “(A) IN GENERAL.—Each owner of a
17 dwelling unit assisted under this section shall
18 ensure that qualifying smoke alarms are in-
19 stalled in accordance with the requirements of
20 applicable codes and standards and the Na-
21 tional Fire Protection Association Standard 72,
22 or any successor standard, in each level and in
23 or near each sleeping area in such dwelling
24 unit, including in basements but excepting
25 crawl spaces and unfinished attics, and in each

2772

1 common area in a project containing such a
2 dwelling unit.

3 “(B) DEFINITIONS.—For purposes of this
4 paragraph, the following definitions shall apply:

5 “(i) SMOKE ALARM DEFINED.—The
6 term ‘smoke alarm’ has the meaning given
7 the term ‘smoke detector’ in section 29(d)
8 of the Federal Fire Prevention and Control
9 Act of 1974 (15 U.S.C. 2225(d)).

10 “(ii) QUALIFYING SMOKE ALARM DE-
11 FINED.—The term ‘qualifying smoke
12 alarm’ means a smoke alarm that—

13 “(I) in the case of a dwelling unit
14 built before the date of enactment of
15 this paragraph and not substantially
16 rehabilitated after the date of enact-
17 ment of this paragraph—

18 “(aa)(AA) is hardwired; or

19 “(BB) uses 10-year non re-
20 chargeable, nonreplaceable pri-
21 mary batteries and is sealed, is
22 tamper resistant, and contains si-
23 lencing means; and

24 “(bb) provides notification
25 for persons with hearing loss as

2773

1 required by the National Fire
2 Protection Association Standard
3 72, or any successor standard; or
4 “(II) in the case of a dwelling
5 unit built or substantially rehabili-
6 tated after the date of enactment of
7 this paragraph, is hardwired.”.

8 (c) SUPPORTIVE HOUSING FOR PERSONS WITH DIS-
9 ABILITIES.—Section 811(j) of the Cranston-Gonzalez Na-
10 tional Affordable Housing Act (42 U.S.C. 8013(j)) is
11 amended by adding at the end the following:

12 “(8) QUALIFYING SMOKE ALARMS.—

13 “(A) IN GENERAL.—Each dwelling unit as-
14 sisted under this section shall contain qualifying
15 smoke alarms that are installed in accordance
16 with applicable codes and standards published
17 by the International Code Council or the Na-
18 tional Fire Protection Association and the re-
19 quirements of the National Fire Protection As-
20 sociation Standard 72, or any successor stand-
21 ard, in each level and in or near each sleeping
22 area in such dwelling unit, including in base-
23 ments but excepting crawl spaces and unfin-
24 ished attics, and in each common area in a
25 project containing such a dwelling unit.

2774

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)
6 of 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
10 alarm’ 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

2775

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
6 this paragraph, is hardwired.”.

7 (d) HOUSING OPPORTUNITIES FOR PERSONS WITH
8 AIDS.—Section 856 of the Cranston-Gonzalez National
9 Affordable Housing Act (42 U.S.C. 12905) is amended by
10 adding at the end the following new subsection:

11 “(j) QUALIFYING SMOKE ALARMS.—

12 “(1) IN GENERAL.—Each dwelling unit assisted
13 under this subtitle shall contain qualifying smoke
14 alarms that are installed in accordance with applica-
15 ble codes and standards published by the Inter-
16 national Code Council or the National Fire Protec-
17 tion Association and the requirements of the Na-
18 tional Fire Protection Association Standard 72, or
19 any successor standard, in each level and in or near
20 each sleeping area in such dwelling unit, including in
21 basements but excepting crawl spaces and unfinished
22 attics, and in each common area in a project con-
23 taining such a dwelling unit.

24 “(2) DEFINITIONS.—For purposes of this sub-
25 section, the following definitions shall apply:

2776

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
10 built before the date of enactment of this
11 subsection and not substantially rehabili-
12 tated after the date of enactment of this
13 subsection—

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
24 persons with hearing loss as required
25 by the National Fire Protection Asso-

2777

1 ciation 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 subsection, is
6 hardwired.”.

7 (e) RURAL HOUSING.—Title V of the Housing Act
8 of 1949 (42 U.S.C. 1471 et seq.) is amended—

9 (1) in section 514 (42 U.S.C. 1484), by adding
10 at the end the following:

11 “(k) QUALIFYING SMOKE ALARMS.—

12 “(1) IN GENERAL.—Housing and related facili-
13 ties constructed with loans under this section shall
14 contain qualifying smoke alarms that are installed in
15 accordance with applicable codes and standards pub-
16 lished by the International Code Council or the Na-
17 tional Fire Protection Association and the require-
18 ments of the National Fire Protection Association
19 Standard 72, or any successor standard, in each
20 level and in or near each sleeping area in such dwell-
21 ing unit, including in basements but excepting crawl
22 spaces and unfinished attics, and in each common
23 area in a project containing such a dwelling unit.

24 “(2) DEFINITIONS.—For purposes of this sub-
25 section, the following definitions shall apply:

2778

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
10 built before the date of enactment of this
11 subsection and not substantially rehabili-
12 tated after the date of enactment of this
13 subsection—

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
24 persons with hearing loss as required
25 by the National Fire Protection Asso-

2779

1 ciation 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 subsection, is
6 hardwired.”; and

7 (2) in section 515(m) (42 U.S.C. 1485(m)), by
8 adding at the end the following:

9 “(3) QUALIFYING SMOKE ALARMS.—

10 “(A) IN GENERAL.—Housing and related facili-
11 ties rehabilitated or repaired with amounts received
12 under a loan made or insured under this section
13 shall contain qualifying smoke alarms that 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 As-
18 sociation 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 “(B) DEFINITIONS.—For purposes of this para-
25 graph, the following definitions shall apply:

1 “(i) 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 “(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 this
11 paragraph and not substantially rehabili-
12 tated after the date of enactment of this
13 paragraph—

14 “(aa)(AA) is hardwired; or

15 “(BB) uses 10-year non re-
16 chargeable, nonreplaceable primary
17 batteries and is sealed, is tamper re-
18 sistant, and contains silencing means;
19 and

20 “(bb) provides notification for
21 persons with hearing loss as required
22 by the National Fire Protection Asso-
23 ciation Standard 72, or any successor
24 standard; or

2781

1 “(II) in the case of a dwelling unit
2 built or substantially rehabilitated after the
3 date of enactment of this paragraph, is
4 hardwired.”.

5 (f) FARM LABOR HOUSING DIRECT LOANS &
6 GRANTS.—Section 516 of the Housing Act of 1949 (42
7 U.S.C. 1486) is amended—

8 (1) in subsection (c)—

9 (A) in paragraph (2), by striking “and” at
10 the end;

11 (B) in paragraph (3), by striking the pe-
12 riod at the end and inserting “; and”; and

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

14 “(4) that such housing shall contain qualifying
15 smoke alarms that are installed in accordance with
16 applicable codes and standards published by the
17 International Code Council or the National Fire
18 Protection Association and the requirements of the
19 National Fire Protection Association Standard 72,
20 or any successor standard, in each level and in or
21 near each sleeping area in such dwelling unit, in-
22 cluding in basements but excepting crawl spaces and
23 unfinished attics, and in each common area in a
24 project containing such a dwelling unit.”; and

25 (2) in subsection (g)—

1 (A) in paragraph (3) by striking “and” at
2 the end;

3 (B) in paragraph (4), by striking the pe-
4 riod at the end and inserting a semicolon; and

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

6 “(5) the term ‘smoke alarm’ has the meaning
7 given the term ‘smoke detector’ in section 29(d) of
8 the Federal Fire Prevention and Control Act of
9 1974 (15 U.S.C. 2225(d)); and

10 “(6) the term ‘qualifying smoke alarm’ means
11 a smoke alarm that—

12 “(A) in the case of a dwelling unit built be-
13 fore the date of enactment of this paragraph
14 and not substantially rehabilitated after the
15 date of enactment of this paragraph—

16 “(i)(I) is hardwired; or

17 “(II) uses 10-year non rechargeable,
18 nonreplaceable primary batteries and—

19 “(aa) is sealed;

20 “(bb) is tamper resistant; and

21 “(cc) contains silencing means;

22 and

23 “(ii) provides notification for persons
24 with hearing loss as required by the Na-

1 tional Fire Protection Association Stand-
2 ard 72, or any successor standard; or

3 “(B) in the case of a dwelling unit built or
4 substantially rehabilitated after the date of en-
5 actment of this paragraph, is hardwired.”.

6 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to carry out the amend-
8 ments made by this section such sums as are necessary
9 for each of fiscal years 2023 through 2027.

10 (h) EFFECTIVE DATE.—The amendments made by
11 subsections (a) through (f) shall take effect on the date
12 that is 2 years after the date of enactment of this Act.

13 (i) NO PREEMPTION.—Nothing in the amendments
14 made by this section shall be construed to preempt or limit
15 the applicability of any State or local law relating to the
16 installation and maintenance of smoke alarms in housing
17 that requires standards that are more stringent than the
18 standards described in the amendments made by this sec-
19 tion.

20 **TITLE VII—BENJAMIN BERELL**
21 **FERENCZ CONGRESSIONAL**
22 **GOLD MEDAL**

23 **SEC. 701. SHORT TITLE.**

24 This title may be cited as the “Benjamin Berell
25 Ferencz Congressional Gold Medal Act”.

1 **SEC. 702. FINDINGS.**

2 Congress finds the following:

3 (1) Benjamin “Ben” Berell Ferencz was born
4 on March 11, 1920, in Transylvania, now modern-
5 day Hungary.

6 (2) In 1920, Ben and his family fled anti-Se-
7 mitic persecution and emigrated to the United
8 States. Ben grew up in New York City, and, in
9 1940, was awarded a scholarship to Harvard Law
10 School where he graduated with honors.

11 (3) After the onset of World War II, Ben en-
12 listed in the United States Army in 1943, and joined
13 an anti-aircraft artillery battalion preparing for the
14 invasion of France. As an enlisted man under Gen-
15 eral Patton, he fought in most of the major cam-
16 paigns in Europe.

17 (4) As Nazi atrocities were uncovered, Ben was
18 transferred to a newly created War Crimes Branch
19 of the Army to gather evidence of war crimes that
20 could be used in a court of law to prosecute persons
21 responsible for these crimes. Ben documented the
22 horrors perpetrated by Nazi Germany, visiting con-
23 centration camps as they were liberated.

24 (5) At the end of 1945, Ben was honorably dis-
25 charged from the United States Army with the rank

2785

1 of Sergeant of Infantry. He had been awarded five
2 battle stars.

3 (6) In 1946, the United States Government re-
4 cruited Ben to join the team working on the Nurem-
5 berg tribunals, a novel independent court established
6 to try top-ranking Nazi officials for crimes per-
7 petrated during the course of the war, including
8 those crimes we now call the Holocaust. Mr. Ferencz
9 was sent to Berlin to oversee a team of 50 research-
10 ers investigating official Nazi records, which pro-
11 vided overwhelming evidence to implicate German
12 doctors, lawyers, judges, generals, industrialists, and
13 others in genocide.

14 (7) By 1948, at age 27, Ben had secured
15 enough evidence to prosecute 22 SS members of
16 Nazi killing squads charged for the murder of over
17 1,000,000 Jewish, Roma, Soviet, and other men,
18 women, and children in shooting massacres in occu-
19 pied Soviet territory. He was appointed chief pros-
20 ecutor in the Einsatzgruppen Trial, in what the As-
21 sociated Press called “the biggest murder trial in
22 history”. The court found 20 Nazi officials guilty of
23 war crimes, crimes against humanity, and member-
24 ship in a criminal organization for their roles in the
25 murder of over a million people. An additional two

1 defendants were found guilty for membership in a
2 criminal organization.

3 (8) After the Nuremberg trials ended, Ben
4 fought for compensation for victims and survivors of
5 the Holocaust, the return of stolen assets, and other
6 forms of restitution for those who had suffered at
7 the hands of the Nazis.

8 (9) Since the 1970s, Ben has worked tirelessly
9 to promote development of international mechanisms
10 to outlaw and punish aggressive war and the crimes
11 of genocide, crimes against humanity and war
12 crimes. His efforts contributed to the establishment
13 of the International Criminal Court and to the rec-
14 ognition of aggression as an international crime.

15 (10) Ben is a tireless advocate for international
16 criminal justice and the conviction that the rule of
17 law offers the world a sustainable path to stem con-
18 flict and reach peaceful conclusions to geopolitical
19 disputes. His unwavering goal has been “to establish
20 a legal precedent that would encourage a more hu-
21 mane and secure world in the future”.

22 (11) Ben, at age 102, is still active, giving
23 speeches throughout the world about lessons learned
24 during his extraordinary career. He is compelled by
25 the imperative to “replace the rule of force with the

1 rule of law”, promoting judicial mechanisms that
2 can resolve conflict. He often tells young people to
3 “never give up” because the fight for peace and jus-
4 tice is worth the long struggle ahead.

5 **SEC. 703. CONGRESSIONAL GOLD MEDAL.**

6 (a) **PRESENTATION AUTHORIZED.**—The Speaker of
7 the House of Representatives and the President pro tem-
8 pore of the Senate shall make appropriate arrangements
9 for the presentation, on behalf of the Congress, of a gold
10 medal of appropriate design to Benjamin Berell Ferencz,
11 in recognition of his service to the United States and inter-
12 national community during the post-World War II Nurem-
13 berg trials and lifelong advocacy for international criminal
14 justice and rule of law.

15 (b) **DESIGN AND STRIKING.**—For purposes of the
16 presentation referred to in subsection (a), the Secretary
17 of the Treasury (referred to in this title as the “Sec-
18 retary”) shall strike a gold medal with suitable emblems,
19 devices, and inscriptions, to be determined by the Sec-
20 retary. The design shall bear an image of, and inscription
21 of the name of, Benjamin Berell Ferencz.

22 (c) **DISPOSITION OF MEDAL.**—Following the award
23 of the gold medal under subsection (a), the gold medal
24 shall be given to Benjamin Berell Ferencz or, if unavail-
25 able, to his son, Donald Ferencz.

1 **SEC. 704. DUPLICATE MEDALS.**

2 (a) IN GENERAL.—The Secretary may strike and sell
3 duplicates in bronze of the gold medal struck pursuant
4 to section 703, at a price sufficient to cover the cost there-
5 of, including labor, materials, dies, use of machinery, and
6 overhead expenses.

7 (b) UNITED STATES HOLOCAUST MEMORIAL MU-
8 SEUM.—

9 (1) IN GENERAL.—The Secretary shall provide
10 a duplicate bronze medal described under subsection
11 (a) to the United States Holocaust Memorial Mu-
12 seum.

13 (2) SENSE OF CONGRESS.—It is the sense of
14 Congress that the United States Holocaust Memo-
15 rial Museum should make the duplicate medal re-
16 ceived under this subsection available for display to
17 the public whenever the United States Holocaust
18 Memorial Museum determines that such display is
19 timely, feasible, and practical.

20 **SEC. 705. STATUS OF MEDALS.**

21 (a) NATIONAL MEDALS.—The medals struck pursu-
22 ant to this title are national medals for purposes of chap-
23 ter 51 of title 31, United States Code.

24 (b) NUMISMATIC ITEMS.—For purposes of section
25 5134 of title 31, United States Code, all medals struck
26 under this title shall be considered to be numismatic items.

1 **SEC. 706. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS**
2 **OF SALE.**

3 (a) **AUTHORITY TO USE FUND AMOUNTS.**—There is
4 authorized to be charged against the United States Mint
5 Public Enterprise Fund such amounts as may be nec-
6 essary to pay for the costs of the medals struck under
7 this title.

8 (b) **PROCEEDS OF SALE.**—Amounts received from the
9 sale of duplicate bronze medals authorized under section
10 704 shall be deposited into the United States Mint Public
11 Enterprise Fund.

12 **TITLE VIII—CONGRESSIONAL**
13 **OVERSIGHT COMMISSION**

14 **SEC. 801. TERMINATION OF CONGRESSIONAL OVERSIGHT**
15 **COMMISSION.**

16 Section 4020(f) of the CARES Act (15 U.S.C.
17 9055(f)) is amended by striking “September 30, 2025”
18 and inserting “June 30, 2023”.

19 **TITLE IX—FLOOD INSURANCE**

20 **SEC. 901. REAUTHORIZATION OF NATIONAL FLOOD INSUR-**
21 **ANCE PROGRAM.**

22 (a) **FINANCING.**—Section 1309(a) of the National
23 Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is
24 amended by striking “September 30, 2022” and inserting
25 “September 30, 2023”.

1 (b) PROGRAM EXPIRATION.—Section 1319 of the Na-
2 tional Flood Insurance Act of 1968 (42 U.S.C. 4026) is
3 amended by striking “September 30, 2022” and inserting
4 “September 30, 2023”.

5 (c) RETROACTIVE EFFECTIVE DATE.—The amend-
6 ments made by subsections (a) and (b) shall take effect
7 as if enacted on September 30, 2022.

8 **DIVISION BB—CONSUMER**
9 **PROTECTION AND COMMERCE**
10 **TITLE I—MANUFACTURING.GOV**

11 **SEC. 101. MANUFACTURING.GOV HUB.**

12 (a) DEFINITION.—In this section, the term “Sec-
13 retary” means the Secretary of Commerce.

14 (b) ESTABLISHMENT.—Not later than 1 year after
15 the date of enactment of this Act, the Secretary, in coordi-
16 nation with the Chief Information Officer of the Depart-
17 ment of Commerce, shall modify the manufacturing.gov
18 website by establishing a section of the website to be
19 known as the “manufacturing.gov hub”.

20 (c) FUNCTIONS.—The manufacturing.gov hub estab-
21 lished under subsection (b) shall—

22 (1) serve as the primary hub for information re-
23 lating to every Federal manufacturing program, in-
24 cluding the programs identified in the report of the
25 Government Accountability Office entitled “U.S.

2791

1 Manufacturing” (GAO 17–240), published on March
2 28, 2017;

3 (2) provide the contact information of relevant
4 program offices carrying out the Federal manufac-
5 turing programs described in paragraph (1);

6 (3) provide an avenue for public input and feed-
7 back relating to—

8 (A) the functionality of the website of the
9 Department of Commerce;

10 (B) the Federal manufacturing programs
11 described in paragraph (1); and

12 (C) any other manufacturing-related chal-
13 lenges experienced by manufacturers in the
14 United States;

15 (4) establish web pages within the hub that
16 shall focus on—

17 (A) technology and research and develop-
18 ment;

19 (B) trade;

20 (C) workforce development and training;

21 (D) industrial commons and supply chains;

22 and

23 (E) small and medium manufacturers; and

24 (5) use machine learning to—

1 (A) identify frequently asked questions;
2 and

3 (B) disseminate to the public answers to
4 the questions identified under subparagraph
5 (A).

6 (d) NO ADDITIONAL FUNDS.—No additional funds
7 are authorized to be appropriated for the purpose of car-
8 rying out this section.

9 **TITLE II—STURDY**

10 **SEC. 201. CONSUMER PRODUCT SAFETY STANDARD TO** 11 **PROTECT AGAINST TIP-OVER OF CLOTHING** 12 **STORAGE UNITS.**

13 (a) CLOTHING STORAGE UNIT DEFINED.—In this
14 section, the term “clothing storage unit” means any free-
15 standing furniture item manufactured in the United
16 States or imported for use in the United States that is
17 intended for the storage of clothing, typical of bedroom
18 furniture.

19 (b) CPSC DETERMINATION OF SCOPE.—The Con-
20 sumer Product Safety Commission shall specify the types
21 of furniture items within the scope of subsection (a) as
22 part of a standard promulgated under this section based
23 on tip-over data as reasonably necessary to protect chil-
24 dren up to 72 months of age from injury or death.

1 (c) CONSUMER PRODUCT SAFETY STANDARD RE-
2 QUIRED.—

3 (1) IN GENERAL.—Except as provided in sub-
4 section (f)(1), not later than 1 year after the date
5 of the enactment of this Act, the Consumer Product
6 Safety Commission shall—

7 (A) in consultation with representatives of
8 consumer groups, clothing storage unit manu-
9 facturers, craft or handmade furniture manu-
10 facturers, and independent child product engi-
11 neers and experts, examine and assess the ef-
12 fectiveness of any voluntary consumer product
13 safety standards for clothing storage units; and

14 (B) in accordance with section 553 of title
15 5, United States Code, and paragraph (2), pro-
16 mulgate a final consumer product safety stand-
17 ard for clothing storage units to protect chil-
18 dren from tip-over-related death or injury, that
19 shall take effect 180 days after the date of pro-
20 mulgation or such a later date as the Commis-
21 sion determines appropriate.

22 (2) REQUIREMENTS.—The standard promul-
23 gated under paragraph (1) shall protect children
24 from tip-over-related death or injury with—

1 (A) tests that simulate the weight of chil-
2 dren up to 60 pounds;

3 (B) objective, repeatable, reproducible, and
4 measurable tests or series of tests that simulate
5 real-world use and account for impacts on
6 clothing storage unit stability that may result
7 from placement on carpeted surfaces, drawers
8 with items in them, multiple open drawers, and
9 dynamic force;

10 (C) testing of all clothing storage units, in-
11 cluding those 27 inches and above in height;
12 and

13 (D) warning requirements based on ASTM
14 F2057–19, or its successor at the time of en-
15 actment, provided that the Consumer Product
16 Safety Commission may strengthen the warning
17 requirements of ASTM F2057–19, or its suc-
18 cessor, if reasonably necessary to protect chil-
19 dren from tip-over-related death or injury.

20 (3) TESTING CLARIFICATION.—Tests referred
21 to in paragraph (2)(B) shall allow for the utilization
22 of safety features (excluding tip restraints) to work
23 as intended if the features cannot be overridden by
24 consumers in normal use.

1 (4) TREATMENT OF STANDARD.—A consumer
2 product safety standard promulgated under para-
3 graph (1) shall be treated as a consumer product
4 safety rule promulgated under section 9 of the Con-
5 sumer Product Safety Act (15 U.S.C. 2058).

6 (d) ADOPTION OF VOLUNTARY STANDARD.—

7 (1) IN GENERAL.—If a voluntary standard ex-
8 ists that meets the requirements of paragraph (2),
9 the Commission shall, not later than 90 days after
10 the date on which such determination is made and
11 in accordance with section 553 of title 5, United
12 States Code, promulgate a final consumer product
13 safety standard that adopts the applicable perform-
14 ance requirements of such voluntary standard re-
15 lated to protecting children from tip-over-related
16 death or injury. A consumer product safety standard
17 promulgated under this subsection shall be treated
18 as a consumer product safety rule promulgated
19 under section 9 of the Consumer Product Safety Act
20 (15 U.S.C. 2058). Such standard shall take effect
21 120 days after the date of the promulgation of the
22 rule, or such a later date as the Commission deter-
23 mines appropriate. Such standard will supersede any
24 other existing standard for clothing storage units to

1 protect children from tip-over-related death or in-
2 jury.

3 (2) REQUIREMENTS.—The requirements of this
4 paragraph with respect to a voluntary standard for
5 clothing storage units are that such standard—

6 (A) protects children up to 72 months of
7 age from tip-over-related death or injury;

8 (B) meets the requirements described in
9 subsection (c)(2);

10 (C) is, or will be, published not later than
11 60 days after the date of enactment of this Act;
12 and

13 (D) is developed by ASTM International or
14 such other standard development organization
15 that the Commission determines is in compli-
16 ance with the intent of this section.

17 (3) NOTICE REQUIRED TO BE PUBLISHED IN
18 THE FEDERAL REGISTER.—The Commission shall
19 publish a notice in the Federal Register upon begin-
20 ning the promulgation of a rule under this sub-
21 section.

22 (e) REVISION OF VOLUNTARY STANDARD.—

23 (1) NOTICE TO COMMISSION.—If the perform-
24 ance requirements of a voluntary standard adopted
25 under subsection (d) are subsequently revised, the

1 organization that revised the performance require-
2 ments of such standard shall notify the Commission
3 of such revision after final approval.

4 (2) TREATMENT OF REVISION.—Not later than
5 90 days after the date on which the Commission is
6 notified of revised performance requirements of a
7 voluntary standard described in paragraph (1) (or
8 such later date as the Commission determines ap-
9 propriate), the Commission shall determine whether
10 the revised performance requirements meet the re-
11 quirements of subsection (d)(2)(B), and if so, mod-
12 ify, in accordance with section 553 of title 5, United
13 States Code, the standard promulgated under sub-
14 section (d) to include the revised performance re-
15 quirements that the Commission determines meet
16 such requirements. The modified standard shall take
17 effect after 180 days or such later date as the Com-
18 mission deems appropriate.

19 (f) SUBSEQUENT RULEMAKING.—

20 (1) IN GENERAL.—Beginning 5 years after the
21 date of enactment of this Act, subsequent to the
22 publication of a consumer product safety standard
23 under this section, the Commission may, at any
24 time, initiate rulemaking, in accordance with section
25 553 of title 5, United States Code, to modify the re-

1 requirements of such standard or to include additional
2 provisions if the Commission makes a determination
3 that such modifications or additions are reasonably
4 necessary to protect children from tip-over-related
5 death or injury.

6 (2) PETITION FOR REVISION OF RULE.—

7 (A) IN GENERAL.—If the Commission re-
8 ceives a petition for a new or revised test that
9 permits incorporated safety features (excluding
10 tip restraints) to work as intended, if the fea-
11 tures cannot be overridden by consumers in
12 normal use and provide an equivalent or greater
13 level of safety as the tests developed under sub-
14 section (c)(2) or the performance requirements
15 described in subsection (d)(2)(B), as applicable,
16 the Commission shall determine within 120
17 days—

18 (i) whether the petition meets the re-
19 quirements for petitions set forth in sec-
20 tion 1051.5 of title 16, Code of Federal
21 Regulations, or any successor regulation
22 implementing section 9(i) of the Consumer
23 Product Safety Act (15 U.S.C. 2058(i));
24 and

1 (ii) whether the petition demonstrates
2 that the test could reasonably meet the re-
3 quirements of subsection (c)(2)(B), and if
4 so, the Commission shall determine by re-
5 corded vote, within 60 days after the deter-
6 mination, whether to initiate rulemaking,
7 in accordance with section 553 of title 5,
8 United States Code, to revise a consumer
9 product safety standard promulgated
10 under this section to include the new or re-
11 vised test.

12 (B) DEMONSTRATION OF COMPLIANCE.—
13 Compliance with the testing requirements of a
14 standard revised under subparagraph (A) may
15 be demonstrated either through the perform-
16 ance of a new or revised test under subpara-
17 graph (A) or the performance of the tests oth-
18 erwise required under a standard promulgated
19 under this section.

20 (3) TREATMENT OF RULES.—Any rule promul-
21 gated under this subsection, including any modifica-
22 tion or revision made under this subsection, shall be
23 treated as a consumer product safety rule promul-
24 gated under section 9 of the Consumer Product
25 Safety Act (15 U.S.C. 2058).

2800

1 TITLE III—INFORM CONSUMERS**2 SEC. 301. COLLECTION, VERIFICATION, AND DISCLOSURE**
3 OF INFORMATION BY ONLINE MARKET-
4 PLACES TO INFORM CONSUMERS.**5 (a) COLLECTION AND VERIFICATION OF INFORMA-**
6 TION.—**7 (1) COLLECTION.—**

8 (A) IN GENERAL.—An online marketplace
9 shall require any high-volume third party seller
10 on such online marketplace’s platform to pro-
11 vide, not later than 10 days after qualifying as
12 a high-volume third party seller on the plat-
13 form, the following information to the online
14 marketplace:

15 (i) BANK ACCOUNT.—

16 (I) IN GENERAL.—A bank ac-
17 count number, or, if such seller does
18 not have a bank account, the name of
19 the payee for payments issued by the
20 online marketplace to such seller.

21 (II) PROVISION OF INFORMA-
22 TION.—The bank account or payee in-
23 formation required under subclause
24 (I) may be provided by the seller in
25 the following ways:

2801

1 (aa) To the online market-
2 place.

3 (bb) To a payment processor
4 or other third party contracted
5 by the online marketplace to
6 maintain such information, pro-
7 vided that the online marketplace
8 ensures that it can obtain such
9 information within 3 business
10 days from such payment proc-
11 essor or other third party.

12 (ii) CONTACT INFORMATION.—Contact
13 information for such seller as follows:

14 (I) With respect to a high-volume
15 third party seller that is an individual,
16 the individual's name.

17 (II) With respect to a high-vol-
18 ume third party seller that is not an
19 individual, one of the following forms
20 of contact information:

21 (aa) A copy of a valid gov-
22 ernment-issued identification for
23 an individual acting on behalf of
24 such seller that includes the indi-
25 vidual's name.

2802

1 (bb) A copy of a valid gov-
2 ernment-issued record or tax doc-
3 ument that includes the business
4 name and physical address of
5 such seller.

6 (iii) TAX ID.—A business tax identi-
7 fication number, or, if such seller does not
8 have a business tax identification number,
9 a taxpayer identification number.

10 (iv) WORKING EMAIL AND PHONE
11 NUMBER.—A current working email ad-
12 dress and phone number for such seller.

13 (B) NOTIFICATION OF CHANGE; ANNUAL
14 CERTIFICATION.—An online marketplace
15 shall—

16 (i) periodically, but not less than an-
17 nually, notify any high-volume third party
18 seller on such online marketplace's plat-
19 form of the requirement to keep any infor-
20 mation collected under subparagraph (A)
21 current; and

22 (ii) require any high-volume third
23 party seller on such online marketplace's
24 platform to, not later than 10 days after

2803

1 receiving the notice under clause (i), elec-
2 tronically certify that—

3 (I) the seller has provided any
4 changes to such information to the
5 online marketplace, if any such
6 changes have occurred; or

7 (II) there have been no changes
8 to such seller's information.

9 (C) SUSPENSION.—In the event that a
10 high-volume third party seller does not provide
11 the information or certification required under
12 this paragraph, the online marketplace shall,
13 after providing the seller with written or elec-
14 tronic notice and an opportunity to provide
15 such information or certification not later than
16 10 days after the issuance of such notice, sus-
17 pend any future sales activity of such seller
18 until such seller provides such information or
19 certification.

20 (2) VERIFICATION.—

21 (A) IN GENERAL.—An online marketplace
22 shall—

23 (i) verify the information collected
24 under paragraph (1)(A) not later than 10
25 days after such collection; and

1 (ii) verify any change to such informa-
2 tion not later than 10 days after being no-
3 tified of such change by a high-volume
4 third party seller under paragraph (1)(B).

5 (B) PRESUMPTION OF VERIFICATION.—In
6 the case of a high-volume third party seller that
7 provides a copy of a valid government-issued
8 tax document, any information contained in
9 such document shall be presumed to be verified
10 as of the date of issuance of such document.

11 (3) DATA USE LIMITATION.—Data collected
12 solely to comply with the requirements of this sec-
13 tion may not be used for any other purpose unless
14 required by law.

15 (4) DATA SECURITY REQUIREMENT.—An online
16 marketplace shall implement and maintain reason-
17 able security procedures and practices, including ad-
18 ministrative, physical, and technical safeguards, ap-
19 propriate to the nature of the data and the purposes
20 for which the data will be used, to protect the data
21 collected to comply with the requirements of this
22 section from unauthorized use, disclosure, access, de-
23 struction, or modification.

24 (b) DISCLOSURE REQUIRED.—

25 (1) REQUIREMENT.—

2805

1 (A) IN GENERAL.—An online marketplace
2 shall—

3 (i) require any high-volume third
4 party seller with an aggregate total of
5 \$20,000 or more in annual gross revenues
6 on such online marketplace, and that uses
7 such online marketplace’s platform, to pro-
8 vide the information described in subpara-
9 graph (B) to the online marketplace; and
10 (ii) disclose the information described
11 in subparagraph (B) to consumers in a
12 clear and conspicuous manner—

13 (I) on the product listing page
14 (including via hyperlink); or

15 (II) in the order confirmation
16 message or other document or com-
17 munication made to the consumer
18 after the purchase is finalized and in
19 the consumer’s account transaction
20 history.

21 (B) INFORMATION DESCRIBED.—The in-
22 formation described in this subparagraph is the
23 following:

2806

1 (i) Subject to paragraph (2), the iden-
2 tity of the high-volume third party seller,
3 including—

4 (I) the full name of the seller,
5 which may include the seller name or
6 seller's company name, or the name
7 by which the seller or company oper-
8 ates on the online marketplace;

9 (II) the physical address of the
10 seller; and

11 (III) contact information for the
12 seller, to allow for the direct,
13 unhindered communication with high-
14 volume third party sellers by users of
15 the online marketplace, including—

16 (aa) a current working
17 phone number;

18 (bb) a current working email
19 address; or

20 (cc) other means of direct
21 electronic messaging (which may
22 be provided to such seller by the
23 online marketplace), provided
24 that the requirements of this
25 item shall not prevent an online

2807

1 marketplace from monitoring
2 communications between high-
3 volume third party sellers and
4 users of the online marketplace
5 for fraud, abuse, or spam.

6 (ii) Whether the high-volume third
7 party seller used a different seller to sup-
8 ply the consumer product to the consumer
9 upon purchase, and, upon the request of
10 an authenticated purchaser, the informa-
11 tion described in clause (i) relating to any
12 such seller that supplied the consumer
13 product to the purchaser, if such seller is
14 different than the high-volume third party
15 seller listed on the product listing prior to
16 purchase.

17 (2) EXCEPTION.—

18 (A) IN GENERAL.—Subject to subpara-
19 graph (B), upon the request of a high-volume
20 third party seller, an online marketplace may
21 provide for partial disclosure of the identity in-
22 formation required under paragraph (1)(B)(i)
23 in the following situations:

24 (i) If such seller certifies to the online
25 marketplace that the seller does not have

2808

1 a business address and only has a residen-
2 tial street address, or has a combined busi-
3 ness and residential address, the online
4 marketplace may—

5 (I) disclose only the country and,
6 if applicable, the State in which such
7 seller resides; and

8 (II) inform consumers that there
9 is no business address available for
10 the seller and that consumer inquiries
11 should be submitted to the seller by
12 phone, email, or other means of elec-
13 tronic messaging provided to such
14 seller by the online marketplace.

15 (ii) If such seller certifies to the online
16 marketplace that the seller is a business
17 that has a physical address for product re-
18 turns, the online marketplace may disclose
19 the seller's physical address for product re-
20 turns.

21 (iii) If such seller certifies to the on-
22 line marketplace that the seller does not
23 have a phone number other than a per-
24 sonal phone number, the online market-
25 place shall inform consumers that there is

1 no phone number available for the seller
2 and that consumer inquiries should be sub-
3 mitted to the seller's email address or
4 other means of electronic messaging pro-
5 vided to such seller by the online market-
6 place.

7 (B) LIMITATION ON EXCEPTION.—If an
8 online marketplace becomes aware that a high-
9 volume third party seller has made a false rep-
10 resentation to the online marketplace in order
11 to justify the provision of a partial disclosure
12 under subparagraph (A) or that a high-volume
13 third party seller who has requested and re-
14 ceived a provision for a partial disclosure under
15 subparagraph (A) has not provided responsive
16 answers within a reasonable time frame to con-
17 sumer inquiries submitted to the seller by
18 phone, email, or other means of electronic mes-
19 saging provided to such seller by the online
20 marketplace, the online marketplace shall, after
21 providing the seller with written or electronic
22 notice and an opportunity to respond not later
23 than 10 days after the issuance of such notice,
24 suspend any future sales activity of such seller
25 unless such seller consents to the disclosure of

1 the identity information required under para-
2 graph (1)(B)(i).

3 (3) REPORTING MECHANISM.—An online mar-
4 ketplace shall disclose to consumers in a clear and
5 conspicuous manner on the product listing of any
6 high-volume third party seller a reporting mecha-
7 nism that allows for electronic and telephonic report-
8 ing of suspicious marketplace activity to the online
9 marketplace.

10 (4) COMPLIANCE.—If a high-volume third party
11 seller does not comply with the requirements to pro-
12 vide and disclose information under this subsection,
13 the online marketplace shall, after providing the sell-
14 er with written or electronic notice and an oppor-
15 tunity to provide or disclose such information not
16 later than 10 days after the issuance of such notice,
17 suspend any future sales activity of such seller until
18 the seller complies with such requirements.

19 (c) ENFORCEMENT BY FEDERAL TRADE COMMIS-
20 SION.—

21 (1) UNFAIR AND DECEPTIVE ACTS OR PRAC-
22 TICES.—A violation of subsection (a) or (b) by an
23 online marketplace shall be treated as a violation of
24 a rule defining an unfair or deceptive act or practice

1 prescribed under section 18(a)(1)(B) of the Federal
2 Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

3 (2) POWERS OF THE COMMISSION.—

4 (A) IN GENERAL.—The Commission shall
5 enforce subsections (a) and (b) in the same
6 manner, by the same means, and with the same
7 jurisdiction, powers, and duties as though all
8 applicable terms and provisions of the Federal
9 Trade Commission Act (15 U.S.C. 41 et seq.)
10 were incorporated into and made a part of this
11 section.

12 (B) PRIVILEGES AND IMMUNITIES.—Any
13 person that violates subsection (a) or (b) shall
14 be subject to the penalties, and entitled to the
15 privileges and immunities, provided in the Fed-
16 eral Trade Commission Act (15 U.S.C. 41 et
17 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.

1 (4) AUTHORITY PRESERVED.—Nothing in this
2 section shall be construed to limit the authority of
3 the 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
9 regulation promulgated under this section that af-
10 fects one or more residents of that State, the attor-
11 ney general of the State may bring a civil action in
12 any appropriate district court of the United States,
13 to—

14 (A) enjoin further such violation by the de-
15 fendant;

16 (B) enforce compliance with this section or
17 such regulation;

18 (C) obtain civil penalties in the amount
19 provided for under subsection (c);

20 (D) obtain other remedies permitted under
21 State law; and

22 (E) obtain damages, restitution, or other
23 compensation on behalf of residents of the
24 State.

1 (2) NOTICE.—The attorney general of a State
2 shall provide prior written notice of any action under
3 paragraph (1) to the Commission and provide the
4 Commission with a copy of the complaint in the ac-
5 tion, except in any case in which such prior notice
6 is not feasible, in which case the attorney general
7 shall serve such notice immediately upon instituting
8 such action.

9 (3) INTERVENTION BY THE COMMISSION.—
10 Upon receiving notice under paragraph (2), the
11 Commission shall have the right—

12 (A) to intervene in the action;

13 (B) upon so intervening, to be heard on all
14 matters arising therein; and

15 (C) to file petitions for appeal.

16 (4) LIMITATION ON STATE ACTION WHILE FED-
17 ERAL ACTION IS PENDING.—If the Commission has
18 instituted a civil action for violation of this section
19 or a regulation promulgated under this section, no
20 State attorney general, or official or agency of a
21 State, may bring a separate action under paragraph
22 (1) during the pendency of that action against any
23 defendant named in the complaint of the Commis-
24 sion for any violation of this section or a regulation
25 promulgated under this section that is alleged in the

1 complaint. A State attorney general, or official or
2 agency of a State, may join a civil action for a viola-
3 tion of this section or regulation promulgated under
4 this section filed by the Commission.

5 (5) RULE OF CONSTRUCTION.—For purposes of
6 bringing a civil action under paragraph (1), nothing
7 in this section shall be construed to prevent the chief
8 law enforcement officer, or official or agency of a
9 State, from exercising the powers conferred on such
10 chief law enforcement officer, or official or agency of
11 a State, by the laws of the State to conduct inves-
12 tigation, administer oaths or affirmations, or com-
13 pel the attendance of witnesses or the production of
14 documentary and other evidence.

15 (6) ACTIONS BY OTHER STATE OFFICIALS.—

16 (A) IN GENERAL.—In addition to civil ac-
17 tions brought by attorneys general under para-
18 graph (1), any other officer of a State who is
19 authorized by the State to do so, except for any
20 private person on behalf of the State attorney
21 general, may bring a civil action under para-
22 graph (1), subject to the same requirements
23 and limitations that apply under this subsection
24 to civil actions brought by attorneys general.

1 (B) SAVINGS PROVISION.—Nothing in this
2 subsection may be construed to prohibit an au-
3 thorized official of a State from initiating or
4 continuing any proceeding in a court of the
5 State for a violation of any civil or criminal law
6 of the State.

7 (e) SEVERABILITY.—If any provision of this section,
8 or the application thereof to any person or circumstance,
9 is held invalid, the remainder of this section and the appli-
10 cation of such provision to other persons not similarly situ-
11 ated or to other circumstances shall not be affected by
12 the invalidation.

13 (f) DEFINITIONS.—In this section:

14 (1) COMMISSION.—The term “Commission”
15 means the Federal Trade Commission.

16 (2) CONSUMER PRODUCT.—The term “con-
17 sumer product” has the meaning given such term in
18 section 101 of the Magnuson-Moss Warranty—Fed-
19 eral Trade Commission Improvement Act (15 U.S.C.
20 2301) and section 700.1 of title 16, Code of Federal
21 Regulations.

22 (3) HIGH-VOLUME THIRD PARTY SELLER.—

23 (A) IN GENERAL.—The term “high-volume
24 third party seller” means a participant on an
25 online marketplace’s platform who is a third

1 party seller and, in any continuous 12-month
2 period during the previous 24 months, has en-
3 tered into 200 or more discrete sales or trans-
4 actions of new or unused consumer products
5 and an aggregate total of \$5,000 or more in
6 gross revenues.

7 (B) CLARIFICATION.—For purposes of cal-
8 culating the number of discrete sales or trans-
9 actions or the aggregate gross revenues under
10 subparagraph (A), an online marketplace shall
11 only be required to count sales or transactions
12 made through the online marketplace and for
13 which payment was processed by the online
14 marketplace, either directly or through its pay-
15 ment processor.

16 (4) ONLINE MARKETPLACE.—The term “online
17 marketplace” means any person or entity that oper-
18 ates a consumer-directed electronically based or
19 accessed platform that—

20 (A) includes features that allow for, facili-
21 tate, or enable third party sellers to engage in
22 the sale, purchase, payment, storage, shipping,
23 or delivery of a consumer product in the United
24 States;

1 (B) is used by one or more third party sell-
2 ers for such purposes; and

3 (C) has a contractual or similar relation-
4 ship with consumers governing their use of the
5 platform to purchase consumer products.

6 (5) SELLER.—The term “seller” means a per-
7 son who sells, offers to sell, or contracts to sell a
8 consumer product through an online marketplace’s
9 platform.

10 (6) THIRD PARTY SELLER.—

11 (A) IN GENERAL.—The term “third party
12 seller” means any seller, independent of an on-
13 line marketplace, who sells, offers to sell, or
14 contracts to sell a consumer product in the
15 United States through such online market-
16 place’s platform.

17 (B) EXCLUSIONS.—The term “third party
18 seller” does not include, with respect to an on-
19 line marketplace—

20 (i) a seller who operates the online
21 marketplace’s platform; or

22 (ii) a business entity that has—

23 (I) made available to the general
24 public the entity’s name, business ad-

2818

1 dress, and working contact informa-
2 tion;

3 (II) an ongoing contractual rela-
4 tionship with the online marketplace
5 to provide the online marketplace with
6 the manufacture, distribution, whole-
7 saling, or fulfillment of shipments of
8 consumer products; and

9 (III) provided to the online mar-
10 ketplace identifying information, as
11 described in subsection (a), that has
12 been verified in accordance with that
13 subsection.

14 (7) VERIFY.—The term “verify” means to con-
15 firm information provided to an online marketplace
16 pursuant to this section, which may include the use
17 of one or more methods that enable the online mar-
18 ketplace to reliably determine that any information
19 and documents provided are valid, corresponding to
20 the seller or an individual acting on the seller’s be-
21 half, not misappropriated, and not falsified.

22 (g) RELATIONSHIP TO STATE LAWS.—No State or
23 political subdivision of a State, or territory of the United
24 States, may establish or continue in effect any law, regula-

1 tion, rule, requirement, or standard that conflicts with the
2 requirements of this section.

3 (h) EFFECTIVE DATE.—This section shall take effect
4 180 days after the date of the enactment of this Act.

5 **TITLE IV—VIRGINIA GRAEME**
6 **BAKER POOL AND SPA SAFE-**
7 **TY ACT REAUTHORIZATION**

8 **SEC. 401. COVERED ENTITY DEFINED.**

9 (a) IN GENERAL.—Section 1403 of the Virginia
10 Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8002)
11 is amended—

12 (1) by redesignating paragraphs (4), (5), (6),
13 (7), and (8) as paragraphs (6), (7), (8), (9), and
14 (10), respectively; and

15 (2) by inserting after paragraph (3) the fol-
16 lowing:

17 “(4) COVERED ENTITY.—The term ‘covered en-
18 tity’ means—

19 “(A) a State; or

20 “(B) an Indian Tribe.

21 “(5) INDIAN TRIBE.—The term ‘Indian Tribe’
22 has the meaning given that term in section 4(e) of
23 the Indian Self-Determination and Education Assist-
24 ance Act (25 U.S.C. 5304(e)).”.

1 (b) TECHNICAL CORRECTION.—Paragraph (10) of
2 section 1403 of the Virginia Graeme Baker Pool and Spa
3 Safety Act (as so redesignated) is amended by striking
4 “section 3(10) of the Consumer Product Safety Act (15
5 U.S.C. 2052(10))” and inserting “section 3(a) of the Con-
6 sumer Product Safety Act (15 U.S.C. 2052(a))”.

7 **SEC. 402. SWIMMING POOL SAFETY GRANT PROGRAM.**

8 (a) IN GENERAL.—Section 1405 of the Virginia
9 Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8004)
10 is amended to read as follows:

11 **“SEC. 1405. SWIMMING POOL SAFETY GRANT PROGRAM.**

12 “(a) IN GENERAL.—Subject to the availability of ap-
13 propriations authorized by subsection (e), the Commission
14 shall carry out a grant program to provide assistance to
15 eligible covered entities.

16 “(b) ELIGIBILITY.—To be eligible for a grant under
17 the program, a covered entity shall—

18 “(1) demonstrate to the satisfaction of the
19 Commission that, as of the date on which the cov-
20 ered entity submits an application to the Commis-
21 sion for a grant under this section, the covered enti-
22 ty has enacted and provides for the enforcement of
23 a statute that—

24 “(A) except as provided in section
25 1406(a)(1)(A)(i), applies to all swimming pools

1 constructed in the State or in the jurisdiction of
2 the Indian Tribe (as the case may be) on or
3 after such date; and

4 “(B) meets the minimum State law re-
5 quirements of section 1406; and

6 “(2) submit an application to the Commission
7 at such time, in such form, and containing such ad-
8 ditional information as the Commission may require.

9 “(c) AMOUNT OF GRANT.—The Commission shall de-
10 termine the amount of a grant awarded under this section,
11 and shall consider—

12 “(1) the population of the covered entity;

13 “(2) the relative enforcement and implementa-
14 tion needs of the covered entity; and

15 “(3) allocation of grant funds in a manner de-
16 signed to provide the maximum benefit from the
17 program in terms of protecting children from drown-
18 ing or entrapment.

19 “(d) USE OF GRANT FUNDS.—A State or an Indian
20 Tribe receiving a grant under this section shall use—

21 “(1) at least 25 percent of amounts made avail-
22 able—

23 “(A) to hire and train personnel for imple-
24 mentation and enforcement of standards under

1 the swimming pool and spa safety law of the
2 State or Indian Tribe; and

3 “(B) to defray administrative costs associ-
4 ated with the hiring and training programs
5 under subparagraph (A); and

6 “(2) the remainder—

7 “(A) to educate pool owners, pool opera-
8 tors, and other members of the public about the
9 standards under the swimming pool and spa
10 safety law of the State or Indian Tribe and
11 about the prevention of drowning or entrapment
12 of children using swimming pools and spas; and

13 “(B) to defray administrative costs associ-
14 ated with the education programs under sub-
15 paragraph (A).

16 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to the Commission for
18 fiscal year 2023 \$2,500,000 to carry out this section.”.

19 (b) CONFORMING AMENDMENTS.—Section 1406 of
20 the Virginia Graeme Baker Pool and Spa Safety Act (15
21 U.S.C. 8005) is amended—

22 (1) in subsection (a)(2), by striking “the eligi-
23 bility of a State” each place it appears and inserting
24 “the eligibility of a covered entity”; and

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

1 “(e) STATE DEFINED.—In this section, the term
2 ‘State’ includes an Indian Tribe.”.

3 **SEC. 403. REAUTHORIZATION OF CPSC EDUCATION AND**
4 **AWARENESS PROGRAM.**

5 Section 1407 of the Virginia Graeme Baker Pool and
6 Spa Safety Act (15 U.S.C. 8006) is amended to read as
7 follows:

8 **“SEC. 1407. EDUCATION AND AWARENESS PROGRAM.**

9 “(a) IN GENERAL.—The Commission shall establish
10 and carry out an education and awareness program to in-
11 form the public of methods to prevent drowning and en-
12 trapment in swimming pools and spas. In carrying out the
13 program, the Commission shall develop—

14 “(1) educational materials designed for swim-
15 ming pool and spa manufacturers, service compa-
16 nies, and supply retail outlets, including guidance on
17 barrier and drain cover inspection, maintenance, and
18 replacement;

19 “(2) educational materials designed for swim-
20 ming pool and spa owners and operators, consumers,
21 States, and Indian Tribes; and

22 “(3) a national media campaign to promote
23 awareness of swimming pool and spa safety.

24 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated to the Commission for

2824

1 fiscal year 2023 \$2,500,000 to carry out the education
2 and awareness program authorized by subsection (a).”.

3 **TITLE V—RANSOMWARE ACT**

4 **SEC. 501. SHORT TITLE.**

5 This title may be cited as the “Reporting Attacks
6 from Nations Selected for Oversight and Monitoring Web
7 Attacks and Ransomware from Enemies Act” or the
8 “RANSOMWARE Act”.

9 **SEC. 502. INCLUSION OF REPORT.**

10 Section 2 of Public Law 116–173 is amended—

11 (1) in paragraph (3), by striking “; and”;

12 (2) in paragraph (4), by striking the period at
13 the end and inserting “; and”; and

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

15 “(5) the first report required by the
16 RANSOMWARE Act.”.

17 **SEC. 503. REPORT ON RANSOMWARE AND OTHER CYBER-** 18 **RELATED ATTACKS BY CERTAIN FOREIGN IN-** 19 **DIVIDUALS, COMPANIES, AND GOVERN-** 20 **MENTS.**

21 (a) IN GENERAL.—With the transmission of the re-
22 port required by section 2 of Public Law 116–173, and
23 separately in 2025 and 2027, the Federal Trade Commis-
24 sion shall transmit to the Committee on Energy and Com-
25 merce of the House of Representatives and the Committee

1 on Commerce, Science, and Transportation of the Senate
2 a report, which may include a classified annex for informa-
3 tion that is nonpublic or related to Commission investiga-
4 tions or interagency deliberations, and that shall include
5 the following:

6 (1) The number and details of cross-border
7 complaints received by the Commission (including
8 which such complaints were acted upon and which
9 such complaints were not acted upon) that relate to
10 incidents that were reported to the Commission as
11 committed by individuals, companies, or govern-
12 ments, including those described in subsection (b),
13 broken down by each type of individual, type of com-
14 pany, or government described in a paragraph of
15 such subsection.

16 (2) The number and details of cross-border
17 complaints received by the Commission (including
18 which such complaints were acted upon and which
19 such complaints were not acted upon) that involve
20 ransomware or other cyber-related attacks that were
21 reported to the Commission as committed by individ-
22 uals, companies, or governments, including those de-
23 scribed in subsection (b), broken down by each type
24 of individual, type of company, or government de-
25 scribed in a paragraph of such subsection.

1 (3) A description of trends in the number of
2 cross-border complaints received by the Commission
3 and reported to the Commission as incidents that
4 were committed by individuals, companies, or gov-
5 ernments, including those described in subsection
6 (b), broken down by each type of individual, type of
7 company, or government described in a paragraph of
8 such subsection.

9 (4) Identification and details of foreign agencies
10 (including foreign law enforcement agencies (as de-
11 fined in section 4 of the Federal Trade Commission
12 Act (15 U.S.C. 44))) located in Russia, China,
13 North Korea, or Iran with which the Commission
14 has cooperated and the results of such cooperation,
15 including any foreign agency enforcement action or
16 lack thereof.

17 (5) A description of Commission litigation, in
18 relation to cross-border complaints described in
19 paragraphs (1) and (2), brought in foreign courts
20 and the results of such litigation.

21 (6) Any recommendations for legislation that
22 may advance the mission of the Commission in car-
23 rying out the U.S. SAFE WEB Act of 2006 and the
24 amendments made by such Act.

1 (7) Any recommendations for legislation that
2 may advance the security of the United States and
3 United States companies against ransomware and
4 other cyber-related attacks.

5 (8) Any recommendations for United States
6 citizens and United States businesses to implement
7 best practices on mitigating ransomware and other
8 cyber-related attacks.

9 (b) INDIVIDUALS, COMPANIES, AND GOVERNMENTS
10 DESCRIBED.—The individuals, companies, and govern-
11 ments described in this subsection are the following:

12 (1) An individual located within Russia or with
13 direct or indirect ties to the Government of the Rus-
14 sian Federation.

15 (2) A company located within Russia or with di-
16 rect or indirect ties to the Government of the Rus-
17 sian Federation.

18 (3) The Government of the Russian Federation.

19 (4) An individual located within China or with
20 direct or indirect ties to the Government of the Peo-
21 ple’s Republic of China.

22 (5) A company located within China or with di-
23 rect or indirect ties to the Government of the Peo-
24 ple’s Republic of China.

1 (6) The Government of the People’s Republic of
2 China.

3 (7) An individual located within North Korea or
4 with direct or indirect ties to the Government of the
5 Democratic People’s Republic of Korea.

6 (8) A company located within North Korea or
7 with direct or indirect ties to the Government of the
8 Democratic People’s Republic of Korea.

9 (9) The Government of the Democratic People’s
10 Republic of Korea.

11 (10) An individual located within Iran or with
12 direct or indirect ties to the Government of the Is-
13 lamic Republic of Iran.

14 (11) A company located within Iran or with di-
15 rect or indirect ties to the Government of the Is-
16 lamic Republic of Iran.

17 (12) The Government of the Islamic Republic of
18 Iran.

19 **TITLE VI—TRAVEL AND** 20 **TOURISM**

21 **SEC. 600. DEFINED TERM.**

22 In this title, the term “COVID–19 public health
23 emergency”—

24 (1) means the public health emergency first de-
25 clared on January 31, 2020, by the Secretary of

2829

1 Health and Human Services under section 319 of
2 the Public Health Service Act (42 U.S.C. 247d) with
3 respect to COVID–19; and

4 (2) includes any renewal of such declaration
5 pursuant to such section 319.

6 **Subtitle A—Travel Promotion**

7 **SEC. 601. SHORT TITLE.**

8 This subtitle may be cited as the “Visit America
9 Act”.

10 **SEC. 602. PURPOSES.**

11 The purposes of this subtitle are—

12 (1) to support the travel and tourism industry,
13 which produces economic impacts that are vital to
14 our national economy; and

15 (2) to establish national goals for international
16 visitors to the United States, including—

17 (A) recommendations for achieving such
18 goals and timelines for implementing such rec-
19 ommendations;

20 (B) coordination between Federal and
21 State agencies;

22 (C) the resources needed by each Govern-
23 ment agency to achieve such goals; and

24 (D) the number of international visitors
25 and the value of national travel exports.

2830

1 **SEC. 603. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) setting a national goal for the number of
4 international visitors to the United States is vital for
5 aligning Federal tourism policy to support American
6 jobs and economic growth;

7 (2) setting a national goal for travel exports is
8 vital for aligning Federal tourism policy to support
9 American jobs, increase travel exports, and improve
10 our Nation's balance of trade;

11 (3) the travel industry is an essential part of
12 the United States services exports with respect to
13 business, education, medical, and leisure travel;

14 (4) the promotion of travel and visitation by the
15 Corporation for Travel Promotion (doing business as
16 "Brand USA") is vital to increasing visitation and
17 articulating the visitation laws of the United States;
18 and

19 (5) there is an urgent need for a coordinated
20 travel and tourism industry response and strategy to
21 respond to the current state of such industry and fu-
22 ture unforeseen circumstances that may impact the
23 travel and tourism industry.

2831

1 **SEC. 604. ASSISTANT SECRETARY OF COMMERCE FOR**
2 **TRAVEL AND TOURISM.**

3 Section 2(d) of the Reorganization Plan Numbered
4 3 of 1979 (93 Stat. 1382; 5 U.S.C. App.) is amended—

5 (1) by striking “There shall be in the Depart-
6 ment two additional Assistant Secretaries” and in-
7 serting “(1) There shall be in the Department three
8 additional Assistant Secretaries, including the As-
9 sistant Secretary of Commerce for Travel and Tour-
10 ism,”; and

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

12 “(2) The Assistant Secretary of Commerce for
13 Travel and Tourism shall report directly to the
14 Under Secretary of Commerce for International
15 Trade.”.

16 **SEC. 605. RESPONSIBILITIES OF THE ASSISTANT SEC-**
17 **RETARY OF COMMERCE FOR TRAVEL AND**
18 **TOURISM.**

19 (a) VISITATION GOALS.—The Assistant Secretary of
20 Commerce for Travel and Tourism (referred to in this sec-
21 tion as the “Assistant Secretary”) shall—

22 (1) after consultation with the travel and tour-
23 ism industry, work with the Travel Promotion Com-
24 mittee and the United States Travel and Tourism
25 Advisory Board to establish an annual goal, con-

1 sistent with the goals of the travel and tourism
2 strategy developed pursuant to section 606(1), for—

3 (A) the number of international visitors to
4 the United States; and

5 (B) the value of travel and tourism com-
6 merce;

7 (2) develop recommendations for achieving the
8 annual goals established pursuant to paragraph (1);

9 (3) ensure that travel and tourism policy is de-
10 veloped in consultation with—

11 (A) the Tourism Policy Council;

12 (B) the Secretary of State;

13 (C) the Secretary of Homeland Security;

14 (D) the Corporation for Travel Promotion;

15 (E) the United States Travel and Tourism
16 Advisory Board; and

17 (F) travel and tourism industry represent-
18 atives, including public and private destination
19 marketing organizations, travel and tourism
20 suppliers, gig economy representatives, and
21 labor representatives from these industries;

22 (4) establish short, medium, and long-term
23 timelines for implementing the recommendations de-
24 veloped pursuant to paragraph (2);

1 (5) conduct Federal agency needs assessments,
2 in consultation with the Office of Management and
3 Budget and other relevant Federal agencies, to iden-
4 tify the resources, statutory or regulatory changes,
5 and private sector engagement needed to achieve the
6 annual visitation goals; and

7 (6) provide assessments and recommendations
8 to—

9 (A) the Committee on Commerce, Science,
10 and Transportation of the Senate;

11 (B) the Committee on Energy and Com-
12 merce of the House of Representatives; and

13 (C) the public through a publicly accessible
14 website.

15 (b) DOMESTIC TRAVEL AND TOURISM.—The Assist-
16 ant Secretary, to the extent feasible, shall—

17 (1) evaluate, on an ongoing basis, domestic pol-
18 icy options for supporting competitiveness with re-
19 spect to the strengths, weaknesses, and growth of
20 the domestic travel industry;

21 (2) develop recommendations and goals to sup-
22 port and enhance domestic tourism, separated by
23 business and leisure; and

24 (3) engage public and private stakeholders to
25 support domestic tourism.

1 (c) WORKFORCE.—The Assistant Secretary shall—

2 (1) consult with the Secretary of Labor to de-
3 velop strategies and best practices for improving the
4 timeliness and reliability of travel and tourism work-
5 force data;

6 (2) work with the Secretary of Labor and the
7 Bureau of Economic Analysis to improve travel and
8 tourism industry data;

9 (3) provide recommendations for policy en-
10 hancements and efficiencies; and

11 (4) provide policy recommendations regarding
12 the gig economy as it relates to travel and tourism.

13 (d) FACILITATION OF INTERNATIONAL BUSINESS
14 TRAVEL.—The Assistant Secretary, in coordination with
15 relevant Federal agencies, shall strive to increase and fa-
16 cilitate international business travel to the United States
17 and ensure competitiveness by—

18 (1) facilitating large meetings, incentives, con-
19 ferences, and exhibitions in the United States;

20 (2) emphasizing rural and other destinations in
21 the United States that are rich in cultural heritage
22 or ecological tourism, among other uniquely Amer-
23 ican destinations, as locations for hosting inter-
24 national meetings, incentives, conferences, and exhi-
25 bitions; and

1 (3) facilitating sports and recreation events and
2 activities in the United States.

3 (e) RECOVERY STRATEGIES.—

4 (1) IN GENERAL.—Not later than 1 year after
5 amounts are appropriated to the Department of
6 Commerce to accomplish the purposes of this sec-
7 tion, the Assistant Secretary, in consultation with
8 the entities referred to in subsection (a)(3), shall de-
9 velop recovery strategies for the travel and tourism
10 industry in response to the economic impacts of the
11 COVID–19 pandemic and in anticipation of other
12 unpredictable catastrophic events that would signifi-
13 cantly affect the travel and tourism industry, such
14 as hurricanes, floods, tsunamis, tornadoes, wildfires,
15 terrorist attacks, and pandemics.

16 (2) COST-BENEFIT ANALYSIS.—In developing
17 the recovery strategies under paragraph (1), the As-
18 sistant Secretary shall conduct cost-benefit analyses
19 that take into account the health and economic ef-
20 fects of public health mitigation measures on the
21 travel and tourism industry.

22 (f) REPORTING REQUIREMENTS.—

23 (1) ASSISTANT SECRETARY.—The Assistant
24 Secretary, subject to the availability of appropria-
25 tions, shall produce an annual forecasting report on

1 the travel and tourism industry, which shall include
2 current and anticipated—

3 (A) domestic employment needs;

4 (B) international inbound volume and
5 spending, taking into account the lasting effects
6 of the COVID–19 public health emergency and
7 the impact of the recovery strategy implemented
8 pursuant to subsection (e)(1); and

9 (C) domestic volume and spending, includ-
10 ing Federal and State public land travel and
11 tourism data.

12 (2) BUREAU OF ECONOMIC ANALYSIS.—The Di-
13 rector of the Bureau of Economic Analysis, subject
14 to the availability of appropriations and to the ex-
15 tent feasible, should make quarterly updates to the
16 Travel and Tourism Satellite Accounts, including—

17 (A) State-level travel and tourism spending
18 data;

19 (B) travel and tourism workforce data for
20 full-time and part-time employment; and

21 (C) Federal and State public lands outdoor
22 recreational activity and tourism spending data.

23 (3) NATIONAL TRAVEL AND TOURISM OF-
24 FICE.—The Director of the National Travel and
25 Tourism Office—

2837

1 (A) in partnership with the Bureau of Eco-
2 nomic Analysis and other relevant Federal
3 agencies, shall provide a monthly report on
4 international arrival and spending data to—

5 (i) the Travel and Tourism Advisory
6 Board; and

7 (ii) the public through a publicly ac-
8 cessible website; and

9 (B) shall include questions in the Survey
10 of International Air Travelers regarding wait-
11 times, visits to public lands, and State data, to
12 the extent applicable.

13 **SEC. 606. TRAVEL AND TOURISM STRATEGY.**

14 Not less frequently than once every 10 years, the Sec-
15 retary of Commerce, in consultation with the United
16 States Travel and Tourism Advisory Board, the Tourism
17 Policy Council, the Secretary of State, and the Secretary
18 of Homeland Security, shall develop and submit to Con-
19 gress a 10-year travel and tourism strategy, which shall
20 include—

21 (1) the establishment of goals with respect to
22 the number of annual international visitors to the
23 United States and the annual amount of travel and
24 tourism commerce in the United States during such
25 10-year period;

1 (2) the resources needed to achieve the goals es-
2 tablished pursuant to paragraph (1); and

3 (3) recommendations for statutory or regulatory
4 changes that would be necessary to achieve such
5 goals.

6 **SEC. 607. UNITED STATES TRAVEL AND TOURISM ADVISORY**
7 **BOARD.**

8 Section 3 of the Act entitled “An Act to encourage
9 travel in the United States, and for other purposes” (15
10 U.S.C. 1546) is amended to read as follows:

11 **“SEC. 3. UNITED STATES TRAVEL AND TOURISM ADVISORY**
12 **BOARD.**

13 “(a) IN GENERAL.—There is established the United
14 States Travel and Tourism Advisory Board (referred to
15 in this section as the ‘Board’), the members of which shall
16 be appointed by the Secretary of Commerce for 2-year
17 terms from companies and organizations in the travel and
18 tourism industry.

19 “(b) EXECUTIVE DIRECTOR.—The Assistant Sec-
20 retary of Commerce for Travel and Tourism shall serve
21 as the Executive Director of the Board.

22 “(c) EXECUTIVE SECRETARIAT.—The National Trav-
23 el and Tourism Office of the International Trade Adminis-
24 tration shall serve as the Executive Secretariat for the
25 Board.

1 “(d) FUNCTIONS.—The Board’s Charter shall specify
2 that the Board will—

3 “(1) serve as the advisory body to the Secretary
4 of Commerce on matters relating to the travel and
5 tourism industry in the United States;

6 “(2) advise the Secretary of Commerce on gov-
7 ernment policies and programs that affect the
8 United States travel and tourism industry;

9 “(3) offer counsel on current and emerging
10 issues;

11 “(4) provide a forum for discussing and pro-
12 posing solutions to problems related to the travel
13 and tourism industry; and

14 “(5) provide advice regarding the domestic trav-
15 el and tourism industry as an economic engine.

16 “(e) RECOVERY STRATEGIES.—The Board shall as-
17 sist the Assistant Secretary of Commerce for Travel and
18 Tourism in the development and implementation of the re-
19 covery strategies required under section 605(e)(1) of the
20 Visit America Act.”.

21 **SEC. 608. DATA ON DOMESTIC TRAVEL AND TOURISM.**

22 The Assistant Secretary of Commerce for Travel and
23 Tourism, subject to the availability of appropriations, shall
24 collect and make public aggregate data on domestic travel
25 and tourism trends.

1 **SEC. 609. COMPLETION OF PROCEEDING.**

2 If the Secretary of Commerce, before the date of the
3 enactment of this Act, has taken any action that, in whole
4 or in part, implements this title or the amendments made
5 by this title, the Secretary is not required to revisit such
6 action to the extent such action is consistent with this title
7 and the amendments made by this title.

8 **Subtitle B—Travel Safety**

9 **SEC. 611. STUDY AND REPORT ON EFFECTS OF COVID-19**
10 **PANDEMIC ON TRAVEL AND TOURISM INDUS-**
11 **TRY IN UNITED STATES.**

12 (a) DEFINITIONS.—In this section:

13 (1) PANDEMIC PERIOD.—The term “pandemic
14 period” has the meaning given the term “emergency
15 period” in section 1135(g)(1)(B) of the Social Secu-
16 rity Act (42 U.S.C. 1320b–5(g)(1)(B)), excluding
17 any portion of such period after the date that is 1
18 year after the date of the enactment of this Act.

19 (2) SECRETARY.—The term “Secretary” means
20 the Secretary of Commerce.

21 (3) TRAVEL AND TOURISM INDUSTRY.—The
22 term “travel and tourism industry” means the travel
23 and tourism industry in the United States.

24 (b) INTERIM STUDY AND REPORT.—

25 (1) IN GENERAL.—Not later than 3 months
26 after the date of the enactment of this Act, the Sec-

1 retary, after consultation with relevant stakeholders,
2 including the United States Travel and Tourism Ad-
3 visory Board, shall—

4 (A) complete an interim study, which shall
5 be based on data available at the time the study
6 is conducted and provide a framework for the
7 study required under subsection (c), regarding
8 the effects of the COVID–19 pandemic on the
9 travel and tourism industry, including various
10 segments of the travel and tourism industry,
11 such as domestic, international, leisure, busi-
12 ness, conventions, meetings, and events; and

13 (B) submit a report containing the results
14 of such interim study to—

15 (i) the Committee on Commerce,
16 Science, and Transportation of the Senate;
17 and

18 (ii) the Committee on Energy and
19 Commerce of the House of Representa-
20 tives.

21 (2) AVAILABILITY.—The Secretary shall make
22 the report described in paragraph (1) publicly avail-
23 able on the website of the Department of Commerce.

24 (c) IN GENERAL.—Not later than 1 year after the
25 date of the enactment of this Act, the Secretary, in con-

1 sultation with the United States Travel and Tourism Advi-
2 sory Board and the head of any other Federal agency the
3 Secretary considers appropriate, shall complete a study on
4 the effects of the COVID–19 pandemic on the travel and
5 tourism industry, including various segments of the travel
6 and tourism industry, such as domestic, international, lei-
7 sure, business, conventions, meetings, and events.

8 (d) MATTERS FOR CONSIDERATION.—In conducting
9 the interim study required under subsection (b) and the
10 study required under subsection (c), the Secretary shall
11 consider—

12 (1) changes in employment rates in the travel
13 and tourism industry during the pandemic period;

14 (2) changes in revenues of businesses in the
15 travel and tourism industry during the pandemic pe-
16 riod;

17 (3) changes in employment and sales in indus-
18 tries related to the travel and tourism industry, and
19 changes in contributions of the travel and tourism
20 industry to such related industries, during the pan-
21 demic period;

22 (4) the effects attributable to the changes de-
23 scribed in paragraphs (1) through (3) in the travel
24 and tourism industry and such related industries on

1 the overall economy of the United States, includ-
2 ing—

3 (A) an analysis of regional economies (on
4 a per capita basis) during the pandemic period;
5 and

6 (B) the projected effects of such changes
7 on the regional and overall economy of the
8 United States following the pandemic period;

9 (5) the effects attributable to the changes de-
10 scribed in paragraphs (1) through (3) in the travel
11 and tourism industry and such related industries on
12 minority communities, including Native Americans,
13 Native Hawaiians, and Alaska Natives;

14 (6) reports on the economic impact of COVID-
15 19 issued by other Federal agencies;

16 (7) the costs and health benefits associated with
17 COVID-19 requirements for air travel for entry into
18 or exit from the United States and any consequent
19 disincentives for tourism;

20 (8) any Federal barriers related to the response
21 to the COVID-19 pandemic that are disincentivizing
22 international tourism in the United States, including
23 the source and policy rationale for these barriers;
24 and

1 (9) any additional matters that the Secretary
2 considers appropriate.

3 (e) CONSULTATION AND PUBLIC COMMENT.—In con-
4 ducting the study required under subsection (c), the Sec-
5 retary shall—

6 (1) consult with representatives of—

7 (A) the small business sector;

8 (B) the restaurant or food service sector;

9 (C) the hotel and alternative accommoda-
10 tions sector;

11 (D) the attractions or recreation sector;

12 (E) the outdoor recreation sector;

13 (F) the travel distribution services sector;

14 (G) destination marketing organizations;

15 (H) State tourism offices;

16 (I) the passenger air, railroad, bus, and
17 rental car sectors; and

18 (J) labor representatives for—

19 (i) the sectors referred to in subpara-
20 graph (I); and

21 (ii) security screening personnel des-
22 ignated by the Administrator of the Trans-
23 portation Security Administration; and

24 (2) provide an opportunity for public comment
25 and advice relevant to conducting such study.

1 (f) REPORT TO CONGRESS.—

2 (1) IN GENERAL.—Not later than 6 months
3 after the completion of the study required under
4 subsection (c), the Secretary, in consultation with
5 the United States Travel and Tourism Advisory
6 Board and the Tourism Policy Council, shall submit
7 a report to the Committee on Commerce, Science,
8 and Transportation of the Senate and the Com-
9 mittee on Energy and Commerce of the House of
10 Representatives that contains—

11 (A) the results of such study;

12 (B) policy recommendations for—

13 (i) promoting and assisting the travel
14 and tourism industry generally; and

15 (ii) promoting and assisting travel and
16 tourism to Native American, Native Ha-
17 waiian, and Alaska Native communities, by
18 fully implementing the Native American
19 Tourism and Improving Visitor Experience
20 Act (Public Law 114–221); and

21 (C) a description of the actions that should
22 be taken by the Federal Government to accel-
23 erate the implementation of travel and tourism
24 policies and programs authorized by law.

2846

1 (2) AVAILABILITY.—The Secretary shall make
2 the report described in paragraph (1) publicly avail-
3 able on the website of the Department of Commerce.

4 **DIVISION CC—WATER RELATED**
5 **MATTERS**

6 **SEC. 101. EXTENSION OF AUTHORIZATIONS RELATED TO**
7 **FISH RECOVERY PROGRAMS.**

8 Section 3 of Public Law 106–392 (114 Stat. 1603;
9 123 Stat. 1310) is amended—

10 (1) by striking “2023” each place it appears
11 and inserting “2024”;

12 (2) in subsection (b)(1), by striking
13 “\$179,000,000” and inserting “\$184,000,000”;

14 (3) in subsection (b)(2), by striking
15 “\$30,000,000” and inserting “\$25,000,000”;

16 (4) in subsection (h), by striking “, at least 1
17 year prior to such expiration,”; and

18 (5) in subsection (j), by striking “2021” each
19 place it appears and inserting “2022”.

20 **SEC. 102. COLORADO RIVER SYSTEM CONSERVATION PILOT**
21 **PROGRAM.**

22 Section 206 of the Energy and Water Development
23 and Related Agencies Appropriations Act, 2015 (43
24 U.S.C. 620 note; Public Law 113–235), is amended—

2847

1 (1) in subsection (b)(2), by striking “additional
2 funds” and inserting “funds for new water conserva-
3 tion agreements or”;

4 (2) in subsection (c)(2), by striking “2022” and
5 inserting “2024”; and

6 (3) in subsection (d), by striking “2018” and
7 inserting “2025”.

8 **SEC. 103. SALTON SEA PROJECTS.**

9 Section 1101 of the Reclamation Projects Authoriza-
10 tion and Adjustment Act of 1992 (Public Law 102–575;
11 106 Stat. 4661) is amended—

12 (1) by redesignating subsections (b) through (d)
13 as subsections (c) through (e), respectively;

14 (2) by inserting after subsection (a) the fol-
15 lowing:

16 “(b) **ADDITIONAL PROJECT AUTHORITIES.**—

17 “(1) **IN GENERAL.**—The Secretary of the Inte-
18 rior, acting through the Commissioner of Reclama-
19 tion, may provide grants and enter into contracts
20 and cooperative agreements to carry out projects lo-
21 cated in the area of the Salton Sea in southern Cali-
22 fornia to mitigate impacts from dust from dry and
23 drying lakebeds and to improve fish and wildlife
24 habitat, recreational opportunities, and water qual-
25 ity, in partnership with—

1 “(A) State, Tribal, and local governments;

2 “(B) water districts;

3 “(C) joint powers authorities, including the

4 Salton Sea Authority;

5 “(D) nonprofit organizations; and

6 “(E) institutions of higher education.

7 “(2) INCLUDED ACTIVITIES.—The projects de-
8 scribed in paragraph (1) may include—

9 “(A) construction, operation, maintenance,
10 permitting, and design activities required for
11 the projects; and

12 “(B) dust suppression projects.”; and

13 (3) in subsection (c) (as so redesignated), by
14 striking “project referred to in subsection (a)” and
15 inserting “projects referred to in subsections (a) and
16 (b)”.

17 **SEC. 104. AUTHORIZATION OF SUN RIVER PROJECT, MON-**
18 **TANA.**

19 (a) AUTHORIZATION.—The Secretary, acting through
20 the Commissioner of Reclamation and pursuant to the rec-
21 lamation laws, may construct, operate, and maintain fa-
22 cilities in the Sun River project, Montana, for the purpose
23 of hydroelectric power generation.

24 (b) EFFECT.—The authorization under subsection
25 (a) shall—

1 (1) be in addition to any other authorizations
2 for the Sun River project under existing law; and

3 (2) not limit, restrict, or alter operations of the
4 Sun River project in a manner that would be ad-
5 verse to the satisfaction of valid existing water
6 rights or water deliveries to the holder of any valid
7 water service contract.

8 **SEC. 105. ELIGIBILITY UNDER THE INFRASTRUCTURE IN-**
9 **VESTMENT AND JOBS ACT OF SMALL WATER**
10 **STORAGE AND GROUNDWATER STORAGE**
11 **PROJECTS.**

12 Section 40903(b)(1)(B)(i) of the Infrastructure In-
13 vestment and Jobs Act (43 U.S.C. 3203(b)(1)(B)(i)) is
14 amended by striking “2,000” and inserting “200”.

15 **DIVISION DD—PUBLIC LAND**
16 **MANAGEMENT**

17 **SEC. 1. DEFINITION OF SECRETARY.**

18 In this division, the term “Secretary” means the Sec-
19 retary of the Interior.

20 **TITLE I—DEPARTMENT OF THE**
21 **INTERIOR PROVISIONS**

22 **SEC. 101. PILOT PROGRAM FOR NATIVE PLANT SPECIES.**

23 (a) DEFINITIONS.—In this section:

24 (1) INVASIVE SPECIES.—The term “invasive
25 species” means, with respect to a particular eco-

1 system, a nonnative organism, the introduction of
2 which causes or is likely to cause economic or envi-
3 ronmental harm or harm to human, animal, or plant
4 health.

5 (2) **LOCALLY ADAPTED.**—The term “locally
6 adapted” means, with respect to plants, plants
7 that—

8 (A) originate from an area that is geo-
9 graphically proximate to a planting area; and

10 (B) are environmentally adapted to and
11 likely to become established and persist in that
12 planting area.

13 (3) **NATIVE PLANT SPECIES.**—The term “native
14 plant species” means, with respect to a particular
15 ecosystem, a species that, other than as a result of
16 an introduction, historically occurred or currently oc-
17 curs in that ecosystem.

18 (4) **NONNATIVE.**—The term “nonnative”
19 means, with respect to a particular ecosystem, an or-
20 ganism, including the seeds, eggs, spores, or other
21 biological material of the organism capable of propa-
22 gating that species, that occurs outside of the nat-
23 ural range of the organism.

24 (5) **PLANT MATERIAL.**—The term “plant mate-
25 rial” means a plant or the seeds, eggs, spores, or

1 other biological material of a plant capable of propa-
2 gating the species of the plant.

3 (b) ESTABLISHMENT.—Not later than 180 days after
4 the date on which funds are made available to carry out
5 this section, the Secretary shall, in accordance with any
6 existing laws and management policies, carry out a pilot
7 program to prioritize the use of native plant species within
8 geographically diverse units of the National Park System
9 and public land administered by the Bureau of Land Man-
10 agement.

11 (c) IMPLEMENTATION.—In carrying out the pilot pro-
12 gram under subsection (b), the Secretary shall, to the ex-
13 tent practicable—

14 (1) give preference to the use of locally adapted
15 native plant materials where appropriate;

16 (2) incorporate efforts to prevent, control, or
17 eradicate the spread of invasive species;

18 (3) incorporate efforts to use native plants in
19 areas that have experienced a recent wildfire event;
20 and

21 (4) identify situations in which the use of non-
22 native plants may be warranted.

23 (d) COORDINATION.—The Secretary shall, in car-
24 rying out the pilot program under subsection (b), coordi-
25 nate activities with—

2852

1 (1) the National Seed Strategy of the Bureau
2 of Land Management;

3 (2) the Plant Conservation Alliance; and

4 (3) the Plant Materials Centers of the Natural
5 Resources Conservation Service.

6 (e) **TERMINATION OF AUTHORITY.**—The authority to
7 carry out the pilot program under subsection (b) termi-
8 nates on the date that is 5 years after the date on which
9 the pilot program is established under that subsection.

10 (f) **REPORT.**—Not later than 1 year after the date
11 on which the authority to carry out the pilot program ter-
12 minates under subsection (e), the Secretary shall submit
13 to Congress a report describing—

14 (1) the results of the pilot program carried out
15 under subsection (b); and

16 (2) the cost-effectiveness of using native plants
17 in units of the National Park System and public
18 land administered by the Bureau of Land Manage-
19 ment.

20 **SEC. 102. REAUTHORIZATION OF THE HIGHLANDS CON-**
21 **SERVATION ACT.**

22 The Highlands Conservation Act (Public Law 108–
23 421; 118 Stat. 2375) is amended—

24 (1) in section 3—

1 (A) by amending paragraph (1) to read as
2 follows:

3 “(1) HIGHLANDS REGION.—The term ‘High-
4 lands region’ means—

5 “(A) the area depicted on the map entitled
6 ‘The Highlands Region’, dated June 2004, up-
7 dated after the date of enactment of this sub-
8 paragraph to comprise each municipality in-
9 cluded on the list of municipalities included in
10 the Highlands region as of that date of enact-
11 ment, and maintained in the headquarters of
12 the Forest Service in Washington, District of
13 Columbia; and

14 “(B) a municipality approved by the Direc-
15 tor of the United States Fish and Wildlife Serv-
16 ice under section 4(e).”;

17 (B) in paragraph (3), by amending sub-
18 paragraph (B) to read as follows:

19 “(B) identified by a Highlands State as
20 having high conservation value using the best
21 available science and geographic information
22 systems; and”;

23 (C) in paragraph (4)(A), by striking “; or”
24 and inserting “, including a political subdivision
25 thereof; or”; and

1 (D) by striking paragraphs (5) through
2 (7);
3 (2) in section 4—

4 (A) in subsection (a)(1), by striking “in
5 the Study” and all that follows through the end
6 of the paragraph and inserting “using the best
7 available science and geographic information
8 systems; and”;

9 (B) in subsection (c), by amending para-
10 graph (5) to read as follows:

11 “(5) provides that land conservation partner-
12 ship projects will be consistent with areas identified
13 as having high conservation value in accordance with
14 the purposes described in section 2 in the Highlands
15 region.”;

16 (C) in subsection (e), by striking “fiscal
17 years 2005 through 2021” and inserting “fiscal
18 years 2023 through 2029”;

19 (D) by redesignating subsection (e) as sub-
20 section (g); and

21 (E) by inserting after subsection (d) the
22 following:

23 “(e) REQUEST FOR INCLUSION OF ADDITIONAL MU-
24 NICIPALITY.—The Director of the United States Fish and
25 Wildlife Service may, at the request of a Highlands State,

1 with the concurrence of the municipality, approve the in-
2 clusion of a municipality within the State as part of the
3 Highlands region.

4 “(f) LIMITATION ON ADMINISTRATIVE EXPENSES.—

5 “(1) FEDERAL ADMINISTRATION.—The Sec-
6 retary of the Interior may not expend more than
7 \$300,000 for the administration of this Act in each
8 fiscal year.

9 “(2) STATE ADMINISTRATION.—A State that
10 receives funds under this section for a land con-
11 servation partnership project may not use more than
12 5 percent of the funds to administer the land con-
13 servation partnership project.”;

14 (3) in section 5—

15 (A) in subsection (a), by striking “the
16 Study, Update, and any future study that the
17 Forest Service may undertake in”;

18 (B) in subsection (b)—

19 (i) in paragraph (1), by striking “, in-
20 cluding a Pennsylvania and Connecticut
21 Update”; and

22 (ii) in paragraph (2), by striking “the
23 findings” and all that follows through the
24 end of the paragraph and inserting “with

1 stakeholders regarding implementation of
2 the program; and”;

3 (C) in subsection (c), by striking “2005
4 through 2014” and inserting “2023 through
5 2029”;

6 (4) in section 6, by adding at the end the fol-
7 lowing:

8 “(f) APPRAISAL METHODOLOGY.—

9 “(1) IN GENERAL.—With respect to an ap-
10 praisal related to a land acquisition carried out
11 under this Act, a Highlands State shall use an ap-
12 praisal methodology approved by the Secretary of
13 the Interior.

14 “(2) ALTERNATIVE APPRAISAL METHOD-
15 OLOGY.—A Highlands State may petition the Sec-
16 retary of the Interior to consider an alternative ap-
17 praisal methodology when there is a conflict, in any
18 Highlands State, between—

19 “(A) an appraisal methodology approved
20 by the Secretary of the Interior under para-
21 graph (1); and

22 “(B) applicable State law.”.

23 **SEC. 103. CADASTRE OF FEDERAL REAL PROPERTY.**

24 (a) DEFINITIONS.—In this section:

25 (1) CADASTRE.—

1 (A) IN GENERAL.—The term “cadastre”
2 means an inventory of real property developed
3 through collecting, storing, retrieving, or dis-
4 seminating graphical or digital data depicting
5 natural or man-made physical features, phe-
6 nomena, or boundaries of the earth, and any in-
7 formation related to the data, including—

8 (i) surveys;

9 (ii) maps;

10 (iii) charts;

11 (iv) satellite and airborne remote
12 sensing data;

13 (v) images; and

14 (vi) services of an architectural or en-
15 gineering nature performed by 1 or more
16 professionals, as authorized to perform the
17 services under State law, if applicable,
18 such as—

19 (I) a surveyor;

20 (II) a photogrammetrist;

21 (III) a hydrographer;

22 (IV) a geodesist; or

23 (V) a cartographer.

24 (B) INCLUSIONS.—The term “cadastre”
25 includes—

1 (i) a reference frame consisting of a
2 current geodetic network that is consistent
3 with, and not duplicative of, the National
4 Geodetic Survey of the National Oceanic and
5 Atmospheric Administration;

6 (ii) a series of current and accurate
7 large-scale maps;

8 (iii) an existing cadastral boundary
9 overlay delineating all cadastral parcels;

10 (iv) a system for indexing and identi-
11 fying each cadastral parcel; and

12 (v) a series of land data files, each in-
13 cluding the parcel identifier, which can be
14 used to retrieve information and cross-ref-
15 erence between and among other existing
16 data files that may contain information
17 about the use, assets, and infrastructure of
18 each parcel.

19 (2) FEDERAL REAL PROPERTY.—

20 (A) IN GENERAL.—The term “Federal real
21 property” means any real property owned,
22 leased, or otherwise managed by the Secretary
23 concerned.

24 (B) EXCLUSIONS.—The term “Federal
25 real property” does not include—

- 1 (i) real property held in trust by the
2 Federal Government for the benefit of 1 or
3 more Indian Tribes or individual Indians;
4 or
5 (ii) restricted land owned by an In-
6 dian Tribe or individual Indians.

7 (3) REAL PROPERTY.—The term “real prop-
8 erty” means real estate consisting of—

- 9 (A) land;
10 (B) buildings, crops, forests, or other re-
11 sources still attached to or within the land;
12 (C) improvements or fixtures permanently
13 attached to the land;
14 (D) any structure on the land; or
15 (E) any interest, benefit, right, or privilege
16 in the property described in subparagraphs (A)
17 through (D).

18 (4) SECRETARY CONCERNED.—The term “Sec-
19 retary concerned” means—

- 20 (A) the Secretary; or
21 (B) the Secretary of Agriculture, acting
22 through the Chief of the Forest Service.

23 (b) CADASTRE OF FEDERAL REAL PROPERTY.—

- 24 (1) INTERAGENCY DATA STANDARDIZATION.—
25 Not later than 18 months after the date of enact-

1 ment of this Act, the Secretaries concerned shall
2 jointly develop and adopt interagency standards to
3 ensure compatibility and interoperability among ap-
4 plicable Federal databases with respect to the collec-
5 tion and dissemination of data relating to Federal
6 real property.

7 (2) DEVELOPMENT OF CADASTRE.—Not later
8 than 2 years after the date of enactment of this Act,
9 the Secretaries concerned, subject to the availability
10 of appropriations, shall develop (and thereafter
11 maintain) a current and accurate multipurpose ca-
12 dastre of Federal real property under the jurisdic-
13 tion of the Secretaries concerned to support Federal
14 land management activities on Federal real property,
15 including—

16 (A) resource development and conserva-
17 tion;

18 (B) agricultural use;

19 (C) active forest management;

20 (D) environmental protection; and

21 (E) other use of the real property.

22 (3) CONSOLIDATION AND REPORT.—Not later
23 than 180 days after the date of enactment of this
24 Act, the Secretaries concerned shall submit to the
25 Committee on Energy and Natural Resources of the

1 Senate and the Committee on Natural Resources of
2 the House of Representatives a report describing—

3 (A) the existing real property inventories
4 or any components of any cadastre of Federal
5 real property currently authorized by law or
6 maintained by the Secretary concerned, includ-
7 ing—

8 (i) the statutory authorization for
9 each existing real property inventory or
10 component of a cadastre; and

11 (ii) the amount expended by the Fed-
12 eral Government for each existing real
13 property inventory or component of a ca-
14 dastre in fiscal year 2022;

15 (B) the existing real property inventories
16 or any components of any cadastre of Federal
17 real property currently authorized by law or
18 maintained by the Secretary concerned that will
19 be eliminated or consolidated into the multipur-
20 pose cadastre under paragraph (2);

21 (C)(i) the existing real property inventories
22 or any components of any cadastre of Federal
23 real property currently authorized by law or
24 maintained by the Secretary concerned that will

1 not be eliminated or consolidated into the multi-
2 purpose cadastre under paragraph (2); and

3 (ii) a justification for not eliminating or
4 consolidating an existing real property inven-
5 tory or component of a cadastre described in
6 clause (i) into the multipurpose cadastre under
7 paragraph (2);

8 (D) the use of existing real property inven-
9 tories or any components of any cadastre cur-
10 rently maintained by any unit of State or local
11 government that can be used to identify Federal
12 real property within that unit of government;

13 (E) the cost savings that will be achieved
14 by eliminating or consolidating duplicative or
15 unneeded real property inventories or any com-
16 ponents of any cadastre of Federal real prop-
17 erty currently authorized by law or maintained
18 by the Secretary concerned that will become
19 part of the multipurpose cadastre under para-
20 graph (2);

21 (F) a plan for the implementation of this
22 section, including a cost estimate and an assess-
23 ment of the feasibility of using revenue from
24 any transactional activity authorized by law to

1 offset any costs of implementing this section;
2 and

3 (G) recommendations for any legislation
4 necessary to increase the cost savings and en-
5 hance the effectiveness and efficiency of replac-
6 ing, eliminating, or consolidating Federal real
7 property inventories or any components of any
8 cadastre of Federal real property currently au-
9 thorized by law or maintained by the Secretary
10 concerned.

11 (4) COORDINATION.—

12 (A) IN GENERAL.—In carrying out this
13 section, the Secretaries concerned shall—

14 (i) participate (in accordance with sec-
15 tion 216 of the E-Government Act of 2002
16 (44 U.S.C. 3501 note; Public Law 107–
17 347) and section 757 of the Geospatial
18 Data Act of 2018 (43 U.S.C. 2806)) in the
19 establishment of such standards and com-
20 mon protocols as are necessary to ensure
21 the interoperability of geospatial informa-
22 tion pertaining to the cadastre under para-
23 graph (2) for all users of the information;

24 (ii) coordinate with, seek assistance
25 and cooperation of, and provide liaison to

2864

1 the Federal Geographic Data Committee
2 established by section 753(a) of the
3 Geospatial Data Act of 2018 (43 U.S.C.
4 2802(a)) for the implementation of and
5 compliance with such standards and re-
6 quirements of that Act as may be applica-
7 ble to—

8 (I) the cadastre under paragraph
9 (2); and

10 (II) any aspect of the develop-
11 ment of the cadastre under paragraph
12 (2);

13 (iii) integrate, or make the cadastre
14 interoperable with, the Federal Real Prop-
15 erty Profile or other inventories established
16 pursuant to Executive Order 13327 (40
17 U.S.C. 121 note; relating to Federal real
18 property asset management), the Federal
19 Assets Sale and Transfer Act of 2016 (40
20 U.S.C. 1303 note; Public Law 114–287),
21 or the Federal Property Management Re-
22 form Act of 2016 (Public Law 114–318;
23 130 Stat. 1608); and

24 (iv) to the maximum extent prac-
25 ticable, integrate with and leverage current

2865

1 cadastre activities of units of State and
2 local government.

3 (B) CONTRACTS CONSIDERED SURVEYING
4 AND MAPPING.—

5 (i) IN GENERAL.—A contract between
6 the Secretaries concerned and a member of
7 the private sector to provide products and
8 services for the development of the cadas-
9 tre shall be considered to be a contract for
10 services of surveying and mapping (within
11 the meaning of chapter 11 of title 40,
12 United States Code).

13 (ii) SELECTION PROCEDURES.—A
14 contract described in clause (i) shall be en-
15 tered into in accordance with the selection
16 procedures in chapter 11 of title 40,
17 United States Code.

18 (c) TRANSPARENCY AND PUBLIC ACCESS.—The Sec-
19 retary concerned shall—

20 (1) in accordance with any requirements appli-
21 cable to the Secretary concerned under section 759
22 of the Geospatial Data Act of 2018 (43 U.S.C.
23 2808), make the cadastre under subsection (b)(2)
24 publicly available on the internet—

2866

1 (A) in a graphically geo-enabled and
2 searchable format; and

3 (B) in a manner that is consistent with,
4 and meets any requirements for integration
5 with, the GeoPlatform established under section
6 758(a) of that Act (43 U.S.C. 2807(a));

7 (2) ensure that the inventory referred to in sub-
8 section (b) includes the identification of all land suit-
9 able for disposal and the appraised value of the land,
10 if an appraisal has been conducted, in accordance
11 with the Federal Land Policy and Management Act
12 of 1976 (43 U.S.C. 1701 et seq.); and

13 (3) in consultation with the Secretary of De-
14 fense and the Secretary of Homeland Security, pre-
15 vent the disclosure of any parcel or parcels of land,
16 any buildings or facilities on the land, or any infor-
17 mation related to the land, buildings, or facilities if
18 that disclosure would impair or jeopardize the na-
19 tional security or homeland defense of the United
20 States.

21 (d) **APPLICABLE LAW.**—Any data that is part of the
22 cadastre developed under subsection (b)(2) shall be—

23 (1) considered to be geospatial data for pur-
24 poses of the Geospatial Data Act of 2018 (43 U.S.C.
25 2801 et seq.); and

- 1 (2) subject to the requirements of that Act.
- 2 (e) EFFECT.—Nothing in this section—
- 3 (1) creates any substantive or procedural right
- 4 or benefit; or
- 5 (2) requires or authorizes—
- 6 (A) any new surveying or mapping of Fed-
- 7 eral real property;
- 8 (B) the evaluation of any parcel of land or
- 9 other real property for potential management
- 10 by a non-Federal entity;
- 11 (C) the disposal of any Federal real prop-
- 12 erty; or
- 13 (D) any new appraisal or assessment of—
- 14 (i) the value of any parcel of Federal
- 15 land or other real property; or
- 16 (ii) the cultural and archaeological re-
- 17 sources on any parcel of Federal land or
- 18 other real property.

19 **SEC. 104. SALE OR LEASE OF LAND TO FEDERALLY RECOG-**

20 **NIZED INDIAN TRIBES UNDER THE RECRE-**

21 **ATION AND PUBLIC PURPOSES ACT.**

- 22 (a) APPLICATION; ACREAGE LIMITATIONS.—The
- 23 first section of the Act of June 14, 1926 (commonly
- 24 known as the “Recreation and Public Purposes Act”) (44

2868

1 Stat. 741, chapter 578; 68 Stat. 174, chapter 263; 43
2 U.S.C. 869), is amended—

3 (1) in subsection (a)—

4 (A) in the first sentence—

5 (i) by inserting “federally recognized
6 Indian Tribe,” before “Territory,”; and

7 (ii) by inserting “Tribal,” before
8 “Territorial,”; and

9 (B) in the second sentence, by inserting “,
10 Tribal,” before “or local authority”;

11 (2) in subsection (b)—

12 (A) by striking “(i) For recreational” and
13 inserting the following:

14 “(1) For recreational”;

15 (B) by striking “(ii) For public purposes”
16 and inserting the following:

17 “(2) For public purposes”;

18 (C) in paragraph (1) (as so designated), by
19 adding at the end the following:

20 “(D) To any federally recognized Indian
21 Tribe, 6,400 acres.”; and

22 (D) in paragraph (2) (as so designated),
23 by adding at the end the following:

24 “(D) To any federally recognized Indian
25 Tribe, 640 acres.”; and

1 (3) in subsection (c)—

2 (A) in the second sentence, by striking
3 “States and counties and to State and Federal”
4 and inserting “States, federally recognized In-
5 dian Tribes, and counties and to State, Tribal,
6 Territorial, and Federal”; and

7 (B) in the last sentence, by striking “, ex-
8 cept for a use authorized under the Act of June
9 1, 1938 (52 Stat. 609; 43 U.S.C., sec. 682a),
10 as amended”.

11 (b) CONVEYANCE.—Section 2 of the Act of June 14,
12 1926 (commonly known as the “Recreation and Public
13 Purposes Act”) (44 Stat. 741, chapter 578; 43 U.S.C.
14 869–1), is amended—

15 (1) by inserting “, federally recognized Indian
16 Tribe” before “, Territory” each place it appears;

17 (2) by inserting “Tribal,” before “Territorial,”
18 each place it appears; and

19 (3) by inserting “federally recognized Indian
20 Tribe or” before “municipal corporation” each place
21 it appears.

1 **TITLE II—FOREST SERVICE**
2 **PROVISIONS**

3 **SEC. 201. ADMINISTRATION OF THE LAND BETWEEN THE**
4 **LAKES NATIONAL RECREATION AREA.**

5 (a) DEFINITIONS.—Section 502 of the Land Between
6 the Lakes Protection Act of 1998 (16 U.S.C. 460*lll*) is
7 amended—

8 (1) by redesignating paragraphs (11) through
9 (15) as paragraphs (12) through (16), respectively;
10 and

11 (2) by inserting after paragraph (10) the fol-
12 lowing:

13 “(11) QUALIFIED RESIDENT OR RELATIVE.—
14 The term ‘qualified resident or relative’ means—

15 “(A) a former resident of the area within
16 the Recreation Area or the spouse of a former
17 resident of that area; or

18 “(B) a widow, widower, or lineal descend-
19 ant of an individual buried in a cemetery lo-
20 cated in the Recreation Area.”.

21 (b) ESTABLISHMENT.—Section 511(b) of the Land
22 Between the Lakes Protection Act of 1998 (16 U.S.C.
23 460*lll*–11(b)) is amended by striking paragraph (3) and
24 inserting the following:

2871

1 “(3) STATUS OF UNIT.—The Secretary shall
2 administer the Recreation Area as a separate unit of
3 the National Forest System.”.

4 (c) ADVISORY BOARD.—Section 522 of the Land Be-
5 tween the Lakes Protection Act of 1998 (16 U.S.C.
6 460*lll*–22) is amended—

7 (1) in subsection (b)—

8 (A) in the matter preceding paragraph (1),
9 by striking “17” and inserting “13”;

10 (B) by striking paragraphs (4) and (5);

11 (C) in paragraph (3), by adding “and”
12 after the semicolon at the end; and

13 (D) by redesignating paragraph (6) as
14 paragraph (4);

15 (2) in subsection (c), by striking paragraph (2)
16 and inserting the following:

17 “(2) NONCONSECUTIVE TERMS.—Members of
18 the Advisory Board may serve multiple terms, but
19 may not serve consecutive terms.”;

20 (3) in subsection (f)—

21 (A) in the matter preceding paragraph (1),
22 by striking “may advise” and inserting “shall
23 advise”;

24 (B) in paragraph (1), by striking “and”
25 after the semicolon at the end;

1 (C) in paragraph (2), by striking the pe-
2 riod at the end and inserting a semicolon; and

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

4 “(3) an annual work plan for recreation and en-
5 vironment education areas in the Recreation Area,
6 including the heritage program, with the non-
7 appropriated amounts in the Land Between the
8 Lakes Management Fund;

9 “(4) an annual forest management and harvest
10 plan for the Recreation Area; and

11 “(5) the Land Between the Lakes Management
12 Fund.”; and

13 (4) in subsection (g)—

14 (A) in paragraph (1), by striking “bian-
15 nually” and inserting “twice each year”;

16 (B) in paragraph (3), by inserting “, on a
17 public website of the Department of Agri-
18 culture,” before “and by”; and

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

20 “(4) MINUTES.—The Secretary shall publish
21 the minutes of each meeting of the Advisory Board
22 on a public website of the Department of Agri-
23 culture.”.

24 (d) FEES.—Section 523(a) of the Land Between the
25 Lakes Protection Act of 1998 (16 U.S.C. 460*ull*–23(a))

1 is amended by striking “may charge reasonable fees” and
2 inserting “shall charge reasonable fees, in consultation
3 with the Advisory Board and consistent with the Federal
4 Lands Recreation Enhancement Act (16 U.S.C. 6801 et
5 seq.),”.

6 (e) DISPOSITION OF RECEIPTS.—Section 524 of the
7 Land Between the Lakes Protection Act of 1998 (16
8 U.S.C. 460lll–24) is amended by striking subsection (b)
9 and inserting the following:

10 “(b) USE.—Amounts in the Land Between the Lakes
11 Management Fund shall be available to the Secretary until
12 expended, without further appropriation, for construction,
13 improvement, or maintenance in the Recreation Area.

14 “(c) RESTRICTION ON USE OF FUND.—Except as
15 provided in subsection (b), amounts in the Land Between
16 the Lakes Management Fund shall not be used for man-
17 agement of the Recreation Area, including salaries and ex-
18 penses.”.

19 (f) COOPERATIVE AUTHORITIES AND GIFTS.—Sec-
20 tion 526 of the Land Between the Lakes Protection Act
21 of 1998 (16 U.S.C. 460lll–26) is amended by adding at
22 the end the following:

23 “(c) MEMORANDA OF UNDERSTANDING.—The Sec-
24 retary may, for purposes of carrying out this Act—

1 “(1) enter into memoranda of understanding
2 with State or local government entities, including
3 law enforcement, as appropriate, to clarify jurisdic-
4 tional matters, such as road management, policing,
5 and other functions that are typically performed by
6 the entity on non-Federal land; and

7 “(2) make available on a public website of the
8 Department of Agriculture any memoranda of un-
9 derstanding 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. 460*ull*–28)
12 is 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
18 OR RELATIVES.—

19 “(1) REQUESTS.—The Secretary, on request
20 from a qualified resident or relative or a cemetery
21 association, shall grant additional land for the minor
22 expansion of existing cemeteries within the Recre-
23 ation Area, to the extent necessary, to allow for the
24 burial of qualified residents or relatives.

1 “(2) EXPENSES.—Any expenses required to
2 move border fences or markers due to an expansion
3 under paragraph (1) shall be the responsibility of
4 the person making the request under that para-
5 graph.”.

6 (h) RESOURCE MANAGEMENT.—Section 529 of the
7 Land Between the Lakes Protection Act of 1998 (16
8 U.S.C. 460*lll*–29) is amended by adding at the end the
9 following:

10 “(c) HISTORICAL RESOURCES.—

11 “(1) IN GENERAL.—The Secretary shall iden-
12 tify and manage the historical resources of the
13 Recreation Area—

14 “(A) in accordance with the requirements
15 of division A of subtitle III of title 54, United
16 States Code (formerly known as the ‘National
17 Historic Preservation Act’); and

18 “(B) in consultation with qualified resi-
19 dents or relatives.

20 “(2) CONSIDERATION.—The Secretary shall—

21 “(A) in accordance with applicable law,
22 give consideration to requests by qualified resi-
23 dents or relatives to use and maintain tradi-
24 tional sites, buildings, cemeteries, and other

1 areas of cultural importance in the Recreation
2 Area; and

3 “(B) consult with qualified residents or rel-
4 atives in the management of the historical re-
5 sources of the Recreation Area.”.

6 (i) AUTHORIZATION OF APPROPRIATIONS.—Section
7 551 of the Land Between the Lakes Protection Act of
8 1998 (16 U.S.C. 460*ull*–61) is amended—

9 (1) in subsection (a)(2), by striking “Recreation
10 Area area” and inserting “Recreation Area”; and

11 (2) by striking subsection (c) and inserting the
12 following:

13 “(c) USE OF FUNDS.—

14 “(1) IN GENERAL.—Except as provided in para-
15 graph (2), the Secretary of Agriculture may expend
16 amounts appropriated to carry out this title in a
17 manner consistent with the authorities exercised by
18 the Tennessee Valley Authority before the transfer
19 of the Recreation Area to the administrative juris-
20 diction of the Secretary of Agriculture, including
21 campground management and visitor services, paid
22 advertisement, and procurement of food and supplies
23 for resale purposes.

24 “(2) EXCEPTION.—The Secretary of Agri-
25 culture shall not use amounts appropriated to carry

1 out this title for an activity described in section
2 524(b).”.

3 **SEC. 202. HAWAII NATIONAL FOREST STUDY.**

4 (a) DEFINITIONS.—In this section:

5 (1) SECRETARY.—The term “Secretary” means
6 the Secretary of Agriculture, acting through the
7 Chief of the Forest Service.

8 (2) STUDY AREA.—The term “study area”
9 means the islands of Hawaii, Maui, Molokai, Lanai,
10 Oahu, and Kauai in the State of Hawaii.

11 (b) STUDY.—

12 (1) IN GENERAL.—The Secretary shall conduct
13 a study—

14 (A) to determine the suitability and feasi-
15 bility of establishing a unit of the National For-
16 est System in the study area; and

17 (B) to identify available land within the
18 study area that could be included in the unit
19 described in subparagraph (A).

20 (2) COORDINATION AND CONSULTATION.—In
21 conducting the study under paragraph (1), the Sec-
22 retary shall—

23 (A) coordinate with the Hawaii Depart-
24 ment of Land and Natural Resources; and

1 (B) consult with the Hawaii Department
2 of Agriculture and other interested govern-
3 mental entities, private and nonprofit organiza-
4 tions, and any interested individuals.

5 (3) CONTENTS.—In conducting the study under
6 paragraph (1), the Secretary shall—

7 (A) consider unique vegetation types that
8 occur in the study area and that should be tar-
9 geted for inclusion in the unit of the National
10 Forest System described in paragraph (1)(A);

11 (B) evaluate the ability of the Secretary—

12 (i) to improve and protect forest areas
13 within the study area; and

14 (ii) to secure favorable water flows
15 within the study area;

16 (C) determine whether the unit of the Na-
17 tional Forest System described in paragraph
18 (1)(A) would expand, enhance, or duplicate—

19 (i) resource protection; and

20 (ii) visitor-use opportunities;

21 (D) consider parcels of an appropriate size
22 or location to be capable of economical adminis-
23 tration as part of the National Forest System
24 separately or jointly with the other land identi-
25 fied under paragraph (1)(B);

1 (E) evaluate the willingness of landowners
2 to sell or transfer land in the study area to the
3 Secretary;

4 (F) evaluate the suitability of land in the
5 study area for potential selection and designa-
6 tion as a research natural area or an experi-
7 mental forest;

8 (G) identify cost estimates for any Federal
9 acquisition, development, operation, and main-
10 tenance that would be needed to establish the
11 unit of the National Forest System described in
12 paragraph (1)(A); and

13 (H) consider other alternatives for the con-
14 servation, protection, and use of areas within
15 the study area by the Federal Government,
16 State or local government entities, or private
17 and nonprofit organizations.

18 (c) EFFECT.—Nothing in this section authorizes the
19 Secretary to take any action that would affect the use of
20 any land owned by the United States or not owned by the
21 United States.

22 (d) REPORT.—Not later than 3 years after the date
23 of enactment of this Act, the Secretary shall submit to
24 the Committee on Energy and Natural Resources of the

1 Senate and the Committee on Natural Resources of the
2 House of Representatives a report that describes—

3 (1) the results of the study; and

4 (2) any conclusions and recommendations of the
5 Secretary.

6 **TITLE III—LAND CONVEYANCES**
7 **AND EXCHANGES**

8 **SEC. 301. GILT EDGE MINE CONVEYANCE.**

9 (a) DEFINITIONS.—In this section

10 (1) FEDERAL LAND.—The term “Federal land”
11 means all right, title, and interest of the United
12 States in and to approximately 266 acres of Na-
13 tional Forest System land within the Gilt Edge Mine
14 Superfund Boundary, as generally depicted on the
15 map.

16 (2) MAP.—The term “map” means the map en-
17 titled “Gilt Edge Mine Conveyance Act” and dated
18 August 20, 2020.

19 (3) SECRETARY.—The term “Secretary” means
20 the Secretary of Agriculture, acting through the
21 Chief of the Forest Service.

22 (4) STATE.—The term “State” means State of
23 South Dakota.

24 (b) LAND CONVEYANCE.—

1 (1) IN GENERAL.—Subject to the terms and
2 conditions described in this section, if the State sub-
3 mits to the Secretary an offer to acquire the Federal
4 land for the market value, as determined by the ap-
5 praisal under paragraph (3), the Secretary shall con-
6 vey the Federal land to the State.

7 (2) TERMS AND CONDITIONS.—The conveyance
8 under paragraph (1) shall be—

9 (A) subject to valid existing rights;

10 (B) made by quitclaim deed; and

11 (C) subject to any other terms and condi-
12 tions as the Secretary considers appropriate to
13 protect the interests of the United States.

14 (3) APPRAISAL.—

15 (A) IN GENERAL.—After the State submits
16 an offer under paragraph (1), the Secretary
17 shall complete an appraisal to determine the
18 market value of the Federal land.

19 (B) STANDARDS.—The appraisal under
20 subparagraph (A) shall be conducted in accord-
21 ance with—

22 (i) the Uniform Appraisal Standards
23 for Federal Land Acquisitions; and

24 (ii) the Uniform Standards of Profes-
25 sional Appraisal Practice.

1 (4) MAP.—

2 (A) AVAILABILITY OF MAP.—The map
3 shall be kept on file and available for public in-
4 spection in the appropriate office of the Forest
5 Service.

6 (B) CORRECTION OF ERRORS.—The Sec-
7 retary may correct any errors in the map.

8 (5) CONSIDERATION.—As consideration for the
9 conveyance under paragraph (1), the State shall pay
10 to the Secretary an amount equal to the market
11 value of the Federal land, as determined by the ap-
12 praisal under paragraph (3).

13 (6) SURVEY.—The State shall prepare a survey
14 that is satisfactory to the Secretary of the exact
15 acreage and legal description of the Federal land to
16 be conveyed under paragraph (1).

17 (7) COSTS OF CONVEYANCE.—As a condition on
18 the conveyance under paragraph (1), the State shall
19 pay all costs associated with the conveyance, includ-
20 ing the cost of—

21 (A) the appraisal under paragraph (3); and

22 (B) the survey under paragraph (6).

23 (8) PROCEEDS FROM THE SALE OF LAND.—
24 Any proceeds received by the Secretary from the
25 conveyance under paragraph (1) shall be available to

1 the Secretary until expended, without further appro-
2 priation, for the maintenance and improvement of
3 land or administration facilities in the Black Hills
4 National Forest in the State.

5 (9) ENVIRONMENTAL CONDITIONS.—Notwith-
6 standing section 120(h)(3)(A) of the Comprehensive
7 Environmental Response, Compensation, and Liabil-
8 ity Act of 1980 (42 U.S.C. 9620(h)(3)(A)), the Sec-
9 retary shall not be required to provide any covenant
10 or warranty for the Federal land conveyed to the
11 State under this section.

12 **SEC. 302. CONVEYANCES TO THE UNIVERSITY OF ALASKA.**

13 (a) DEFINITIONS.—In this section:

14 (1) AVAILABLE STATE-SELECTED LAND.—The
15 term “available State-selected land” means Federal
16 land in the State that has been selected by the State
17 pursuant to section 6(b) of Public Law 85–508
18 (commonly known as the “Alaska Statehood Act”)
19 (48 U.S.C. note prec. 21), including land upon
20 which the State has, prior to December 31, 1993,
21 filed a future selection application under section
22 906(e) of the Alaska National Interest Lands Con-
23 servation Act (43 U.S.C. 1635(e)), but not conveyed
24 or patented to the State, pursuant to Public Law

1 85–508 (commonly known as the “Alaska Statehood
2 Act”) (48 U.S.C. note prec. 21).

3 (2) INHOLDING.—The term “inholding” means
4 any interest in land owned by the University with-
5 in—

6 (A) any conservation system unit (as de-
7 fined in section 102 of the Alaska National In-
8 terest Lands Conservation Act (16 U.S.C.
9 3102)); or

10 (B) any unit of the National Forest Sys-
11 tem in the State.

12 (3) SECRETARY.—The term “Secretary” means
13 the Secretary, acting through the Director of the
14 Bureau of Land Management.

15 (4) STATE.—The term “State” means the State
16 of Alaska.

17 (5) UNIVERSITY.—The term “University”
18 means the University of Alaska, acting through the
19 Board of Regents.

20 (b) ESTABLISHMENT.—The Secretary shall establish
21 a program within the Bureau of Land Management—

22 (1) to identify and convey available State-se-
23 lected land to the University to support higher edu-
24 cation in the State; and

1 (2) to acquire, by purchase or exchange, Uni-
2 versity-owned inholdings in the State.

3 (c) IDENTIFICATION OF LAND TO BE CONVEYED TO
4 THE UNIVERSITY.—

5 (1) IN GENERAL.—Not later than 4 years after
6 the date of enactment of this Act, the State and the
7 University may jointly identify not more than
8 500,000 acres of available State-selected land for in-
9 clusion in the program established under subsection
10 (b), of which not more than 360,000 acres may be
11 conveyed and patented to the University.

12 (2) TECHNICAL ASSISTANCE.—On the request
13 of the State and the University, the Secretary shall
14 provide technical assistance in the identification of
15 available State-selected land for inclusion in the pro-
16 gram established under subsection (b).

17 (3) MAPS.—As soon as practicable after the
18 date on which the available State-selected land is
19 identified under paragraph (1), the Secretary shall
20 submit to the Committee on Energy and Natural
21 Resources of the Senate and the Committee on Nat-
22 ural Resources of the House of Representatives 1 or
23 more maps depicting the available State-selected
24 land identified for potential conveyance to the Uni-
25 versity.

1 (4) CONVEYANCE.—Subject to paragraph (5), if
2 the State and the University notify the Secretary in
3 writing that the State and the University jointly
4 concur with the conveyance of all or a portion of the
5 available State-selected land identified under para-
6 graph (1), and that the State will conditionally relin-
7 quish the selection rights of the State to the land
8 covered by the notification on the issuance of the
9 land being tentatively approved, and will fully relin-
10 quish those selection rights on final patent by the
11 Secretary to the University, the Secretary shall con-
12 vey the applicable identified available State-selected
13 land to the University, subject to valid existing
14 rights, in the same manner and subject to the same
15 terms, conditions, and limitations as is applicable to
16 the State under section 6(b) of Public Law 85–508
17 (commonly known as the “Alaska Statehood Act”)
18 (48 U.S.C. note prec. 21) and other applicable law,
19 to be held in trust for the exclusive use and benefit
20 of the University, to be administered in accordance
21 with subsection (e).

22 (5) TERMS AND CONDITIONS.—

23 (A) MAXIMUM ACREAGE.—Subject to sub-
24 paragraph (C), the Secretary shall convey not
25 more than a total of 360,000 acres of available

1 State-selected land to the University under this
2 subsection, not to exceed the remaining entitle-
3 ment of the State under section 6(b) of Public
4 Law 85–508 (commonly known as the “Alaska
5 Statehood Act”) (48 U.S.C. note prec. 21).

6 (B) LETTERS OF CONCURRENCE.—For
7 purposes of paragraph (4) and subject to the
8 maximum acreage limitation under paragraph
9 (1), the State and the University may submit to
10 the Secretary 1 or more joint letters of concur-
11 rence identifying parcels of available State se-
12 lected land for conveyance as a subset of the
13 total acres to be conveyed under this subsection.

14 (C) ACREAGE CHARGED AGAINST ALASKA
15 STATEHOOD ACT ENTITLEMENT.—The acreage
16 of land conveyed to the University under this
17 subsection shall be charged against the remain-
18 ing entitlement of the State under section 6(b)
19 of Public Law 85–508 (commonly known as the
20 “Alaska Statehood Act”) (48 U.S.C. note prec.
21 21).

22 (D) SURVEY COSTS.—In accordance with
23 Public Law 85–508 (commonly known as the
24 “Alaska Statehood Act”) (48 U.S.C. note prec.

1 21), the Secretary shall be responsible for the
2 costs of required surveys.

3 (E) SUBMERGED LANDS.—Lands beneath
4 navigable waters (as defined in section 2 of the
5 Submerged Lands Act (43 U.S.C. 1301)) shall
6 not be available for conveyance to the Univer-
7 sity under the program established under sub-
8 section (b).

9 (d) UNIVERSITY OF ALASKA INHOLDINGS.—

10 (1) IN GENERAL.—The Secretary or the Sec-
11 retary of Agriculture, as appropriate, may acquire
12 by purchase or exchange, with the consent of the
13 University, University-owned inholdings within Fed-
14 eral land in the State.

15 (2) APPRAISALS.—The value of the land to be
16 exchanged or acquired under this subsection shall be
17 determined by the Secretary or the Secretary of Ag-
18 riculture, as appropriate, through appraisals con-
19 ducted—

20 (A) in accordance with—

21 (i) the Uniform Appraisal Standards
22 for Federal Land Acquisitions; and

23 (ii) the Uniform Standards of Profes-
24 sional Appraisal Practice; and

2889

1 (B) by a qualified appraiser mutually
2 agreed to by the Secretary or the Secretary of
3 Agriculture, as appropriate, and the University.

4 (3) EQUAL VALUE EXCHANGES.—For any land
5 exchange entered into under this subsection, the
6 Federal land and University-owned inholdings ex-
7 changed shall be of equal value.

8 (4) PURCHASE ACQUISITIONS.—Pursuant to
9 chapter 2003 of title 54, United States Code,
10 amounts in the Land and Water Conservation Fund
11 established by section 200302 of that title may be
12 used for the purchase of University-owned inholdings
13 within Federal land in the State under this sub-
14 section.

15 (5) REQUIREMENT.—Any land acquired by the
16 United States under this subsection shall be admin-
17 istered in accordance with the laws (including regu-
18 lations) applicable to the conservation system unit or
19 unit of the National Forest System in which the
20 land is located.

21 (e) ADMINISTRATION OF CONVEYED OR EXCHANGED
22 LAND.—All available State-selected land that is ten-
23 tatively approved or conveyed to the University under this
24 section, and all land or assets acquired by the University
25 through an exchange under this section, together with the

1 income therefrom and the proceeds from any dispositions
2 thereof, shall be administered by the University in trust
3 to meet the necessary expenses of higher education pro-
4 grams, similar to prior Federal land grants to the Univer-
5 sity.

6 (f) STATE AND UNIVERSITY PARTICIPATION.—Noth-
7 ing in this section requires the State or the University—

8 (1) to participate in the program established
9 under subsection (b); or

10 (2) to enter into sales or exchanges of Univer-
11 sity-owned inholdings under subsection (d).

12 (g) CONGRESSIONAL NOTIFICATION.—Not later than
13 90 days after the date of any conveyance and patent to
14 the University under this section, the Secretary shall no-
15 tify the Committee on Energy and Natural Resources of
16 the Senate and the Committee on Natural Resources of
17 the House of Representatives of the land conveyed and
18 patented.

19 (h) NO EFFECT ON ALASKA STATEHOOD ACT ENTI-
20 TLEMENT.—Except for any available State-selected land
21 conveyed under subsection (c) and charged against the re-
22 maining entitlement of the State under section 6(b) of
23 Public Law 85–508 (commonly known as the “Alaska
24 Statehood Act”) (48 U.S.C. note prec. 21)—

1 rights, hereby incorporated as part of the Mount
2 Olympus Wilderness designated under paragraph
3 (3).”.

4 (b) WILDERNESS BOUNDARY ADJUSTMENTS.—

5 (1) MOUNT NAOMI WILDERNESS BOUNDARY AD-
6 JUSTMENT.—

7 (A) ADJUSTMENT.—Section 102 of the
8 Utah Wilderness Act of 1984 (Public Law 98–
9 428; 98 Stat. 1657; 16 U.S.C. 1132 note) is
10 amended by adding at the end the following:

11 “(c) MOUNT NAOMI WILDERNESS BOUNDARY AD-
12 JUSTMENT.—Certain lands in the Uinta-Wasatch-Cache
13 National Forest which comprise approximately 11.17
14 acres as generally depicted on a map entitled the ‘Bonne-
15 ville Shoreline Trail Legislative Map’, dated July 9, 2020,
16 are hereby removed from the Mount Naomi Wilderness
17 designated under subsection (a)(1).”.

18 (B) MANAGEMENT.—The Mount Naomi
19 Wilderness, as designated under section
20 102(a)(1) of the Utah Wilderness Act of 1984
21 (Public Law 98–428; 98 Stat. 1658; 16 U.S.C.
22 1132 note) and adjusted under subparagraph
23 (A), effective beginning on the date of enact-
24 ment of this Act, shall be managed as part of
25 the Uinta-Wasatch-Cache National Forest.

1 (2) MOUNT OLYMPUS WILDERNESS BOUNDARY
2 ADJUSTMENT.—

3 (A) ADJUSTMENT.—Section 102 of the
4 Utah Wilderness Act of 1984 (Public Law 98–
5 428; 98 Stat. 1657; 16 U.S.C. 1132 note), as
6 amended by paragraph (1)(A), is amended by
7 adding at the end the following:

8 “(d) MOUNT OLYMPUS WILDERNESS BOUNDARY AD-
9 JUSTMENT.—Certain lands in the Uinta-Wasatch-Cache
10 National Forest which comprise approximately 197.4
11 acres as generally depicted on a map entitled the ‘Bonne-
12 ville Shoreline Trail Legislative Map’, dated July 9, 2020,
13 are hereby removed from the Mount Olympus Wilderness
14 designated under subsection (a)(3).”.

15 (B) MANAGEMENT.—The Mount Olympus
16 Wilderness, as designated under section
17 102(a)(3) of the Utah Wilderness Act of 1984
18 (Public Law 98–428; 98 Stat. 1658; 16 U.S.C.
19 1132 note) and adjusted under subparagraph
20 (A), effective beginning on the date of enact-
21 ment of this Act, shall be managed as part of
22 the Uinta-Wasatch-Cache National Forest.

23 (3) TWIN PEAKS WILDERNESS BOUNDARY AD-
24 JUSTMENT.—

2894

1 (A) ADJUSTMENT.—Section 102 of the
2 Utah Wilderness Act of 1984 (Public Law 98–
3 428; 98 Stat. 1657; 16 U.S.C. 1132 note), as
4 amended by paragraphs (1) and (2), is amend-
5 ed by adding at the end the following:

6 “(e) TWIN PEAKS WILDERNESS BOUNDARY ADJUST-
7 MENT.—Certain lands in the Uinta-Wasatch-Cache Na-
8 tional Forest which comprise approximately 9.8 acres as
9 generally depicted on a map entitled the ‘Bonneville
10 Shoreline Trail Legislative Map’, dated July 9, 2020, are
11 hereby removed from the Twin Peaks Wilderness des-
12 ignated under subsection (a)(4).”.

13 (B) MANAGEMENT.—The Twin Peaks Wil-
14 derness, as designated under section 102(a)(4)
15 of the Utah Wilderness Act of 1984 (Public
16 Law 98–428; 98 Stat. 1658; 16 U.S.C. 1132
17 note) and adjusted under subparagraph (A), ef-
18 fective beginning on the date of enactment of
19 this Act, shall be managed as part of the Uinta-
20 Wasatch-Cache National Forest.

21 (4) LONE PEAK WILDERNESS BOUNDARY AD-
22 JUSTMENT.—

23 (A) ADJUSTMENT.—Section 2 of the En-
24 dangered American Wilderness Act of 1978

2895

1 (Public Law 95–237; 92 Stat. 42; 16 U.S.C.
2 1132 note) is amended—

3 (i) in subsection (j), by striking “and”
4 at the end;

5 (ii) in subsection (k), by striking the
6 period at the end and inserting “; and”;
7 and

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

10 “(l) certain lands in the Uinta-Wasatch-Cache Na-
11 tional Forest, Utah, which comprise approximately 107.9
12 acres as generally depicted on a map entitled the ‘Bonne-
13 ville Shoreline Trail Legislative Map’, dated July 9, 2020,
14 are hereby removed from the Lone Peak Wilderness Area
15 designated under subsection (i).”.

16 (B) MANAGEMENT.—The Lone Peak Wil-
17 derness Area, as designated under section 2(i)
18 of the Endangered American Wilderness Act of
19 1978 (Public Law 95–237; 92 Stat. 42; 16
20 U.S.C. 1132 note) and adjusted under subpara-
21 graph (A), effective beginning on the date of
22 enactment of this Act, shall be managed as part
23 of the Uinta-Wasatch-Cache National Forest.

24 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion or the amendments made by this section—

1 (1) EASEMENT.—The term “easement” means
2 an easement to access and use Forest Service Road
3 9201D from its junction with Forest Service Road
4 0618 (commonly known as “Beaver Creek”).

5 (2) FEDERAL LAND.—The term “Federal land”
6 means the approximately 13.3 acres of National
7 Forest System land within the Coconino National
8 Forest in the State of Arizona, as generally depicted
9 on the map entitled “Act to Convey Certain NFS
10 Land and non-Federal Land in Arizona Winter
11 Quarters” and dated June 20, 2019.

12 (3) SECRETARY.—The term “Secretary” means
13 the Secretary of Agriculture.

14 (4) UNIVERSITY.—The term “University”
15 means the Arizona Board of Regents, acting on be-
16 half of the University of Arizona Experiment Sta-
17 tion.

18 (b) COCONINO NATIONAL FOREST LAND CONVEY-
19 ANCE.—

20 (1) CONVEYANCE AUTHORIZED.—Subject to
21 this subsection, if the University submits to the Sec-
22 retary not later than 180 days after the date of en-
23 actment of this Act a written request to acquire the
24 Federal land for market value, as determined by the
25 appraisal conducted under paragraph (4), the Sec-

1 retary shall, not later than 1 year after the date of
2 enactment of this Act, convey to the University all
3 right, title, and interest of the United States in and
4 to that land, including related infrastructure, im-
5 provements, and easements on that land.

6 (2) TERMS AND CONDITIONS.—The conveyance
7 authorized under paragraph (1) shall be—

8 (A) subject to valid existing rights;

9 (B) notwithstanding any other provision of
10 law; and

11 (C) subject to any other terms and condi-
12 tions as considered appropriate by the Sec-
13 retary.

14 (3) FOREST SERVICE ACCESS.—The Secretary
15 shall retain all other rights not included in the con-
16 veyance authorized under paragraph (1) to Forest
17 Service Road 9201D from its junction with Forest
18 Service Road 0618 (commonly known as “Beaver
19 Creek”), including the maintenance of, and contin-
20 ued administrative access to, that road.

21 (4) APPRAISAL.—

22 (A) IN GENERAL.—Not later than 90 days
23 after the date on which the University submits
24 a written request under paragraph (1), the Sec-

1 retary shall complete an appraisal to determine
2 the market value of the Federal land.

3 (B) STANDARDS.—The appraisal under
4 subparagraph (A) shall be conducted in accord-
5 ance with—

6 (i) the Uniform Appraisal Standards
7 for Federal Land Acquisitions; and

8 (ii) the Uniform Standards of Profes-
9 sional Appraisal Practice.

10 **SEC. 305. WIND RIVER ADMINISTRATIVE SITE CONVEY-**
11 **ANCE.**

12 (a) DEFINITIONS.—In this section:

13 (1) COUNTY.—The term “County” means
14 Skamania County, Washington.

15 (2) MAP.—The term “map” means the map en-
16 titled “Wind River Administrative Site Conveyance
17 Proposal” and dated July 7, 2020.

18 (3) SECRETARY.—The term “Secretary” means
19 the Secretary of Agriculture, acting through the
20 Chief of the Forest Service.

21 (b) CONVEYANCE OF LAND AND IMPROVEMENTS.—

22 If the County submits a written request to the Secretary
23 not later than 180 days after the date of enactment of
24 this Act, the Secretary shall, not later than 2 years after
25 the date of the enactment of this Act, convey to the Coun-

1 ty all right, title, and interest of the United States in and
2 to the approximately 23.4 acres of National Forest System
3 land, related infrastructure, and all improvements, as gen-
4 erally depicted as “proposed conveyance” on the map.

5 (c) MAP.—

6 (1) AVAILABILITY OF MAP.—The map shall be
7 kept on file and available for public inspection in the
8 appropriate office of the Forest Service.

9 (2) CORRECTION OF ERRORS.—The Secretary
10 may correct minor errors in the map.

11 (d) TERMS AND CONDITIONS.—

12 (1) IN GENERAL.—The conveyance under sub-
13 section (b) shall be—

14 (A) subject to valid existing rights;

15 (B) notwithstanding any other provision of
16 law, made without consideration;

17 (C) made by quitclaim deed;

18 (D) subject to a right-of-way and restric-
19 tive easement reservation of a width to be de-
20 termined by the Secretary, for the protection of
21 the Pacific Crest National Scenic Trail;

22 (E) completed in accordance with the For-
23 est Service Facility Realignment and Enhance-
24 ment Act of 2005 (16 U.S.C. 580d note; Public

2901

1 Law 109–54), except that subsections (b) and
2 (c) of section 504 of that Act shall not apply;

3 (F) subject to right-of-way reservations
4 made pursuant to section 507 of the Federal
5 Land Policy and Management Act of 1976 (43
6 U.S.C. 1767);

7 (G) subject to the County managing a por-
8 tion of the land conveyed under subsection (b)
9 for public recreational purposes;

10 (H) subject to the County retaining owner-
11 ship of the land conveyed under subsection (b)
12 in perpetuity; and

13 (I) subject to any other terms and condi-
14 tions as the Secretary determines appropriate.

15 (2) REVERSION.—The land conveyed under
16 subsection (b) shall, at the discretion of the Sec-
17 retary, revert to the United States if—

18 (A) the land is used in a manner that is
19 inconsistent with the use described in para-
20 graph (1)(G); or

21 (B) the County attempts to dispose of the
22 land.

23 (e) FEDERAL PROPERTY DISPOSAL.—Chapter 5 of
24 subtitle I of title 40, United States Code, shall not apply
25 to the conveyance under subsection (b).

1 (f) HAZARDOUS MATERIALS.—With respect to the
2 conveyance under subsection (b), the Secretary—

3 (1) shall meet disclosure requirements for haz-
4 arduous substances, pollutants, or contaminants
5 under section 120(h) of the Comprehensive Environ-
6 mental Response, Compensation, and Liability Act
7 of 1980 (42 U.S.C. 9620(h)); and

8 (2) shall not otherwise be required to remediate
9 or abate the hazardous substances, pollutants, or
10 contaminants disclosed pursuant to paragraph (1).

11 (g) CLOSING COSTS.—As a condition for the convey-
12 ance under subsection (b), the County shall pay all closing
13 costs associated with the conveyance, including for—

14 (1) title insurance and title search; and

15 (2) any applicable inspection fees, escrow fees,
16 attorneys' fees, and recording fees.

17 (h) SURVEY.—

18 (1) IN GENERAL.—The exact acreage and legal
19 description of the National Forest System land to be
20 conveyed under subsection (b) shall be determined
21 by a survey satisfactory to the Secretary.

22 (2) COSTS OF SURVEY.—The Secretary may
23 bear all costs associated with the survey under para-
24 graph (1).

25 (i) USE OF LAND.—

1 (1) IN GENERAL.—The land and related infra-
2 structure conveyed under subsection (b) shall be
3 maintained by the County pursuant to standards es-
4 tablished by the Secretary of the Interior under sec-
5 tion 306101 of title 54, United States Code.

6 (2) REVERSION.—If any portion of the land
7 conveyed under subsection (b) is used in a manner
8 that is inconsistent with the use described in para-
9 graph (1), the land shall, at the discretion of the
10 Secretary, revert to the United States.

11 **SEC. 306. RIGHT-OF-WAY PERMIT FOR NATURAL GAS DIS-**
12 **TRIBUTION MAIN SEGMENT AT VALLEY**
13 **FORGE NHP.**

14 (a) IN GENERAL.—Notwithstanding any other provi-
15 sion of law, the Secretary may issue a right-of-way permit
16 pursuant to part 14 of title 36, Code of Federal Regula-
17 tions (as in effect on the date of the enactment of this
18 Act), for the covered main segment if the covered main
19 segment is relocated to a proposed realignment of Valley
20 Forge Park Road and North Gulph Road within the Park.

21 (b) SCOPE OF AUTHORITY.—The authority to grant
22 a right-of-way permit under subsection (a) shall apply only
23 to the covered main segment and shall not apply to any
24 other part of the natural gas distribution main system or
25 any other pipeline system within the Park.

1 (c) DEFINITIONS.—In this section:

2 (1) COVERED MAIN SEGMENT.—The term “cov-
3 ered main segment” means the portions of the nat-
4 ural gas distribution main (including all appur-
5 tenances used in the operation of such main) within
6 the Park—

7 (A) existing on the date of the enactment
8 of this Act; and

9 (B) that are located under, along, or adja-
10 cent to the segments of North Gulph Road and
11 Valley Forge Park Road (SR3039 and SR0023
12 respectively, as those roads were aligned on
13 January 21, 2022) that are between—

14 (i) the intersection of North Gulph
15 Road with Richards Road; and

16 (ii) a point on Valley Forge Park
17 Road located 500 feet northwest of its
18 intersection with County Line Road.

19 (2) PARK.—The term “Park” means Valley
20 Forge National Historical Park.

2905

1 **TITLE IV—WILD AND SCENIC**
2 **RIVER DESIGNATIONS**

3 **SEC. 401. DESIGNATION OF YORK WILD AND SCENIC RIVER,**
4 **MAINE.**

5 (a) DESIGNATION.—Section 3(a) of the Wild and
6 Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by add-
7 ing at the end the following:

8 “(231) YORK RIVER, MAINE.—The following
9 segments of the main stem and tributaries (includ-
10 ing portions of Bass Cove Creek, Cider Hill Creek,
11 Cutts Ridge Brook, Dolly Gordon Brook, Libby
12 Brook, Rogers Brook, and Smelt Brook) in the
13 State of Maine, totaling approximately 30.8 miles, to
14 be administered by the Secretary of the Interior, as
15 a recreational river:

16 “(A) The approximately 0.95-mile segment
17 of Bass Cove Creek from the outlet of Boulter
18 Pond in York, Maine, and extending down-
19 stream to the confluence with the York River in
20 York, Maine.

21 “(B) The approximately 3.77-mile segment
22 of Cider Hill Creek from the Middle Pond dam
23 in York, Maine, and extending downstream to
24 the confluence with the York River in York,
25 Maine.

1 “(C) The approximately 2.15-mile segment
2 of Cutts Ridge Brook from the headwaters in
3 Kittery, Maine, and extending downstream to
4 the confluence with the York River in York,
5 Maine.

6 “(D) The approximately 3.17-mile segment
7 of Dolly Gordon Brook from the headwaters in
8 York, Maine, and extending downstream to the
9 confluence with the York River in York, Maine.

10 “(E) The approximately 1.65-mile segment
11 of Libby Brook from the headwaters in Kittery,
12 Maine, and extending downstream to the con-
13 fluence with Dolly Gordon Brook in York,
14 Maine.

15 “(F) The approximately 2.43-mile segment
16 of Rogers Brook from the headwaters in Eliot,
17 Maine, and extending downstream to the con-
18 fluence with the York River in York, Maine.

19 “(G) The approximately 4.54-mile segment
20 of Smelt Brook from the Bell Marsh Reservoir
21 dam in York, Maine, and extending downstream
22 to the confluence with the York River in York,
23 Maine.

24 “(H) The approximately 12.14-mile seg-
25 ment of the York River from the outlet of York

1 Pond in Eliot, Maine, and extending down-
2 stream to the Route 103 Bridge in York,
3 Maine, including Barrell Mill Pond in York,
4 Maine.”.

5 (b) MANAGEMENT OF YORK WILD AND SCENIC
6 RIVER, MAINE.—

7 (1) DEFINITIONS.—In this subsection:

8 (A) COVERED SEGMENT.—The term “cov-
9 ered segment” means a river segment des-
10 ignated by paragraph (231) of section 3(a) of
11 the of the Wild and Scenic Rivers Act (16
12 U.S.C. 1274(a)) (as added by subsection (a)).

13 (B) STATE.—The term “State” means the
14 State of Maine.

15 (C) STEWARDSHIP COMMITTEE.—The term
16 “Stewardship Committee” means the York
17 River Stewardship Committee.

18 (D) STEWARDSHIP PLAN.—The term
19 “stewardship plan” means the plan entitled the
20 “York River Watershed Stewardship Plan”,
21 dated August 2018, and developed pursuant to
22 the study described in section 5(b)(21) of the
23 Wild and Scenic Rivers Act (16 U.S.C.
24 1276(b)(21)).

25 (2) STEWARDSHIP PLAN.—

2908

1 (A) IN GENERAL.—The Secretary shall
2 manage the covered segments in accordance
3 with—

4 (i) the stewardship plan; and

5 (ii) any amendments to the steward-
6 ship plan that—

7 (I) the Secretary determines are
8 consistent with this section; and

9 (II) are approved by the Stew-
10 ardsip Committee.

11 (B) COMPREHENSIVE MANAGEMENT
12 PLAN.—The stewardship plan shall be consid-
13 ered to satisfy the requirements for a com-
14 prehensive management plan under section 3(d)
15 of the Wild and Scenic Rivers Act (16 U.S.C.
16 1274(d)).

17 (3) COORDINATION WITH COMMITTEE.—The
18 Secretary shall coordinate the management respon-
19 sibilities of the Secretary under this section and the
20 amendments made by this section with the Steward-
21 ship Committee, as provided in the stewardship plan.

22 (4) COOPERATIVE AGREEMENTS.—

23 (A) IN GENERAL.—To provide for the
24 long-term protection, preservation, and en-
25 hancement of the covered segments, the Sec-

1 retary may enter into cooperative agreements
2 pursuant to sections 10(e) and 11(b)(1) of the
3 Wild and Scenic Rivers Act (16 U.S.C. 1281(e),
4 1282(b)(1)) with—

5 (i) the State;

6 (ii) the towns of Eliot, Kittery, South
7 Berwick, and York in the State; and

8 (iii) appropriate local, regional, or
9 State planning, environmental, or rec-
10 reational organizations.

11 (B) CONSISTENCY.—Each cooperative
12 agreement entered into under this paragraph—

13 (i) shall be consistent with the stew-
14 ardship plan; and

15 (ii) may include provisions for Federal
16 financial or other assistance.

17 (5) LAND MANAGEMENT.—

18 (A) ZONING ORDINANCES.—For the pur-
19 poses of the covered segments, the zoning ordi-
20 nances adopted by the towns described in para-
21 graph (4)(A)(ii), including any provisions for
22 the conservation of floodplains, wetlands, and
23 watercourses associated with the covered seg-
24 ments, shall be considered to satisfy the re-

2910

1 requirements of section 6(c) of the Wild and Sce-
2 nic Rivers Act (16 U.S.C. 1277(c)).

3 (B) ACQUISITION OF LAND.—The author-
4 ity of the Secretary to acquire land for the pur-
5 poses of the covered segments shall be—

6 (i) limited to acquisition by donation
7 or acquisition with the consent of the
8 owner of the land; and

9 (ii) subject to the additional criteria
10 provided in the stewardship plan.

11 (C) NO CONDEMNATION.—No land or in-
12 terest in land within the watersheds of the cov-
13 ered segments may be acquired by condemna-
14 tion.

15 (6) RELATION TO THE NATIONAL PARK SYS-
16 TEM.—Notwithstanding section 10(c) of the Wild
17 and Scenic Rivers Act (16 U.S.C. 1281(c)), the cov-
18 ered segments shall not be—

19 (A) administered as a unit of the National
20 Park System; or

21 (B) subject to the laws (including regula-
22 tions) applicable to the National Park System.

2911

1 **SEC. 402. DESIGNATION OF HOUSATONIC WILD AND SCENIC**
2 **RIVER, CONNECTICUT.**

3 (a) AMENDMENTS TO WILD AND SCENIC RIVERS
4 ACT.—Section 3(a) of the Wild and Scenic Rivers Act (16
5 U.S.C. 1274(a)) (as amended by section 401(a)) is amend-
6 ed by adding at the end the following:

7 “(232) HOUSATONIC RIVER, CONNECTICUT.—

8 “(A) IN GENERAL.—The following seg-
9 ments of the Housatonic River in the State of
10 Connecticut, to be administered by the Sec-
11 retary of the Interior:

12 “(i) The approximately 14.9-mile seg-
13 ment from the Massachusetts-Connecticut
14 boundary to the covered bridge in West
15 Cornwall, as a scenic river.

16 “(ii) The approximately 4.1-mile seg-
17 ment from the covered bridge in West
18 Cornwall to the Cornwall Bridge, as a rec-
19 reational river.

20 “(iii) The approximately 9.1-mile seg-
21 ment from the Cornwall Bridge to the
22 Route 341 bridge in Kent, as a scenic
23 river.

24 “(iv) The approximately 12.2-mile
25 segment from the Route 341 bridge in

2912

1 Kent to the Boardman Bridge in New Mil-
2 ford, as a recreational river.

3 “(B) EFFECTS ON HYDROELECTRIC FA-
4 CILITIES.—The designation of the river seg-
5 ments in subparagraph (A) shall not—

6 “(i) impact or alter the existing terms
7 of permitting, licensing, or operation of—

8 “(I) the Falls Village Hydro-
9 electric Generating Station located in
10 Falls Village, Connecticut (FERC P-
11 2576); or

12 “(II) the Bulls Bridge Hydro-
13 electric Generating Station located in
14 New Milford, Connecticut (FERC P-
15 2576); or

16 “(ii) preclude the Federal Energy
17 Regulatory Commission from licensing, re-
18 licensing, or otherwise authorizing the op-
19 eration or continued operation of the facili-
20 ties named in clause (i).”.

21 (b) MANAGEMENT.—

22 (1) PROCESS.—The Housatonic River segments
23 shall be managed in accordance with—

24 (A) the Management Plan; and

1 (B) such amendments to the Management
2 Plan as the Secretary determines are consistent
3 with this section and the Wild and Scenic Riv-
4 ers Act (16 U.S.C. 1271 et seq.).

5 (2) COMPREHENSIVE MANAGEMENT PLAN.—
6 The Management Plan shall be considered to satisfy
7 the requirements for a comprehensive management
8 plan under section 3(d) of the Wild and Scenic Riv-
9 ers Act (16 U.S.C. 1274(d)).

10 (3) COOPERATIVE MANAGEMENT.—

11 (A) IN GENERAL.—To provide for long-
12 term protection, preservation, and enhancement
13 of the Housatonic River segments, the Sec-
14 retary shall coordinate management responsibil-
15 ities under this section, and may enter into co-
16 operative agreements pursuant to sections 10(e)
17 and 11(b)(1) of the Wild and Scenic Rivers Act
18 (16 U.S.C. 1281(e) and 1282(b)(1)), with—

19 (i) the State of Connecticut;

20 (ii) the towns of Sharon, Canaan,
21 Cornwall, Salisbury, New Milford, Kent,
22 and North Canaan, Connecticut; and

23 (iii) appropriate planning, environ-
24 mental, and recreational organizations, in-
25 cluding—

2914

1 (I) local, regional, State, and
2 multistate organizations; and

3 (II) any other appropriate orga-
4 nizations, as determined by the
5 Housatonic River Commission, or its
6 successor organization, as defined in
7 the Management Plan.

8 (B) COOPERATIVE AGREEMENTS.—Each
9 cooperative agreement entered into under this
10 paragraph shall be consistent with the Manage-
11 ment Plan and may include provisions for fi-
12 nancial or other assistance from the United
13 States.

14 (4) ZONING ORDINANCES.—For the purposes of
15 the Housatonic River segments, the zoning ordi-
16 nances adopted by the municipalities named in para-
17 graph (3)(A)(ii) shall be deemed to satisfy the
18 standards and requirements of section 6(c) of the
19 Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

20 (5) ACQUISITION OF LANDS.—The authority of
21 the Secretary to acquire land for the Housatonic
22 River segments shall be—

23 (A) limited to acquisition by donation or
24 acquisition with the consent of the owner there-
25 of; and

2915

1 (B) subject to the additional criteria set
2 forth in the Management Plan.

3 (6) NO CONDEMNATION.—No land or interest
4 in land may be acquired for the Housatonic River
5 segments by condemnation.

6 (7) RELATION TO THE NATIONAL PARK SYS-
7 TEM.—Notwithstanding section 10(c) of the Wild
8 and Scenic Rivers Act (16 U.S.C. 1281(c)), the
9 Housatonic River segments shall not be—

10 (A) administered as a part or unit of the
11 National Park System; or

12 (B) subject to regulations that govern the
13 National Park System.

14 (8) DEFINITIONS.—In this subsection:

15 (A) MANAGEMENT PLAN.—The term
16 “Management Plan” means the Housatonic
17 River Management Plan, dated September
18 2006.

19 (B) HOUSATONIC RIVER SEGMENTS.—The
20 term “Housatonic River segments” means the
21 river segments designated by the amendments
22 made by subsection(a).

1 **SEC. 403. DESIGNATION FOR STUDY OF WILD AND SCENIC**
2 **RIVER SEGMENTS, LITTLE MANATEE RIVER,**
3 **FLORIDA.**

4 (a) IN GENERAL.—Section 5(a) of the Wild and Sce-
5 nic Rivers Act (16 U.S.C. 1276(a)) is amended by adding
6 at the end the following:

7 “(145) LITTLE MANATEE RIVER, FLORIDA.—
8 The approximately 50-mile segment beginning at the
9 source in southeastern Hillsborough County, Flor-
10 ida, downstream to the point at which the river en-
11 ters Tampa Bay, including appropriate tributaries,
12 but shall not include—

13 “(A) those portions lying within Manatee
14 County, Florida, and being more particularly
15 described as Parcel ID 247800059, Parcel ID
16 248200008, and Parcel ID 248100000; and

17 “(B) South Fork.”.

18 (b) STUDY AND REPORT.—Section 5(b) of the Wild
19 and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended
20 by adding at the end the following:

21 “(22) LITTLE MANATEE RIVER, FLORIDA.—Not
22 later than 3 years after the date on which funds are
23 made available to carry out this paragraph, the Sec-
24 retary of the Interior shall—

1 “(A) complete the study of the Little Man-
2 atee River, Florida named in subsection
3 (a)(145); and

4 “(B) submit to the Committee on Energy
5 and Natural Resources of the Senate and the
6 Committee on Natural Resources of the House
7 of Representatives a report that describes the
8 results of the study.”.

9 (c) EFFECT ON MANAGEMENT.—This section and the
10 amendments made by this section shall not interfere with
11 the current management of the area of the Little Manatee
12 River described in paragraph (145) of section 5(a) of the
13 Wild and Scenic Rivers Act (16 U.S.C. 1276(a)), nor shall
14 the fact that such area is listed for study under that Act
15 be used as justification for more restrictive management
16 until Congress acts on the study recommendations.

17 **SEC. 404. DESIGNATION FOR STUDY OF WILD AND SCENIC**
18 **RIVER SEGMENTS, KISSIMMEE RIVER, FLOR-**
19 **IDA.**

20 (a) IN GENERAL.—Section 5(a) of the Wild and Sce-
21 nic Rivers Act (16 U.S.C. 1276(a)) (as amended by sec-
22 tion 403(a)) is amended by adding at the end the fol-
23 lowing:

24 “(146) KISSIMMEE RIVER, FLORIDA.—The re-
25 stored segment of the Kissimmee River, beginning

1 approximately 16 miles downstream of Lake Kis-
2 simmee and ending approximately 15 miles up-
3 stream of Lake Okeechobee.”.

4 (b) STUDIES AND REPORTS.—Section 5(b) of the
5 Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) (as
6 amended by section 403(b)) is amended by adding at the
7 end the following:

8 “(23) KISSIMMEE RIVER, FLORIDA.—Not later
9 than 3 years after the date on which funds are made
10 available to carry out this paragraph, the Secretary
11 of the Interior shall—

12 “(A) complete the study of the Kissimmee
13 River, Florida named in paragraph (146) of
14 subsection (a); and

15 “(B) submit to the Committee on Energy
16 and Natural Resources of the Senate and the
17 Committee on Natural Resources of the House
18 of Representatives a report that describes the
19 results of the study.”.

20 (c) EFFECT ON MANAGEMENT.—This section and the
21 amendments made by this section shall not interfere with
22 the current management of the area of the Kissimmee
23 River described in paragraph (146) of section 5(a) of the
24 Wild and Scenic Rivers Act (16 U.S.C. 1276(a)), nor shall
25 the fact that such area is listed for study under that Act

1 be used as justification for more restrictive management
2 until Congress acts on the study recommendations.

3 **TITLE V—NATIONAL TRAILS**
4 **SYSTEM**

5 **SEC. 501. DESIGNATION OF THE CHILKOOT NATIONAL HIS-**
6 **TORIC TRAIL.**

7 Section 5(a) of the National Trails System Act (16
8 U.S.C. 1244(a)) is amended by adding at the end the fol-
9 lowing:

10 “(31) CHILKOOT NATIONAL HISTORIC TRAIL.—

11 “(A) IN GENERAL.—The Chilkoot National
12 Historic Trail, an approximately 16.5-mile
13 route within the Klondike Gold Rush National
14 Historical Park that was traditionally used as a
15 trading route by the Tlingit Indian Tribe and
16 Tagish First Nation and as a gold rush route,
17 as generally depicted on the map entitled ‘Pro-
18 posed Chilkoot National Historic Trail’, num-
19 bered KLGO-461-173787, and dated October
20 2020.

21 “(B) AVAILABILITY OF MAP.—The map
22 described in subparagraph (A) shall be on file
23 and available for public inspection in the appro-
24 priate offices of the National Park Service.

2920

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 Corpora-
13 tions, and, in consultation with the Secretary of
14 State, the Government of Canada and any polit-
15 ical subdivisions of the Government of Canada
16 for the 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

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
13 Trail, extending approximately 500 miles from
14 Seward, Alaska, to Fairbanks, Alaska.

15 “(B) REQUIREMENT.—The Secretary of
16 the Interior (referred to in this paragraph as
17 the ‘Secretary’) shall study the feasibility of
18 designating the trail described in subparagraph
19 (A), including evaluating the potential impacts
20 of the trail on rights-of-way, existing rights, or
21 other recreational uses of the land proposed to
22 be used for the trail.

23 “(C) CONSULTATION.—The Secretary shall
24 conduct the study under this paragraph in con-
25 sultation with—

2922

1 “(i) the Secretary of Agriculture, act-
2 ing through the Chief of the Forest Serv-
3 ice;

4 “(ii) the State of Alaska;

5 “(iii) units of local government in the
6 State of Alaska;

7 “(iv) Alaska Native Corporations; and

8 “(v) representatives of the private sec-
9 tor, including any entity that holds a per-
10 mit issued by the Federal Energy Regu-
11 latory Commission.”.

12 **SEC. 503. BUCKEYE NATIONAL SCENIC TRAIL FEASIBILITY**
13 **STUDY.**

14 Section 5(c) of the National Trails System Act (16
15 U.S.C. 1244(c)) (as amended by section 502) is amended
16 by adding at the end the following:

17 “(49) BUCKEYE TRAIL.—The Buckeye Trail, a
18 system of trails creating a loop extending approxi-
19 mately 1,454 miles from Lake Erie to the Ohio
20 River, through the farmland of northwest Ohio, the
21 hills of Appalachia, the Black Hand sandstone cliffs
22 of the Hocking Hills region, and the Bluegrass re-
23 gion of southwest Ohio.”.

2923

1 **TITLE VI—NATIONAL PARK**
2 **SERVICE PROVISIONS**
3 **Subtitle A—Additions to the**
4 **National Park System**

5 **SEC. 601. NEW PHILADELPHIA NATIONAL HISTORIC SITE.**

6 (a) DEFINITIONS.—In this section:

7 (1) HISTORIC SITE.—The term “historic site”
8 means the New Philadelphia National Historic Site
9 established by subsection (b)(1).

10 (2) STATE.—The term “State” means the State
11 of Illinois.

12 (b) ESTABLISHMENT OF NEW PHILADELPHIA NA-
13 TIONAL HISTORIC SITE.—

14 (1) ESTABLISHMENT.—There is established in
15 the State as a unit of the National Park System the
16 New Philadelphia National Historic Site.

17 (2) PURPOSE.—The purpose of the historic site
18 is to protect, preserve, and interpret the historic re-
19 sources associated with the town of New Philadel-
20 phia, the first town in the United States planned
21 and legally registered by a free African American be-
22 fore the Civil War.

23 (3) BOUNDARY.—The historic site shall consist
24 of the approximately 124.33 acres of land within the
25 boundary generally depicted as “Proposed Bound-

1 ary” on the map prepared by the National Park
2 Service entitled “New Philadelphia National Historic
3 Site Proposed Boundary”, numbered 591/176,516,
4 and 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
11 of 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
15 Code; and

16 (ii) chapter 3201 of title 54, United
17 States Code.

18 (2) COOPERATIVE AGREEMENTS.—

19 (A) IN GENERAL.—The Secretary may
20 enter into cooperative agreements with the
21 State or other public and private entities—

22 (i) to coordinate preservation and in-
23 terpretation activities within the historic
24 site; and

1 (ii) to identify, interpret, and provide
2 assistance for the preservation and inter-
3 pretation 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 subpara-
15 graph (B), the Secretary may acquire land and
16 interests in land for inclusion in the historic
17 site 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
25 only by donation.

1 (4) TECHNICAL AND PRESERVATION ASSIST-
2 ANCE.—The Secretary may provide public interpre-
3 tation and technical assistance for the preservation
4 of historic structures of, the maintenance of the cul-
5 tural landscape of, and local preservation planning
6 for, related historic and cultural resources within the
7 boundaries of the historic site.

8 (5) MANAGEMENT PLAN.—Not later than 3 fis-
9 cal years after the date on which funds are first
10 made available to carry out this section, the Sec-
11 retary, in consultation with the State, shall complete
12 a general management plan for the historic site in
13 accordance with—

14 (A) section 100502 of title 54, United
15 States 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
25 Service land identified as “Proposed transfer from

1 USDA Forest Service to National Park Service” on
2 the Map.

3 (2) MAP.—The term “Map” means the map en-
4 titled “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”
8 means the Sunset Crater Volcano National Monu-
9 ment established by Presidential Proclamation 1911
10 (54 U.S.C. 320301 note; 46 Stat. 3023) and reded-
11 esignated by section 15 of the Smith River National
12 Recreation Area Act (Public Law 101–612; 104
13 Stat. 3222).

14 (4) SECRETARY.—The term “Secretary” means
15 the Secretary, acting through the Director of the
16 National Park Service.

17 (b) SUNSET CRATER VOLCANO NATIONAL MONU-
18 MENT BOUNDARY MODIFICATION.—

19 (1) TRANSFER OF ADMINISTRATIVE JURISDIC-
20 TION TO NATIONAL PARK SERVICE.—Administrative
21 jurisdiction over the Federal land is transferred
22 from the Forest Service to the National Park Serv-
23 ice.

1 (2) MAP AVAILABILITY.—The Map shall be on
2 file and available for inspection in the appropriate
3 offices of the National Park Service.

4 (3) BOUNDARY MODIFICATION.—The boundary
5 of the Monument is modified to include the Federal
6 land.

7 (4) ADMINISTRATION.—Subject to valid existing
8 rights, the Secretary shall administer the Federal
9 land added to the Monument under paragraph (3)—

10 (A) as part of the Monument; and

11 (B) in accordance with applicable laws (in-
12 cluding regulations).

13 **SEC. 612. ROSIE THE RIVETER/WORLD WAR II HOME FRONT**
14 **NATIONAL HISTORICAL PARK.**

15 (a) NYSTROM ELEMENTARY SCHOOL ADDITION.—
16 Section 2 of the Rosie the Riveter/World War II Home
17 Front National Historical Park Establishment Act of
18 2000 (16 U.S.C. 410ggg) is amended by striking sub-
19 section (b) and inserting the following:

20 “(b) AREAS INCLUDED.—

21 “(1) IN GENERAL.—The boundaries of the park
22 shall include—

23 “(A)(i) the areas generally depicted on the
24 map entitled ‘Proposed Boundary Map, Rosie
25 the Riveter/World War II Home Front National

2929

1 Historical Park’, numbered 963/80,000, and
2 dated May 2000; and

3 “(ii) the areas depicted as the ‘Proposed
4 Boundary Addition’ on the map entitled ‘Rosie
5 the Riveter/World War II Home Front National
6 Historical Park Proposed Boundary Addition’,
7 numbered 499/168,353, and dated May 2020;
8 and

9 “(B) any other historic properties identi-
10 fied by the Secretary as appropriate for addi-
11 tion to the park, subject to the requirement
12 that a historic property proposed for addition to
13 the park shall—

14 “(i) be determined to be eligible for
15 listing in the National Register of Historic
16 Places;

17 “(ii) have a direct connection to
18 World War II home front themes in Rich-
19 mond, California; and

20 “(iii) relate to the purpose, signifi-
21 cance, and interpretive themes of the park.

22 “(2) AVAILABILITY OF MAPS.—The maps re-
23 ferred to in paragraph (1) shall be on file and avail-
24 able for public inspection in the appropriate offices
25 of the National Park Service.”.

2930

1 (b) ADMINISTRATION.—Section 3(a) of the Rosie the
2 Riveter/World War II Home Front National Historical
3 Park Establishment Act of 2000 (16 U.S.C. 410ggg–1(a))
4 is amended by adding at the end the following:

5 “(3) NYSTROM ELEMENTARY SCHOOL.—Noth-
6 ing in this Act affects the authority of the West
7 Contra Costa Unified School District to administer
8 Nystrom Elementary School.”.

9 (c) COOPERATIVE AGREEMENTS.—Section 3(b) of
10 the Rosie the Riveter/World War II Home Front National
11 Historical Park Establishment Act of 2000 (16 U.S.C.
12 410ggg–1(b)) is amended by adding at the end the fol-
13 lowing:

14 “(3) WEST CONTRA COSTA UNIFIED SCHOOL
15 DISTRICT.—

16 “(A) IN GENERAL.—The Secretary may
17 enter into cooperative agreements with the
18 West Contra Costa Unified School District and
19 other appropriate public and private agencies,
20 organizations, and institutions to carry out the
21 purposes of this Act.

22 “(B) VISITOR INTERPRETATION.—The
23 Secretary shall coordinate visitor interpretation
24 of the Nystrom Elementary School site with the
25 West Contra Costa Unified School District.”.

1 **SEC. 613. CAPE COD NATIONAL SEASHORE ADVISORY COM-**
2 **MISSION.**

3 Effective September 26, 2018, section 8 of Public
4 Law 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 sub-
9 section (g).

10 **SEC. 614. CANE RIVER CREOLE NATIONAL HISTORICAL**
11 **PARK BOUNDARY MODIFICATION.**

12 Section 303(b) of the Cane River Creole National
13 Historical Park and National Heritage Area Act (16
14 U.S.C. 410ccc–1(b)) is amended by adding at the end the
15 following:

16 “(5) The approximately 46.1 acres of land iden-
17 tified as ‘Proposed Addition’, as generally depicted
18 on the map entitled ‘Cane River Creole National
19 Historical Park Proposed Addition—Magnolia Plan-
20 tation Unit’, numbered 494/176,958, and dated Oc-
21 tober 2021.”.

22 **SEC. 615. USE OF CERTAIN ROADS WITHIN THE DELAWARE**
23 **WATER GAP NATIONAL RECREATION AREA.**

24 Section 4(b) of the Delaware Water Gap National
25 Recreation Area Improvement Act (Public Law 109–156;
26 119 Stat. 2948; 131 Stat. 2246) is amended, in the mat-

1 ter preceding paragraph (1), by striking “Until” and all
2 that follows through “subsection (a)” and inserting “Until
3 September 30, 2026, subsection (a)”.

4 **SEC. 616. WILSON’S CREEK NATIONAL BATTLEFIELD**
5 **BOUNDARY MODIFICATION.**

6 Section 1(b) of Public Law 86–434 (16 U.S.C.
7 430kk(b)) is amended—

8 (1) in paragraph (1)—

9 (A) in the second sentence, by striking
10 “The map” and inserting the following:

11 “(C) AVAILABILITY OF MAPS.—The maps
12 described in subparagraphs (A) and (B)”;

13 (B) by striking “(1) The boundaries” and
14 inserting the following:

15 “(1) ADDITIONAL LAND.—

16 “(A) IN GENERAL.—The boundaries”;

17 (C) by inserting after subparagraph (A)
18 (as so designated) the following:

19 “(B) NEWTONIA BATTLEFIELD ADDI-
20 TION.—The boundary of the Wilson’s Creek
21 National Battlefield is revised to include the ap-
22 proximately 25 acres of land identified as ‘Pro-
23 posed Addition’ on the map entitled ‘Wilson’s
24 Creek National Battlefield Proposed Boundary

1 Modification’, numbered 410/177,379, and
2 dated July 2022.”; and

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

4 “(D) ERRORS.—The Secretary of the Inte-
5 rior may correct any clerical or typographical
6 error in a map described in subparagraph (A)
7 or (B).”; and

8 (2) in paragraph (2)—

9 (A) by striking “(2) The Secretary is au-
10 thorized to acquire the lands referred to in
11 paragraph (1)” and inserting the following:

12 “(2) METHOD OF ACQUISITION.—The Secretary
13 of the Interior may acquire the land described in
14 subparagraphs (A) and (B) of paragraph (1)”;

15 (B) in the second sentence, by striking
16 “the park” and inserting “Wilson’s Creek Na-
17 tional Battlefield”.

18 **SEC. 617. STE. GENEVIEVE NATIONAL HISTORICAL PARK**

19 **BOUNDARY REVISION.**

20 (a) DEFINITIONS.—Section 7134(a) of the Energy
21 and Natural Resources Act of 2017 (as enacted into law
22 by section 121(a)(2) of division G of the Consolidated Ap-
23 propriations Act, 2018 (Public Law 115–141; 16 U.S.C.
24 410xxx(a)(3))) is amended—

1 (1) in paragraph (3), by striking “numbered
2 571/149,942, and dated December 2018” and in-
3 serting “numbered 571/177,464, and dated Sep-
4 tember 2021”;

5 (2) by redesignating paragraphs (4) and (5) as
6 paragraphs (5) and (6), respectively; and

7 (3) by inserting after paragraph (3) the fol-
8 lowing:

9 “(4) SECRETARY.—The term ‘Secretary’ means
10 the Secretary of the Interior.”.

11 (b) AUTHORITY TO CORRECT ERRORS IN MAP.—Sec-
12 tion 7134(d) of the Energy and Natural Resources Act
13 of 2017 (as enacted into law by section 121(a)(2) of divi-
14 sion G of the Consolidated Appropriations Act, 2018
15 (Public Law 115–141; 16 U.S.C. 410xxx(d))) is amend-
16 ed—

17 (1) by striking “The Map” and inserting the
18 following:

19 “(1) IN GENERAL.—The Map”; and

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

21 “(2) AUTHORITY TO CORRECT ERRORS.—The
22 Secretary may correct any clerical or typographical
23 errors in the Map.”.

24 (c) VISITOR CENTER AND ADMINISTRATIVE FACILI-
25 TIES.—Section 7134(e) of the Energy and Natural Re-

1 sources Act of 2017 (as enacted into law by section
2 121(a)(2) of division G of the Consolidated Appropriations
3 Act, 2018 (Public Law 115–141; 16 U.S.C. 410xxx(e))
4 is amended by adding at the end the following:

5 “(3) VISITOR CENTER.—The Secretary—

6 “(A) may acquire, by donation, the land
7 (including any improvements to the land)
8 owned by the city of Ste. Genevieve, Missouri,
9 and used as the visitor center for the Historical
10 Park, as generally depicted on the Map as ‘Pro-
11 posed Boundary Addition’; and

12 “(B) on acquisition of the land described
13 in subparagraph (A), shall revise the boundary
14 of the Historical Park to include the acquired
15 land.

16 “(4) ADMINISTRATIVE FACILITIES.—The Sec-
17 retary may acquire, by purchase from a willing seller
18 or by donation, not more than 20 acres of land in
19 the vicinity of the Historical Park for administrative
20 facilities for the Historical Park.”.

21 **SEC. 618. CONVEYANCE OF CERTAIN FEDERAL LAND IN**
22 **MAINE FOR AFFORDABLE WORKFORCE**
23 **HOUSING.**

24 Section 102(f) of Public Law 99–420 (16 U.S.C. 341
25 note) is amended by striking “by any town which so de-

1 sires” in the first sentence and all that follows through
2 the period at the end of paragraph (2) and inserting the
3 following: “for affordable workforce housing to benefit the
4 towns on Mount Desert Island, subject to the limitation
5 that the Secretary may retain not more than 15 acres of
6 the Federal land identified as ‘4DBH’ on the map, to be
7 used by the Secretary to provide housing and administra-
8 tive facilities for the use of, and supporting the purposes
9 of, the Park.”.

10 **SEC. 619. DESIGNATION OF PULLMAN NATIONAL HISTOR-**
11 **ICAL PARK.**

12 (a) **DEFINITIONS.**—In this section:

13 (1) **HISTORICAL PARK.**—The term “historical
14 park” means the Pullman National Historical Park.

15 (2) **MAP.**—The term “map” means the map en-
16 titled “Pullman National Historical Park Bound-
17 ary”, numbered 590/125,485, and dated November
18 2021.

19 (b) **REDESIGNATION OF PULLMAN NATIONAL MONU-**
20 **MENT.**—

21 (1) **IN GENERAL.**—The Pullman National
22 Monument, established by Proclamation Number
23 9233, dated February 19, 2015, is redesignated as
24 the “Pullman National Historical Park”.

1 (2) AVAILABILITY OF FUNDS.—Any funds avail-
2 able for purposes of the Pullman National Monu-
3 ment shall be available for purposes of the historical
4 park.

5 (3) REFERENCES.—Any references in a law,
6 regulation, document, record, map, or other paper of
7 the United States to the Pullman National Monu-
8 ment shall be considered to be a reference to the his-
9 torical park.

10 (4) PROCLAMATION.—Proclamation Number
11 9233, dated February 19, 2015, shall have no force
12 or effect.

13 (c) PURPOSES.—The purposes of the historical park
14 are to preserve, protect, and interpret Pullman’s nation-
15 ally significant cultural and historical resources associated
16 with—

17 (1) the labor history of the United States and
18 creation of a national Labor Day holiday;

19 (2) the first planned industrial community in
20 the United States;

21 (3) the architecture and landscape design of the
22 planned community;

23 (4) the pivotal role of the Pullman porter in the
24 rise of the African-American middle class; and

1 (5) the entirety of history, culture, and historic
2 figures embodied in Presidential Proclamation Num-
3 ber 9233.

4 (d) ADMINISTRATION.—The Secretary shall admin-
5 ister the land within the boundary of the historical park
6 in accordance with—

7 (1) this section; and

8 (2) the laws generally applicable to units of the
9 National Park System, including—

10 (A) section 100101(a), chapter 1003, and
11 sections 100751(a), 100752, 100753 and
12 102101 of title 54, United States Code; and

13 (B) chapter 3201 of title 54, United States
14 Code.

15 (e) COOPERATIVE AGREEMENTS.—

16 (1) IN GENERAL.—To further the purposes of
17 this section and notwithstanding chapter 63 of title
18 31, United States Code, the Secretary may enter
19 into cooperative agreements with the State of Illi-
20 nois, other public and nonprofit entities, and other
21 interested parties, subject to paragraph (2)—

22 (A) to support collaborative interpretive
23 and educational programs at non-Federal his-
24 toric properties within the boundaries of the
25 historical park; and

1 (B) to identify, interpret, and provide as-
2 sistance for the preservation of non-Federal
3 land within the boundaries of the historical
4 park and at sites in close proximity to the his-
5 torical park, but located outside the boundaries
6 of the historical park, including providing for
7 placement of directional and interpretive sign-
8 age, exhibits, and technology-based interpretive
9 devices.

10 (2) PUBLIC ACCESS.—A cooperative agreement
11 entered under this subsection shall provide for rea-
12 sonable public access.

13 (f) USE OF FUNDS.—

14 (1) IN GENERAL.—The Secretary may use ap-
15 propriated funds to mark, interpret, improve, re-
16 store, and provide technical assistance with respect
17 to the preservation and interpretation of the prop-
18 erties.

19 (2) INCONSISTENT PURPOSES.—Any payment
20 made by the Secretary under this subsection shall be
21 subject to an agreement that the conversion, use, or
22 disposal of the project for purposes that are incon-
23 sistent with the purposes of this section, as deter-
24 mined by the Secretary, shall result in a right of the
25 United States to reimbursement of the greater of—

1 (A) the amount provided by the Secretary
2 to the project; and

3 (B) an amount equal to the increase in the
4 value of the project that is attributable to the
5 funds, as determined by the Secretary at the
6 time of the conversion, use, or disposal.

7 (g) ACQUISITION OF LAND.—The Secretary may ac-
8 quire for inclusion in the historical park any land (includ-
9 ing interests in land), buildings, or structures owned by
10 the State of Illinois, or any other political, private, or non-
11 profit entity by donation, transfer, exchange, or purchase
12 from a willing seller.

13 (h) MANAGEMENT PLAN.—Not later than 3 fiscal
14 years after the date on which funds are first made avail-
15 able to carry out this section, the Secretary shall complete
16 a management plan for the historical park.

17 **SEC. 620. PALO ALTO BATTLEFIELD NATIONAL HISTORIC**
18 **PARK BOUNDARY ADDITION.**

19 (a) BOUNDARY.—Section 3(b)(2) of the Palo Alto
20 Battlefield National Historic Site Act of 1991 (16 U.S.C.
21 410nnn–1(b)(2)) is amended—

22 (1) by amending subparagraph (A) to read as
23 follows:

24 “(A) IN GENERAL.—

2941

1 “(i) In addition to the land described
2 in paragraph (1), the historical park shall
3 consist of—

4 “(I) the approximately 34 acres
5 of land, as generally depicted on the
6 map entitled ‘Palo Alto Battlefield
7 NHS Proposed Boundary Expansion’,
8 numbered 469/80,012, and dated May
9 21, 2008; and

10 “(II) on the date that such land
11 is donated to the United States, the
12 approximately 166.44 acres of land
13 generally depicted on the map entitled
14 ‘PALO ALTO BATTLEFIELD NA-
15 TIONAL HISTORICAL PARK Pro-
16 posed Boundary Addition, Fort
17 Brown Unit’, numbered 469/143,589,
18 and dated April 2018.

19 “(ii) Before accepting any donated
20 land described in this subparagraph, the
21 Secretary shall complete a boundary study
22 analyzing the feasibility of adding the land
23 to the national historical park.

24 “(iii) If a boundary study completed
25 under clause (ii) finds that acceptance of

1 the donated land is feasible and appro-
2 priate, the Secretary may accept such land
3 and administer the land as part of the his-
4 torical park after providing notice of such
5 finding to Congress.”; and

6 (2) in subparagraph (B)—

7 (A) in the heading, by striking “MAP” and
8 inserting “MAPS”; and

9 (B) by striking “map” and inserting
10 “maps”.

11 (b) **LEGAL DESCRIPTION.**—Section 3(b)(3) of the
12 Palo Alto Battlefield National Historic Site Act of 1991
13 (16 U.S.C. 410nnn–1(b)(3)) is amended by striking
14 “after” and all that follows through “Secretary of the In-
15 terior” and inserting “after the addition of lands to the
16 historic park boundary, the Secretary of the Interior”.

17 **SEC. 621. INSTALLATION OF PLAQUE COMMEMORATING**
18 **SLAVE REBELLION ON ST. JOHN.**

19 (a) **IN GENERAL.**—Not later than 1 year after the
20 date of the enactment of this Act, the Secretary shall in-
21 stall, in an appropriate location in the area of the Ram
22 Head trail at the peak of Ram Head in the Virgin Islands
23 National Park on St. John, United States Virgin Islands,
24 a suitable plaque to commemorate the slave rebellion that
25 began on St. John on November 23, 1733.

1 (b) CONTENTS OF PLAQUE.—The plaque installed
2 under subsection (a) shall include information regarding—

3 (1) important facts about the slave rebellion
4 that began on St. John in 1733;

5 (2) the collective suicide that occurred during
6 the slave rebellion in the vicinity of Ram Head on
7 St. John in 1734; and

8 (3) the significance of the slave rebellion to the
9 history of St. John, the United States Virgin Is-
10 lands, and the United States.

11 **Subtitle C—National Park Service** 12 **Studies**

13 **SEC. 631. SPECIAL RESOURCE STUDY OF JOHN P. PARKER** 14 **HOUSE.**

15 (a) DEFINITION OF STUDY AREA.—In this section,
16 the term “study area” means the John P. Parker House
17 in Ripley, Ohio, which was recognized as a National His-
18 toric Landmark in 1997.

19 (b) STUDY.—

20 (1) IN GENERAL.—The Secretary shall conduct
21 a special resource study of the study area to deter-
22 mine the suitability and feasibility of establishing
23 the John P. Parker House in Ripley, Ohio, as a unit
24 of the National Park System.

1 (2) CONTENTS.—In conducting the study under
2 paragraph (1), the Secretary shall—

3 (A) evaluate the national significance of
4 the study area;

5 (B) determine the suitability and feasibility
6 of designating the study area as a unit of the
7 National Park System;

8 (C) consider other alternatives for preser-
9 vation, protection, and interpretation of the
10 study area by the Federal Government, State or
11 local government entities, or private and non-
12 profit organizations;

13 (D) consult with interested Federal agen-
14 cies, State or local governmental entities, pri-
15 vate and nonprofit organizations, or any other
16 interested individuals; and

17 (E) identify cost estimates for any Federal
18 acquisition, development, interpretation, oper-
19 ation, and maintenance associated with the al-
20 ternatives described in subparagraphs (B) and
21 (C).

22 (3) STUDY REQUIREMENTS.—The Secretary
23 shall conduct the study in accordance with section
24 100507 of title 54, United States Code.

1 (4) REPORT.—Not later than 18 months after
2 the date on which funds are made available to carry
3 out this section, the Secretary shall submit to the
4 Committee on Natural Resources of the House of
5 Representatives and the Committee on Energy and
6 Natural Resources of the Senate a report that de-
7 scribes—

8 (A) the results of the study; and

9 (B) any recommendations of the Secretary.

10 **SEC. 632. DEARFIELD, COLORADO, SPECIAL RESOURCE**
11 **STUDY.**

12 (a) DEFINITION OF STUDY AREA.—In this section,
13 the term “study area” means the site known as
14 “Dearfield”, in Weld County, Colorado, which was a his-
15 torically black agricultural settlement founded by Oliver
16 Toussaint Jackson.

17 (b) STUDY.—

18 (1) IN GENERAL.—The Secretary shall conduct
19 a special resource study of the study area.

20 (2) CONTENTS.—In conducting the study under
21 paragraph (1), the Secretary shall—

22 (A) evaluate the national significance of
23 the study area;

1 (B) determine the suitability and feasibility
2 of designating the study area as a unit of the
3 National Park System;

4 (C) consider other alternatives for preser-
5 vation, protection, and interpretation of the
6 study area by the Federal Government, State or
7 local government entities, or private and non-
8 profit organizations;

9 (D) consult with interested Federal agen-
10 cies, State or local governmental entities, pri-
11 vate and nonprofit organizations, or any other
12 interested individuals; and

13 (E) identify cost estimates for any Federal
14 acquisition, development, interpretation, oper-
15 ation, and maintenance associated with the al-
16 ternatives described in subparagraphs (B) and
17 (C).

18 (3) APPLICABLE LAW.—The study required
19 under paragraph (1) shall be conducted in accord-
20 ance with section 100507 of title 54, United States
21 Code.

22 (c) REPORT.—Not later than 3 years after the date
23 on which funds are first made available to carry out the
24 study under subsection (b)(1), the Secretary shall submit
25 to the Committee on Natural Resources of the House of

1 Representatives and the Committee on Energy and Nat-
2 ural Resources of the Senate a report that describes—

3 (1) the results of the study; and

4 (2) any conclusions and recommendations of the
5 Secretary.

6 **SEC. 633. SPECIAL RESOURCE STUDY OF LYNCHING LOCA-**
7 **TIONS.**

8 (a) DEFINITION OF STUDY AREA.—In this section,
9 the term “study area” means sites within approximately
10 100 miles of Memphis, Tennessee, at which lynchings took
11 place, including the lynching sites of—

12 (1) Wash Henley in 1869;

13 (2) Christopher Bender and Bud Whitfield in
14 1868;

15 (3) Thomas Moss, Will Stewart, and Calvin
16 McDowell in 1892 during the event referred to as
17 “The People’s Grocery Lynchings”;

18 (4) Lee Walker in 1893;

19 (5) Warner Williams, Daniel Hawkins, Robert
20 Haynes, Edward Hall, John Hayes, and Graham
21 White in 1894;

22 (6) Ell Persons in 1917;

23 (7) Jesse Lee Bond in 1939; and

24 (8) Elbert Williams in 1940.

1 (b) STUDY.—The Secretary shall conduct a special
2 resource study of the study area.

3 (c) CONTENTS.—In conducting the special resource
4 study under subsection (b), the Secretary shall—

5 (1) evaluate the national significance of the
6 study area;

7 (2) determine the suitability and feasibility of
8 designating the study area as a unit of the National
9 Park System;

10 (3) consider other alternatives for preservation,
11 protection, and interpretation of the study area by
12 the Federal Government, State or local government
13 entities, or private and nonprofit organizations;

14 (4) consult with interested Federal agencies,
15 State or local governmental entities, private and
16 nonprofit organizations, or any other interested per-
17 sons; and

18 (5) identify cost estimates for any Federal ac-
19 quisition, development, interpretation, operation, and
20 maintenance associated with the alternatives.

21 (d) APPLICABLE LAW.—The special resource study
22 required under subsection (b) shall be conducted in ac-
23 cordance with section 100507 of title 54, United States
24 Code.

1 (e) REPORT.—Not later than 3 years after the date
2 on which funds are made available to carry out this sec-
3 tion, the Secretary shall submit to the Committee on En-
4 ergy and Natural Resources of the Senate and the Com-
5 mittee on Natural Resources of the House of Representa-
6 tives a report that describes—

7 (1) the results of the special resource study re-
8 quired under subsection (b); and

9 (2) any recommendations of the Secretary.

10 **SEC. 634. RESOURCE STUDY OF THE LOS ANGELES COAST-**
11 **AL AREA, CALIFORNIA.**

12 (a) DEFINITION OF STUDY AREA.—In this section,
13 the term “study area” means the coastline and adjacent
14 areas to the Santa Monica Bay from Will Rogers State
15 Beach to Torrance Beach, including the areas in and
16 around Ballona Creek and the Baldwin Hills and the San
17 Pedro section of the City of Los Angeles, excluding the
18 Port of Los Angeles north of Crescent Avenue.

19 (b) SPECIAL RESOURCE STUDY.—

20 (1) STUDY.—The Secretary shall conduct a spe-
21 cial resource study of the study area.

22 (2) CONTENTS.—In conducting the study under
23 paragraph (1), the Secretary shall—

24 (A) evaluate the national significance of
25 the study area;

1 (B) determine the suitability and feasibility
2 of designating the study area as a unit of the
3 National Park System;

4 (C) consider other alternatives for preser-
5 vation, protection, and interpretation of the
6 study area by the Federal Government, State or
7 local government entities, or private and non-
8 profit organizations;

9 (D) consult with interested Federal agen-
10 cies, State or local governmental entities, pri-
11 vate and nonprofit organizations, or any other
12 interested individuals; and

13 (E) identify cost estimates for any Federal
14 acquisition, development, interpretation, oper-
15 ation, and maintenance associated with the al-
16 ternatives.

17 (3) APPLICABLE LAW.—The study required
18 under paragraph (1) shall be conducted in accord-
19 ance with section 100507 of title 54, United States
20 Code.

21 (4) REPORT.—Not later than 3 years after the
22 date on which funds are first made available for the
23 study under paragraph (1), the Secretary shall sub-
24 mit to the Committee on Natural Resources of the
25 House of Representatives and the Committee on En-

2951

1 ergy and Natural Resources of the Senate a report
2 that describes—

3 (A) the results of the study; and

4 (B) any conclusions and recommendations
5 of the Secretary.

6 **Subtitle D—National Park Service**
7 **Programs**

8 **SEC. 641. ACQUISITION OF LAND FOR ADMINISTRATIVE**
9 **PURPOSES OF HISTORIC PRESERVATION**
10 **TRAINING CENTER.**

11 (a) DEFINITIONS.—In this section:

12 (1) CENTER.—The term “Center” means the
13 Historic Preservation Training Center and related
14 facilities of the National Park Service in Frederick
15 County, Maryland.

16 (2) SECRETARY.—The term “Secretary” means
17 the Secretary, acting through the Director of the
18 National Park Service.

19 (b) AUTHORIZATION OF ACQUISITION.—To further
20 develop the Center in accordance with section 305306 of
21 title 54, United States Code, the Secretary may acquire
22 not more than 20 acres of land or interests in land in
23 Frederick County, Maryland, for the Center for the pur-
24 pose of supporting the physical space, program initiatives,
25 and workforce development capacity of the Center.

1 (c) METHOD OF ACQUISITION.—Land or an interest
2 in land for the Center may only be acquired under sub-
3 section (b) by donation, transfer, exchange, or purchase
4 from a willing seller using donated or appropriated funds.

5 (d) ADMINISTRATION OF ACQUIRED LAND.—On ac-
6 quisition of land or an interest in land for the Center
7 under subsection (b), the acquired land or interest in land
8 shall be administered by the Secretary for the purpose de-
9 scribed in subsection (b).

10 **SEC. 642. WAIVER OF SPECIAL USE PERMIT APPLICATION**

11 **FEE FOR VETERANS' SPECIAL EVENTS.**

12 (a) DEFINITIONS.—In this section:

13 (1) MEMBER OF A GOLD STAR FAMILY.—The
14 term “member of a Gold Star Family” means any
15 individual that meets the eligibility requirements of
16 section 3.2 of Department of Defense Instruction
17 1348.36 (or a successor instruction).

18 (2) SPECIAL EVENTS.—The term “special
19 events” has the meaning given the term in section
20 7.96(g)(1) of title 36, Code of Federal Regulations
21 (or a successor regulation).

22 (3) THE DISTRICT OF COLUMBIA AND ITS ENVI-
23 RONS.—The term “the District of Columbia and its
24 environs” has the meaning given the term in section
25 8902(a) of title 40, United States Code.

1 (4) VETERAN.—The term “veteran” has the
2 meaning given the term in section 101 of title 38,
3 United States Code.

4 (5) VETERANS’ SPECIAL EVENT.—The term
5 “veterans’ special event” means a special event at
6 which the majority of attendees are veterans or
7 members of Gold Star Families.

8 (6) WAR MEMORIAL.—The term “war memo-
9 rial” means any memorial or monument that has
10 been erected or dedicated to commemorate a military
11 unit, military group, war, conflict, victory, or peace.

12 (b) WAIVER.—The application fee for any application
13 for a special use permit, the sole purpose of which is to
14 hold a veterans’ special event at a war memorial on land
15 administered by the National Park Service in the District
16 of Columbia and its environs, shall be waived.

17 (c) APPLICABILITY OF EXISTING LAWS.—Notwith-
18 standing subsection (b), an applicant for a special use per-
19 mit described in that subsection shall be subject to any
20 other law (including regulations) or policy applicable to
21 the application, issuance, or execution of the special use
22 permit.

23 (d) APPLICABILITY.—This section shall apply to any
24 special use permit application submitted after the date of
25 enactment of this Act.

1 Preservation Program established under section
2 308602(a).

3 **“§ 308602. United States African-American Burial**
4 **Grounds Preservation Program**

5 “(a) IN GENERAL.—The Secretary shall establish
6 within the Service, in accordance with this chapter, a pro-
7 gram to be known as the ‘United States African-American
8 Burial Grounds Preservation Program’.

9 “(b) DUTIES OF SECRETARY.—In carrying out the
10 Program, the Secretary, in consultation with the National
11 Trust for Historic Preservation and members of the Afri-
12 can-American heritage community, shall develop a pro-
13 gram for the provision of grants in accordance with section
14 308603(a).

15 “(c) DONATIONS.—The Secretary may accept mone-
16 tary donations to further the purposes of this chapter.

17 “(d) CONSENT OF PRIVATE PROPERTY OWNER RE-
18 QUIRED.—Burial grounds shall only be considered for a
19 grant under the Program—

20 “(1) with the consent of the property owner;
21 and

22 “(2) at the request of an individual, landowner,
23 private or nonprofit organization, State, Tribal, or
24 local government, or other entity.

1 **“§ 308603. Authority to make grants**

2 “(a) IN GENERAL.—The Secretary may make grants
3 to other Federal agencies, State, local, and Tribal govern-
4 ments, other public entities, educational institutions, his-
5 toric preservation groups, and private nonprofit organiza-
6 tions in accordance with this chapter for—

7 “(1) the identification of historic African-Amer-
8 ican burial grounds that may qualify for the Pro-
9 gram;

10 “(2) the preservation and restoration of Afri-
11 can-American burial grounds;

12 “(3) the interpretation of African-American
13 burial grounds; and

14 “(4) related research and documentation for
15 historic African-American burial grounds.

16 “(b) FUNDING.—

17 “(1) IN GENERAL.—There is authorized to be
18 appropriated to the Secretary to carry out this sec-
19 tion \$3,000,000 for each of fiscal years 2023
20 through 2027.

21 “(2) AVAILABILITY.—Any amounts made avail-
22 able for a fiscal year under paragraph (1) that are
23 not used during that fiscal year shall be available for
24 use under this section during any subsequent fiscal
25 year.

1 **“§ 308604. Cooperative agreements and memoranda**
2 **of understanding**

3 “The Secretary may enter into cooperative agree-
4 ments and memoranda of understanding with, and provide
5 technical assistance to, the heads of other Federal agen-
6 cies, States, units of local government, Tribal govern-
7 ments, regional governmental bodies, nonprofit organiza-
8 tions, educational institutions, and private entities—

9 “(1) to achieve the purposes of this chapter;
10 and

11 “(2) to ensure effective coordination of the Fed-
12 eral elements and non-Federal elements provided a
13 grant or other assistance under the Program with
14 System units and programs of the Service.

15 **“§ 308605. Private property protection**

16 “Nothing in this chapter—

17 “(1) authorizes the Secretary to require or af-
18 fect the management or use of private property with-
19 out the written consent of the owner of the private
20 property;

21 “(2) prohibits the Secretary from providing
22 land management guidance or requirements relating
23 to private property as a condition of a grant pro-
24 vided to the owner of the private property under this
25 chapter; or

1 “(5) JAPANESE AMERICAN ORGANIZATION.—
2 The term ‘Japanese American organization’ means a
3 private nonprofit organization within the United
4 States established to promote the understanding and
5 appreciation of the ethnic and cultural diversity of
6 the United States by illustrating the Japanese
7 American experience throughout the history of the
8 United States.”; and

9 (2) in section 4—

10 (A) by inserting “(a) IN GENERAL.—” be-
11 fore “There are authorized”;

12 (B) by striking “\$38,000,000” and insert-
13 ing “\$80,000,000”; and

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

15 “(b) JAPANESE AMERICAN CONFINEMENT EDU-
16 CATION GRANTS.—

17 “(1) IN GENERAL.—Of the amounts made
18 available under this section, not more than
19 \$10,000,000 shall be awarded as Japanese American
20 Confinement Education Grants to Japanese Amer-
21 ican organizations. Such competitive grants shall be
22 in an amount not less than \$750,000 and the Sec-
23 retary shall give priority consideration to Japanese
24 American organizations with fewer than 100 employ-
25 ees.

1 “(2) MATCHING REQUIREMENT.—

2 “(A) FIFTY PERCENT.—Except as pro-
3 vided in subparagraph (B), for funds awarded
4 under this subsection, the Secretary shall re-
5 quire a 50 percent match with non-Federal as-
6 sets from non-Federal sources, which may in-
7 clude cash or durable goods and materials fairly
8 valued, as determined by the Secretary.

9 “(B) WAIVER.—The Secretary may waive
10 all or part of the matching requirement under
11 subparagraph (A), if the Secretary determines
12 that—

13 “(i) no reasonable means are available
14 through which an applicant can meet the
15 matching requirement; and

16 “(ii) the probable benefit of the
17 project funded outweighs the public inter-
18 est in the matching requirement.”.

19 **SEC. 645. JAPANESE AMERICAN WORLD WAR II HISTORY**
20 **NETWORK.**

21 (a) ESTABLISHMENT.—The Secretary shall establish,
22 within the National Park Service, a program to be known
23 as the “Japanese American World War II History Net-
24 work” (referred to in this section as the “Network”).

1 (b) DUTIES OF SECRETARY.—In carrying out the
2 Network, the Secretary shall—

3 (1) review studies and reports to complement
4 and not duplicate studies of Japanese American
5 World War II history and Japanese American expe-
6 riences during World War II, including studies re-
7 lated to relocation centers and confinement sites,
8 that are underway or completed;

9 (2) produce and disseminate appropriate edu-
10 cational materials, such as handbooks, maps, inter-
11 pretive guides, or electronic information relating to
12 Japanese American World War II history and Japa-
13 nese American experiences during the war, including
14 relocation centers and confinement sites;

15 (3) enter into appropriate cooperative agree-
16 ments and memoranda of understanding to provide
17 technical assistance under subsection (d); and

18 (4)(A) create and adopt an official, uniform
19 symbol or device for the Network; and

20 (B) issue regulations for the use of the symbol
21 or device adopted under subparagraph (A).

22 (c) ELEMENTS.—The Network shall encompass the
23 following elements:

24 (1) All units and programs of the National
25 Park Service that are determined by the Secretary

1 to relate to Japanese American World War II his-
2 tory and Japanese American experiences during the
3 war, including relocation centers and confinement
4 sites.

5 (2) With the consent of the property owner,
6 other Federal, State, local, Tribal, and privately
7 owned properties that—

8 (A) relate to Japanese American World
9 War II history and Japanese experiences during
10 the war, including relocation centers and con-
11 finement sites;

12 (B) have a verifiable connection to Japa-
13 nese American World War II history and Japa-
14 nese experiences during the war, including relo-
15 cation and confinement sites; and

16 (C) are included in, or determined by the
17 Secretary to be eligible for inclusion in, the Na-
18 tional Register of Historic Places.

19 (3) Other governmental and nongovernmental
20 facilities and programs of an educational, research,
21 or interpretive nature that are directly related to
22 Japanese American World War II history and the
23 experiences of Japanese Americans during the war,
24 including relocation centers and confinement sites.

1 (d) COOPERATIVE AGREEMENTS AND MEMORANDA
2 OF UNDERSTANDING.—To achieve the purposes of this
3 section and to ensure effective coordination of the Federal
4 and non-Federal elements of the Network described in
5 subsection (c) with units of the National Park System and
6 programs of the National Park Service, including the Jap-
7 anese American Confinement Sites Program, the Sec-
8 retary may enter into cooperative agreements and memo-
9 randa of understanding with, and provide technical assist-
10 ance to, the heads of other Federal agencies, States, units
11 of local government, Indian Tribes, regional governmental
12 bodies, and private entities.

13 (e) SUNSET.—The authority of the Secretary under
14 this section shall expire 7 years after the date of enact-
15 ment of this Act.

16 **SEC. 646. AUTHORIZATION OF APPROPRIATIONS FOR THE**
17 **NATIONAL PARK FOUNDATION.**

18 Section 101122(a) of title 54, United States Code,
19 is amended—

20 (1) by striking “\$5,000,000” and inserting
21 “\$15,000,000”; and

22 (2) by striking “2023” and inserting “2030”.

1 **TITLE VII—COMMEMORATIVE**
2 **WORKS AND NATIONAL ME-**
3 **MORIALS**

4 **SEC. 701. DESIGNATION OF THE KOL ISRAEL FOUNDATION**

5 **HOLOCAUST MEMORIAL AS A NATIONAL ME-**
6 **MORIAL.**

7 (a) CONGRESSIONAL RECOGNITION.—Congress—

8 (1) recognizes the significance of the Kol Israel
9 Foundation Holocaust Memorial in preserving the
10 memory of the 6,000,000 Jews murdered by the
11 Nazi regime and allies and collaborators of the Nazi
12 regime; and

13 (2) honors the life and legacy of the Holocaust
14 survivors who erected the Kol Israel Foundation
15 Holocaust Memorial.

16 (b) DESIGNATION.—

17 (1) IN GENERAL.—The Kol Israel Foundation
18 Holocaust Memorial located in Bedford Heights,
19 Ohio, is designated as a national memorial.

20 (2) EFFECT OF DESIGNATION.—

21 (A) IN GENERAL.—The national memorial
22 designated by paragraph (1) is not a unit of the
23 National Park System.

24 (B) USE OF FEDERAL FUNDS.—The des-
25 ignation of the national memorial by paragraph

2965

1 (1) shall not require or permit Federal funds to
2 be expended for any purpose relating to the na-
3 tional memorial.

4 **SEC. 702. AUTHORIZATION TO ESTABLISH COMMEMORA-**
5 **TIVE WORK TO COMMEMORATE THE COMMIT-**
6 **MENT AND SERVICE REPRESENTED BY**
7 **WOMEN WHO WORKED ON THE HOME FRONT**
8 **DURING WORLD WAR II.**

9 (a) IN GENERAL.—The Women Who Worked on the
10 Home Front Foundation may establish a commemorative
11 work on Federal land in the District of Columbia and its
12 environs to commemorate the commitment and service
13 represented by women who worked on the home front dur-
14 ing World War II.

15 (b) COMPLIANCE WITH STANDARDS FOR COMMEMO-
16 RATIVE WORKS.—The establishment of the commemora-
17 tive work under this section shall be in accordance with
18 chapter 89 of title 40, United States Code (commonly
19 known as the “Commemorative Works Act”).

20 (c) PROHIBITION ON THE USE OF FEDERAL
21 FUNDS.—

22 (1) IN GENERAL.—Federal funds may not be
23 used to pay any expense of the establishment of the
24 commemorative work under this section.

2966

1 (2) RESPONSIBILITY OF WOMEN WHO WORKED
2 ON THE HOME FRONT FOUNDATION.—The Women
3 Who Worked on the Home Front Foundation shall
4 be solely responsible for acceptance of contributions
5 for, and payment of the expenses of, the establish-
6 ment of the commemorative work under this section.

7 (d) DEPOSIT OF EXCESS FUNDS.—

8 (1) IN GENERAL.—If, on payment of all ex-
9 penses for the establishment of the commemorative
10 work under this section (including the maintenance
11 and preservation amount required by section
12 8906(b)(1) of title 40, United States Code), there
13 remains a balance of funds received for the estab-
14 lishment of the commemorative work, the Women
15 Who Worked on the Home Front Foundation shall
16 transmit the amount of the balance to the Secretary
17 for deposit in the account provided for in section
18 8906(b)(3) of that title.

19 (2) ON EXPIRATION OF AUTHORITY.—If, on ex-
20 piration of the authority for the commemorative
21 work under section 8903(e) of title 40, United
22 States Code, there remains a balance of funds re-
23 ceived for the establishment of the commemorative
24 work, the Women Who Worked on the Home Front
25 Foundation shall transmit the amount of the balance

2967

1 to a separate account with the National Park Foun-
2 dation for memorials, to be available to the Sec-
3 retary or Administrator of General Services, as ap-
4 propriate, in accordance with the process provided in
5 paragraph (4) of section 8906(b) of that title for ac-
6 counts established under paragraph (2) or (3) of
7 that section.

8 **SEC. 703. EXTENSION OF AUTHORITY FOR ESTABLISHMENT**
9 **OF NATIONAL LIBERTY MEMORIAL COM-**
10 **MEMORATIVE WORK.**

11 Notwithstanding section 8903(e) of title 40, United
12 States Code, the authority provided by section 2860 of the
13 Military Construction Authorization Act for Fiscal Year
14 2013 (division B of Public Law 112–239; 126 Stat. 2164;
15 40 U.S.C. 8903 note) shall continue to apply through Sep-
16 tember 30, 2027.

17 **SEC. 704. AUTHORIZATION TO ESTABLISH COMMEMORA-**
18 **TIVE WORK TO COMMEMORATE THE HEROIC**
19 **DEEDS AND SACRIFICES OF SERVICE ANI-**
20 **MALS AND HANDLERS OF SERVICE ANIMALS**
21 **IN THE UNITED STATE.**

22 (a) IN GENERAL.—The National Service Animals
23 Monument Corporation (referred to in this section as the
24 “Corporation”) may establish a commemorative work on
25 Federal land in the District of Columbia and its environs

1 to commemorate the heroic deeds and sacrifices of service
2 animals and handlers of service animals in the United
3 States.

4 (b) COMPLIANCE WITH STANDARDS FOR COMMEMO-
5 RATIVE WORKS.—The establishment of the commemora-
6 tive work under this section shall be in accordance with
7 chapter 89 of title 40, United States Code (commonly
8 known as the “Commemorative Works Act”).

9 (c) PROHIBITION ON THE USE OF FEDERAL
10 FUNDS.—

11 (1) IN GENERAL.—Federal funds may not be
12 used to pay any expense of the establishment of the
13 commemorative work under this section.

14 (2) RESPONSIBILITY OF THE NATIONAL SERV-
15 ICE ANIMALS MONUMENT CORPORATION.—The Cor-
16 poration shall be solely responsible for the accept-
17 ance of contributions for, and payment of the ex-
18 penses of, the establishment of the commemorative
19 work under this section.

20 (d) DEPOSIT OF EXCESS FUNDS.—

21 (1) IN GENERAL.—If, on payment of all ex-
22 penses for the establishment of the commemorative
23 work under this section (including the maintenance
24 and preservation amount required by section
25 8906(b)(1) of title 40, United States Code), there

1 remains a balance of funds received for the estab-
2 lishment of the commemorative work, the Corpora-
3 tion shall transmit the amount of the balance to the
4 Secretary for deposit in the account provided for in
5 section 8906(b)(3) of that title.

6 (2) ON EXPIRATION OF AUTHORITY.—If, on ex-
7 piration of the authority for the commemorative
8 work under section 8903(e) of title 40, United
9 States Code, there remains a balance of funds re-
10 ceived for the establishment of the commemorative
11 work under this section, the Corporation shall trans-
12 mit the amount of the balance to a separate account
13 with the National Park Foundation for memorials,
14 to be available to the Secretary or the Administrator
15 of General Services, as appropriate, in accordance
16 with the process provided in paragraph (4) of section
17 8906(b) of that title for accounts established under
18 paragraph (2) or (3) of that section.

19 **SEC. 705. AUTHORIZATION TO ESTABLISH COMMEMORA-**
20 **TIVE WORK TO HONOR JEAN MONNET.**

21 (a) IN GENERAL.—The Embassy of France in Wash-
22 ington, DC (referred to in this section as the “Embassy”),
23 may establish a commemorative work on Federal land in
24 the District of Columbia and its environs to honor the ex-

1 traordinary contributions of Jean Monnet with respect
2 to—

3 (1) restoring peace between European nations;

4 and

5 (2) establishing the European Union.

6 (b) COMPLIANCE WITH STANDARDS FOR COMMEMO-
7 RATIVE WORKS.—The establishment of the commemora-
8 tive work under this section shall be in accordance with
9 chapter 89 of title 40, United States Code (commonly
10 known as the “Commemorative Works Act”).

11 (c) PROHIBITION ON THE USE OF FEDERAL
12 FUNDS.—

13 (1) IN GENERAL.—Federal funds may not be
14 used to pay any expense of the establishment of the
15 commemorative work under this section.

16 (2) RESPONSIBILITY OF THE EMBASSY OF
17 FRANCE IN WASHINGTON, DC.—The Embassy shall
18 be solely responsible for the acceptance of contribu-
19 tions for, and payment of the expenses of, the estab-
20 lishment of the commemorative work under this sec-
21 tion.

22 (d) DEPOSIT OF EXCESS FUNDS.—

23 (1) IN GENERAL.—If, on payment of all ex-
24 penses for the establishment of the commemorative
25 work under this section (including the maintenance

2971

1 and preservation amount required by section
2 8906(b)(1) of title 40, United States Code), there
3 remains a balance of funds received for the estab-
4 lishment of the commemorative work, the Embassy
5 shall transmit the amount of the balance to the Sec-
6 retary for deposit in the account provided for in sec-
7 tion 8906(b)(3) of that title.

8 (2) ON EXPIRATION OF AUTHORITY.—If, on ex-
9 piration of the authority for the commemorative
10 work under section 8903(e) of title 40, United
11 States Code, there remains a balance of funds re-
12 ceived for the establishment of the commemorative
13 work, the Embassy shall transmit the amount of the
14 balance to a separate account with the National
15 Park Foundation for memorials, to be available to
16 the Secretary or the Administrator of General Serv-
17 ices, as appropriate, in accordance with the process
18 provided in paragraph (4) of section 8906(b) of that
19 title for accounts established under paragraph (2) or
20 (3) of that section.

21 **SEC. 706. DESIGNATION OF EL PASO COMMUNITY HEALING**

22 **GARDEN NATIONAL MEMORIAL.**

23 (a) DESIGNATION.—The Healing Garden located at
24 6900 Delta Drive, El Paso, Texas, is designated as the

1 “El Paso Community Healing Garden National Memo-
2 rial”.

3 (b) EFFECT OF DESIGNATION.—The national memo-
4 rial designated by this section is not a unit of the National
5 Park System and the designation of the El Paso Commu-
6 nity Healing Garden National Memorial shall not require
7 or authorize Federal funds to be expended for any purpose
8 related to that national memorial.

9 **SEC. 707. AUTHORIZATION TO ESTABLISH COMMEMORA-**
10 **TIVE WORK TO COMMEMORATE THE**
11 **ENSLAVED INDIVIDUALS WHO ENDURED THE**
12 **MIDDLE PASSAGE.**

13 (a) IN GENERAL.—The Georgetown African Amer-
14 ican Historic Landmark Project and Tour may establish
15 a commemorative work on Federal land in the District of
16 Columbia and its environs to commemorate the enslaved
17 individuals, the identities of whom may be known or un-
18 known, who endured the Middle Passage.

19 (b) COMPLIANCE WITH STANDARDS FOR COMMEMO-
20 RATIVE WORKS.—The establishment of the commemora-
21 tive work under this section shall be in accordance with
22 chapter 89 of title 40, United States Code (commonly
23 known as the “Commemorative Works Act”).

24 (c) PROHIBITION ON THE USE OF FEDERAL
25 FUNDS.—

1 (1) IN GENERAL.—Federal funds may not be
2 used to pay any expense of the establishment of the
3 commemorative work under this section.

4 (2) RESPONSIBILITY OF THE GEORGETOWN AF-
5 RICAN AMERICAN HISTORIC LANDMARK PROJECT
6 AND TOUR.—The Georgetown African American
7 Historic Landmark Project and Tour shall be solely
8 responsible for the acceptance of contributions for,
9 and payment of the expenses of, the establishment
10 of the commemorative work under this section.

11 (d) DEPOSIT OF EXCESS FUNDS.—

12 (1) IN GENERAL.—If, on payment of all ex-
13 penses for the establishment of the commemorative
14 work under this section (including the maintenance
15 and preservation amount required by section
16 8906(b)(1) of title 40, United States Code), there
17 remains a balance of funds received for the estab-
18 lishment of the commemorative work, the George-
19 town African American Historic Landmark Project
20 and Tour shall transmit the amount of the balance
21 to the Secretary for deposit in the account provided
22 for section 8906(b)(3) of that title.

23 (2) ON EXPIRATION OF AUTHORITY.—If, on ex-
24 piration of the authority for the commemorative
25 work under section 8903(e) of title 40, United

2974

1 States Code, there remains a balance of funds re-
2 ceived for the establishment of the commemorative
3 work, the Georgetown African American Historic
4 Landmark Project and Tour shall transmit the
5 amount of the balance to a separate account with
6 the National Park Foundation for memorials, to be
7 available to the Secretary or the Administrator of
8 General Services, as appropriate, in accordance with
9 the process provided in paragraph (4) of section
10 8906(b) of that title for accounts established under
11 paragraph (2) or (3) of that section.

12 **SEC. 708. APPROVAL OF LOCATION OF COMMEMORATIVE**
13 **WORK TO HONOR JOURNALISTS WHO SAC-**
14 **RIFICED THEIR LIVES IN SERVICE TO A FREE**
15 **PRESS.**

16 The location of a commemorative work to commemo-
17 rate the commitment of the United States to a free press
18 by honoring journalists who sacrificed their lives in service
19 to that cause within Area I, as depicted on the map enti-
20 tled “Commemorative Areas Washington, DC and Envi-
21 rons”, numbered 869/86501 B, and dated June 24, 2003,
22 is approved.

2975

1 **SEC. 709. AUTHORIZATION OF THOMAS PAINE COMMEMO-**
2 **RATIVE WORK.**

3 (a) IN GENERAL.—The Thomas Paine Memorial As-
4 sociation may establish a commemorative work on Federal
5 land in the District of Columbia and its environs to honor
6 the United States patriot, Thomas Paine.

7 (b) COMPLIANCE WITH STANDARDS FOR COMMEMO-
8 RATIVE WORKS.—The establishment of the commemora-
9 tive work under this section shall be in accordance with
10 chapter 89 of title 40, United States Code (commonly
11 known as the “Commemorative Works Act”).

12 (c) PROHIBITION ON THE USE OF FEDERAL
13 FUNDS.—Federal funds may not be used to pay any ex-
14 pense of the establishment of the commemorative work
15 under this section.

16 (d) DEPOSIT OF EXCESS FUNDS.—

17 (1) IN GENERAL.—If, on payment of all ex-
18 penses for the establishment of the commemorative
19 work under this section (including the maintenance
20 and preservation amount required by section
21 8906(b)(1) of title 40, United States Code), there
22 remains a balance of funds received for the estab-
23 lishment of the commemorative work, the Thomas
24 Paine Memorial Association shall transmit the
25 amount of the balance to the Secretary for deposit

1 in the account provided for in section 8906(b)(3) of
2 that title.

3 (2) ON EXPIRATION OF AUTHORITY.—If, on ex-
4 piration of the authority for the commemorative
5 work under section 8903(e) of title 40, United
6 States Code, there remains a balance of funds re-
7 ceived for the establishment of the commemorative
8 work, the Thomas Paine Memorial Association shall
9 transmit the amount of the balance to a separate ac-
10 count with the National Park Foundation for memo-
11 rials, to be available to the Secretary or the Admin-
12 istrator of General Services, as appropriate, in ac-
13 cordance with the process provided in paragraph (4)
14 of section 8906(b) of that title for accounts estab-
15 lished under paragraphs (2) and (3) of that section.

16 **SEC. 710. DESIGNATION OF UKRAINIAN INDEPENDENCE**
17 **PARK.**

18 (a) DESIGNATION.—

19 (1) IN GENERAL.—The area described in para-
20 graph (2) shall be designated as “Ukrainian Inde-
21 pendence Park”.

22 (2) DESCRIPTION OF AREA.—The area des-
23 igned under paragraph (1) is the approximately
24 0.35 acres generally depicted as “Ukrainian Inde-
25 pendence Park” on the map entitled “Ukrainian

2977

1 Independence Park Proposed Boundary”, numbered
2 802/180,561, and dated June 2022.

3 (b) REFERENCE.—Any reference in any law, regula-
4 tion, document, record, map, paper, or other record of the
5 United States to the area or properties described in sub-
6 section (a) is deemed to be a reference to “Ukrainian
7 Independence Park”.

8 (c) SIGNAGE.—The Secretary may post signs on or
9 near Ukrainian Independence Park that include informa-
10 tion on the importance of the independence, freedom, and
11 sovereignty of Ukraine and the solidarity between the peo-
12 ple of Ukraine and the United States.

13 **TITLE VIII—MISCELLANEOUS**

14 **SEC. 801. LONG-TERM ABANDONED MINE LAND RECLAMA-** 15 **TION.**

16 Section 40701(c) of the Infrastructure Investment
17 and Jobs Act (30 U.S.C. 1231a(c)) is amended—

18 (1) by striking “Grants under” and inserting
19 the following:

20 “(1) IN GENERAL.—Except as provided in para-
21 graph (2), grants under”; and

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

23 “(2) LONG-TERM ABANDONED MINE LAND REC-
24 LAMATION.—

1 “(A) IN GENERAL.—Not more than 30
2 percent of the total amount of a grant made
3 annually under subsection (b)(1) may be re-
4 tained by the recipient of the grant if those
5 amounts are deposited into a long-term aban-
6 doned mine land reclamation fund established
7 under State law, from which amounts (together
8 with all interest earned on the amounts) are ex-
9 pended by the State or Indian Tribe, as appli-
10 cable, for—

11 “(i) the abatement of the causes and
12 the treatment of the effects of acid mine
13 drainage resulting from coal mining prac-
14 tices, including for the costs of building,
15 operating, maintaining, and rehabilitating
16 acid mine drainage treatment systems;

17 “(ii) the prevention, abatement, and
18 control of subsidence; or

19 “(iii) the prevention, abatement, and
20 control of coal mine fires.

21 “(B) REPORTING REQUIREMENTS.—Each
22 recipient of a grant under subsection (b)(1)
23 that deposits grant amounts into a long-term
24 abandoned mine land reclamation fund under
25 subparagraph (A) shall—

2979

1 “(i) offer amendments to the inven-
2 tory maintained under section 403(c) of
3 the Surface Mining Control and Reclama-
4 tion Act of 1977 (30 U.S.C. 1233(c)) to
5 reflect the use of the amounts for—

6 “(I) acid mine drainage abate-
7 ment and treatment;

8 “(II) subsidence prevention,
9 abatement, and control; and

10 “(III) coal mine fire prevention,
11 abatement, and control; and

12 “(ii) include in the annual grant re-
13 port of the recipient information on the
14 status and balance of amounts in the long-
15 term abandoned mine land reclamation
16 fund.

17 “(C) TERM.—Amounts retained under
18 subparagraph (A) shall not be subject to—

19 “(i) subsection (d)(4)(B); or

20 “(ii) any other limitation on the
21 length of the term of an annual grant
22 under subsection (b)(1).”.

2980

1 **SEC. 802. CONSENT OF CONGRESS TO AMENDMENT TO THE**
2 **CONSTITUTION OF THE STATE OF NEW MEX-**
3 **ICO.**

4 Congress consents to the amendment to the Constitu-
5 tion of the State of New Mexico proposed by House Joint
6 Resolution 1 of the 55th Legislature of the State of New
7 Mexico, First Session, 2021, entitled “A Joint Resolution
8 Proposing an Amendment to Article 12, Section 7 of the
9 Constitution of New Mexico to Provide for Additional An-
10 nual Distributions of the Permanent School Fund for En-
11 hanced Instruction for Students at Risk of Failure, Ex-
12 tending the School Year, Teacher Compensation and
13 Early Childhood Education; Requiring Congressional Ap-
14 proval for Distributions for Early Childhood Education”.

15 **DIVISION EE—POST OFFICE**
16 **DESIGNATIONS**

17 **SEC. 101. COYA KNUTSON POST OFFICE.**

18 (a) DESIGNATION.—The facility of the United States
19 Postal Service located at 202 2nd Avenue in Oklee, Min-
20 nesota, shall be known and designated as the “Coya
21 Knutson Post Office”.

22 (b) REFERENCES.—Any reference in a law, map, reg-
23 ulation, document, paper, or other record of the United
24 States to the facility referred to in subsection (a) shall
25 be deemed to be a reference to the “Coya Knutson Post
26 Office”.

2981

1 SEC. 102. ROBERT SMALLS POST OFFICE.

2 (a) DESIGNATION.—The facility of the United States
3 Postal Service located at 11 Robert Smalls Parkway Suite
4 C in Beaufort, South Carolina, shall be known and des-
5 ignated as the “Robert Smalls Post Office”.

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
9 be deemed to be a reference to the “Robert Smalls Post
10 Office”.

**11 SEC. 103. ROBERT J. DOLE MEMORIAL POST OFFICE BUILD-
12 ING.**

13 (a) DESIGNATION.—The facility of the United States
14 Postal Service located at 135 West Wisconsin Street in
15 Russell, Kansas, shall be known and designated as the
16 “Robert J. Dole Memorial Post Office Building”.

17 (b) REFERENCES.—Any reference in a law, map, reg-
18 ulation, document, paper, or other record of the United
19 States to the facility referred to in subsection (a) shall
20 be deemed to be a reference to the “Robert J. Dole Memo-
21 rial Post Office Building”.

22 SEC. 104. CHARLES E. FRASER POST OFFICE BUILDING.

23 (a) DESIGNATION.—The facility of the United States
24 Postal Service located at 10 Bow Circle in Hilton Head
25 Island, South Carolina, shall be known and designated as
26 the “Charles E. Fraser Post Office Building”.

1 (b) REFERENCES.—Any reference in a law, map, reg-
2 ulation, document, paper, or other record of the United
3 States to the facility referred to in subsection (a) shall
4 be deemed to be a reference to the “Charles E. Fraser
5 Post Office Building”.

6 **SEC. 105. HARRIET TUBMAN POST OFFICE BUILDING.**

7 (a) DESIGNATION.—The facility of the United States
8 Postal Service located at 501 Charles Street in Beaufort,
9 South Carolina, shall be known and designated as the
10 “Harriet Tubman Post Office Building”.

11 (b) REFERENCES.—Any reference in a law, map, reg-
12 ulation, document, paper, or other record of the United
13 States to the facility referred to in subsection (a) shall
14 be deemed to be a reference to the “Harriet Tubman Post
15 Office Building”.

16 **SEC. 106. CORPORAL BENJAMIN DESILETS POST OFFICE.**

17 (a) DESIGNATION.—The facility of the United States
18 Postal Service located at 114 North Magnolia Street in
19 Elmwood, Illinois, shall be known and designated as the
20 “Corporal Benjamin Desilets Post Office”.

21 (b) REFERENCES.—Any reference in a law, map, reg-
22 ulation, document, paper, or other record of the United
23 States to the facility referred to in subsection (a) shall
24 be deemed to be a reference to the “Corporal Benjamin
25 Desilets Post Office”.

1 **SEC. 107. SGT. JEREMY C. SHERMAN POST OFFICE BUILD-**
2 **ING.**

3 (a) DESIGNATION.—The facility of the United States
4 Postal Service located at 101 West Walnut Street in
5 Watseka, Illinois, shall be known and designated as the
6 “Sgt. Jeremy C. Sherman Post Office Building”.

7 (b) REFERENCES.—Any reference in a law, map, reg-
8 ulation, document, paper, or other record of the United
9 States to the facility referred to in subsection (a) shall
10 be deemed to be a reference to the “Sgt. Jeremy C. Sher-
11 man Post Office Building”.

12 **SEC. 108. SERGEANT BRET D. ISENHOWER MEMORIAL POST**
13 **OFFICE BUILDING.**

14 (a) DESIGNATION.—The facility of the United States
15 Postal Service located at 120 East Oak Avenue in Semi-
16 nole, Oklahoma, shall be known and designated as the
17 “Sergeant Bret D. Isenhower Memorial Post Office Build-
18 ing”.

19 (b) REFERENCES.—Any reference in a law, map, reg-
20 ulation, document, paper, or other record of the United
21 States to the facility referred to in subsection (a) shall
22 be deemed to be a reference to the “Sergeant Bret D.
23 Isenhower Memorial Post Office Building”.

24 **SEC. 109. COTTLE CENTANNI POST OFFICE BUILDING.**

25 (a) DESIGNATION.—The facility of the United States
26 Postal Service located at 4770 Eureka Avenue in Yorba

1 Linda, California, shall be known and designated as the
2 “Cottle Centanni Post Office Building”.

3 (b) REFERENCES.—Any reference in a law, map, reg-
4 ulation, document, paper, or other record of the United
5 States to the facility referred to in subsection (a) shall
6 be deemed to be a reference to the “Cottle Centanni Post
7 Office Building”.

8 **SEC. 110. CAPTAIN ROBERT C. HARMON AND PRIVATE**
9 **JOHN R. PEIRSON POST OFFICE BUILDING.**

10 (a) DESIGNATION.—The facility of the United States
11 Postal Service located at 430 South Knowles Avenue in
12 New Richmond, Wisconsin, shall be known and designated
13 as the “Captain Robert C. Harmon and Private John R.
14 Peirson Post Office Building”.

15 (b) REFERENCES.—Any reference in a law, map, reg-
16 ulation, document, paper, or other record of the United
17 States to the facility referred to in subsection (a) shall
18 be deemed to be a reference to the “Captain Robert C.
19 Harmon and Private John R. Peirson Post Office Build-
20 ing”.

21 **SEC. 111. CORPORAL MITCHELL RED CLOUD, JR. POST OF-**
22 **FICE.**

23 (a) DESIGNATION.—The facility of the United States
24 Postal Service located at 619 Hewett Street in Neillsville,

1 Wisconsin, shall be known and designated as the “Cor-
2 poral Mitchell Red Cloud, Jr. Post Office”.

3 (b) REFERENCES.—Any reference in a law, map, reg-
4 ulation, document, paper, or other record of the United
5 States to the facility referred to in subsection (a) shall
6 be deemed to be a reference to the “Corporal Mitchell Red
7 Cloud, Jr. Post Office”.

8 **SEC. 112. CORPORAL JOSEPH RODNEY CHAPMAN POST OF-**
9 **FICE.**

10 (a) DESIGNATION.—The facility of the United States
11 Postal Service located at 415 High Street in Freeport,
12 Pennsylvania, shall be known and designated as the “Cor-
13 poral Joseph Rodney Chapman Post Office”.

14 (b) REFERENCES.—Any reference in a law, map, reg-
15 ulation, document, paper, or other record of the United
16 States to the facility referred to in subsection (a) shall
17 be deemed to be a reference to the “Corporal Joseph Rod-
18 ney Chapman Post Office”.

19 **SEC. 113. HAROLD BILLOW POST OFFICE BUILDING.**

20 (a) DESIGNATION.—The facility of the United States
21 Postal Service located at 1 East Main Street in Mount
22 Joy, Pennsylvania, shall be known and designated as the
23 “Harold Billow Post Office Building”.

24 (b) REFERENCES.—Any reference in a law, map, reg-
25 ulation, document, paper, or other record of the United

1 States to the facility referred to in subsection (a) shall
2 be deemed to be a reference to the “Harold Billow Post
3 Office Building”.

4 **SEC. 114. ROMUALD “BUD” BRZEZINSKI POST OFFICE.**

5 (a) DESIGNATION.—The facility of the United States
6 Postal Service located at N4805 State Highway 32 in
7 Krakow, Wisconsin, shall be known and designated as the
8 “Romuald ‘Bud’ Brzezinski Post Office”.

9 (b) REFERENCES.—Any reference in a law, map, reg-
10 ulation, document, paper, or other record of the United
11 States to the facility referred to in subsection (a) shall
12 be deemed to be a reference to the “Romuald ‘Bud’
13 Brzezinski Post Office”.

14 **SEC. 115. MITCHELL F. LUNDGAARD POST OFFICE BUILD-**
15 **ING.**

16 (a) DESIGNATION.—The facility of the United States
17 Postal Service located at 410 Franklin Street in Appleton,
18 Wisconsin, shall be known and designated as the “Mitchell
19 F. Lundgaard Post Office Building”.

20 (b) REFERENCES.—Any reference in a law, map, reg-
21 ulation, document, paper, or other record of the United
22 States to the facility referred to in subsection (a) shall
23 be deemed to be a reference to the “Mitchell F. Lundgaard
24 Post Office Building”.

2987

1 **SEC. 116. JUDGE JAMES PEREZ POST OFFICE.**

2 (a) DESIGNATION.—The facility of the United States
3 Postal Service located at 615 North Bush Street in Santa
4 Ana, California, shall be known and designated as the
5 “Judge James Perez Post Office”.

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
9 be deemed to be a reference to the “Judge James Perez
10 Post Office”.

11 **SEC. 117. CHANGE OF ADDRESS FOR MARILYN MONROE**
12 **POST OFFICE.**

13 Section 1 of Public Law 116–80 is amended to read
14 as follows:

15 **“SECTION 1. MARILYN MONROE POST OFFICE BUILDING.**

16 “(a) DESIGNATION.—The facility of the United
17 States Postal Service located at 15701 Sherman Way in
18 Van Nuys, California, shall be known and designated as
19 the ‘Marilyn Monroe Post Office Building’.

20 “(b) REFERENCES.—Any reference in a law, map,
21 regulation, document, paper, or other record of the United
22 States to the facility referred to in subsection (a) shall
23 be deemed to be a reference to the ‘Marilyn Monroe Post
24 Office Building’.”.

1 **SEC. 118. JESUS ANTONIO COLLAZOS POST OFFICE BUILD-**
2 **ING.**

3 (a) DESIGNATION.—The facility of the United States
4 Postal Service located at 2200 North George Mason Drive
5 in Arlington, Virginia, shall be known and designated as
6 the “Jesus Antonio Collazos Post Office Building”.

7 (b) REFERENCES.—Any reference in a law, map, reg-
8 ulation, document, paper, or other record of the United
9 States to the facility referred to in subsection (a) shall
10 be deemed to be a reference to the “Jesus Antonio
11 Collazos Post Office Building”.

12 **SEC. 119. ESTEBAN E. TORRES POST OFFICE BUILDING.**

13 (a) DESIGNATION.—The facility of the United States
14 Postal Service located at 396 South California Avenue in
15 West Covina, California, shall be known and designated
16 as the “Esteban E. Torres Post Office Building”.

17 (b) REFERENCES.—Any reference in a law, map, reg-
18 ulation, document, paper, or other record of the United
19 States to the facility referred to in subsection (a) shall
20 be deemed to be a reference to the “Esteban E. Torres
21 Post Office Building”.

22 **SEC. 120. DISTRICT OF COLUMBIA SERVICEMEMBERS AND**
23 **VETERANS POST OFFICE.**

24 (a) DESIGNATION.—The facility of the United States
25 Postal Service located at 400 Southern Avenue Southeast
26 in Washington, District of Columbia, shall be known and

1 designated as the “District of Columbia Servicemembers
2 and Veterans Post Office”.

3 (b) REFERENCES.—Any reference in a law, map, reg-
4 ulation, document, paper, or other record of the United
5 States to the facility referred to in subsection (a) shall
6 be deemed to be a reference to the “District of Columbia
7 Servicemembers and Veterans Post Office”.

8 **SEC. 121. ARMY SPECIALIST JOSEPH “JOEY” W. DIMOCK II**
9 **POST OFFICE BUILDING.**

10 (a) DESIGNATION.—The facility of the United States
11 Postal Service located at 75 Commerce Drive in
12 Grayslake, Illinois, shall be known and designated as the
13 “Army Specialist Joseph ‘Joey’ W. Dimock II Post Office
14 Building”.

15 (b) REFERENCES.—Any reference in a law, map, reg-
16 ulation, document, paper, or other record of the United
17 States to the facility referred to in subsection (a) shall
18 be deemed to be a reference to the “Army Specialist Jo-
19 seph ‘Joey’ W. Dimock II Post Office Building”.

20 **SEC. 122. CORPORAL HUNTER LOPEZ MEMORIAL POST OF-**
21 **FICE BUILDING.**

22 (a) DESIGNATION.—The facility of the United States
23 Postal Service located at 79125 Corporate Centre Drive
24 in La Quinta, California, shall be known and designated

1 as the “Corporal Hunter Lopez Memorial Post Office
2 Building”.

3 (b) REFERENCES.—Any reference in a law, map, reg-
4 ulation, document, paper, or other record of the United
5 States to the facility referred to in subsection (a) shall
6 be deemed to be a reference to the “Corporal Hunter
7 Lopez Memorial Post Office Building”.

8 **SEC. 123. CHIEF RUDY BANUELOS POST OFFICE.**

9 (a) DESIGNATION.—The facility of the United States
10 Postal Service located at 123 South 3rd Street in King
11 City, California, shall be known and designated as the
12 “Chief Rudy Banuelos Post Office”.

13 (b) REFERENCES.—Any reference in a law, map, reg-
14 ulation, document, paper, or other record of the United
15 States to the facility referred to in subsection (a) shall
16 be deemed to be a reference to the “Chief Rudy Banuelos
17 Post Office”.

18 **SEC. 124. CHAIRMAN RICHARD MILANOVICH POST OFFICE.**

19 (a) DESIGNATION.—The facility of the United States
20 Postal Service located at 333 North Sunrise Way in Palm
21 Springs, California, shall be known and designated as the
22 “Chairman Richard Milanovich Post Office”.

23 (b) REFERENCES.—Any reference in a law, map, reg-
24 ulation, document, paper, or other record of the United
25 States to the facility referred to in subsection (a) shall

2991

1 be deemed to be a reference to the “Chairman Richard
2 Milanovich Post Office”.

3 **SEC. 125. U.S. SENATOR DENNIS CHÁVEZ POST OFFICE.**

4 (a) DESIGNATION.—The facility of the United States
5 Postal Service located at 400 North Main Street in Belen,
6 New Mexico, shall be known and designated as the “U.S.
7 Senator Dennis Chávez Post Office”.

8 (b) REFERENCES.—Any reference in a law, map, reg-
9 ulation, document, paper, or other record of the United
10 States to the facility referred to in subsection (a) shall
11 be deemed to be a reference to the “U.S. Senator Dennis
12 Chávez Post Office”.

13 **DIVISION FF—HEALTH AND**
14 **HUMAN SERVICES**

15 **SEC. 1. SHORT TITLE.**

16 This division may be cited as the “Health Extenders,
17 Improving Access to Medicare, Medicaid, and CHIP, and
18 Strengthening Public Health Act of 2022”.

19 **SEC. 2. TABLE OF CONTENTS.**

20 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

2992

- 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.

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.

2993

- 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.
- 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

2994

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.

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.

2995

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.

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.

2996

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.

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.

2997

- 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.

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.

2998

- 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.

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

2999

- 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.
- 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.

3000

- 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. Remediating 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.

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.

3001

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”.

3002

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
8 (42 U.S.C. 290aa et seq.) is amended by inserting after
9 section 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
15 behavioral 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
18 Health Services Administration, the Centers for Medicare
19 & Medicaid Services, and the Health Resources and Serv-
20 ices Administration, 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;

3003

1 “(2) launch and manage Federal workgroups
2 charged with making recommendations regarding
3 issues related to mental health and substance use
4 disorder crises, including with respect to health care
5 best practices, workforce development, health dis-
6 parities, data collection, technology, program over-
7 sight, public 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 cen-
14 ters, mobile crisis care, crisis stabilization, psy-
15 chiatric emergency services, and rapid post-crisis fol-
16 low-up care provided by—

17 “(A) the National Suicide Prevention and
18 Mental Health Crisis Hotline and Response
19 System;

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);

3004

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
7 is 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
14 to mental health and substance use disorders for use by
15 health care providers, crisis services administrators, and
16 crisis services providers in responding to individuals (in-
17 cluding children and adolescents) experiencing mental
18 health crises, substance-related crises, and crises arising
19 from co-occurring 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
24 the range of entities that furnish such services, tak-
25 ing into consideration such services that—

3005

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
11 the individual has been stabilized or transferred
12 to the next level of crisis care; and

13 (E) address psychiatric stabilization, in-
14 cluding for—

15 (i) individuals screened over the
16 phone, 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 con-
21 sider the functions of the range of services in the
22 crisis response continuum, including the following:

23 (A) Identification of resources for referral
24 and enrollment in continuing mental health,

3006

1 substance use, or other human services relevant
2 for the individual in crisis where necessary.

3 (B) A description of access and entry
4 points to services within the crisis response con-
5 tinuum.

6 (C) Identification, as appropriate and con-
7 sistent with State laws, of any protocols and
8 agreements for the transfer and receipt of indi-
9 viduals to and from other segments of the crisis
10 response continuum segments as needed, and
11 from outside referrals, including health care
12 providers, first responders (including law en-
13 forcement, paramedics, and firefighters), edu-
14 cation institutions, and community-based orga-
15 nizations.

16 (D) Description of the qualifications of the
17 range of crisis services staff, including roles for
18 physicians, licensed clinicians, case managers,
19 and peers (in accordance with State licensing
20 requirements or requirements applicable to
21 Tribal health professionals).

22 (E) The convening of collaborative meet-
23 ings of relevant crisis response system partners,
24 such as crisis response service providers, first
25 responders (including law enforcement, para-

3007

1 medics, and firefighters), and community part-
2 ners (including the National Suicide Prevention
3 Lifeline or 9–8–8 call centers, 9–1–1 public
4 service answering points, and local mental
5 health and substance use disorder treatment
6 providers), operating in a common region for
7 the discussion of case management, best prac-
8 tices, and general performance improvement.

9 (3) SERVICE CAPACITY AND QUALITY BEST
10 PRACTICES.—The best practices under subsection
11 (a) may include recommendations on—

12 (A) the volume of services to meet popu-
13 lation need;

14 (B) appropriate timely response; and

15 (C) capacity to meet the needs of different
16 patient populations that may experience a men-
17 tal health or substance use crisis, including chil-
18 dren, families, and all age groups, racial and
19 ethnic minorities, veterans, individuals with co-
20 occurring mental health and substance use dis-
21 orders, individuals with disabilities, and individ-
22 uals with chronic illness.

23 (4) IMPLEMENTATION TIMEFRAME.—The Sec-
24 retary shall—

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);
4 and

5 (B) after 3 years, facilitate the identifica-
6 tion of any updates to such best practices, as
7 appropriate.

8 (5) EVALUATIONS.—Not later than 3 years
9 after the date of enactment of this Act, the Comp-
10 troller General of the United States shall submit to
11 the Committee on Health, Education, Labor, and
12 Pensions of the Senate and the Committee on En-
13 ergy and Commerce of the House of Representa-
14 tives, an assessment of relevant programs related to
15 mental health and substance use disorder crises au-
16 thorized under title V of the Public Health Service
17 Act (42 U.S.C. 290aa et seq.) in order to assess the
18 extent to which such programs meet objectives and
19 performance metrics, as determined by the Sec-
20 retary. Such evaluation may, as appropriate, include
21 data on—

22 (A) the type and variety of services pro-
23 vided when responding to mental health and
24 substance use-related crises;

3009

1 (B) the impact on emergency department
2 facility use and length of stay, including for pa-
3 tients who require further psychiatric care;

4 (C) the impact on access to crisis care cen-
5 ters and crisis bed services;

6 (D) the impact on linkage to appropriate
7 post-crisis care; and

8 (E) the use of best practices and rec-
9 ommendations identified under this section.

10 **SEC. 1103. SUICIDE PREVENTION LIFELINE IMPROVEMENT.**

11 (a) SUICIDE PREVENTION LIFELINE.—

12 (1) ACTIVITIES.—Section 520E–3(b) of the
13 Public Health Service Act (42 U.S.C. 290bb–36c(b))
14 is amended—

15 (A) in paragraph (1)—

16 (i) by inserting “supporting and” be-
17 fore “coordinating”; and

18 (ii) by striking “crisis intervention
19 services” and inserting “mental health cri-
20 sis intervention services, including appro-
21 priate follow-up services,”;

22 (B) in paragraph (2), by striking “and” at
23 the end;

24 (C) in paragraph (3), by striking the pe-
25 riod at the end and inserting a semicolon; and

1 (D) by adding at the end the following:

2 “(4) improving awareness of the program for
3 suicide prevention and mental health crisis interven-
4 tion services, including by conducting an awareness
5 initiative and ongoing outreach to the public; and

6 “(5) improving the collection and analysis of
7 demographic information, in a manner that protects
8 personal privacy, consistent with applicable Federal
9 and State privacy laws, in order to understand dis-
10 parities in access to the program among individuals
11 who are seeking help.”.

12 (2) PLAN.—Section 520E–3 of the Public
13 Health Service Act (42 U.S.C. 290bb–36e) is further
14 amended—

15 (A) by redesignating subsection (c) as sub-
16 section (f); and

17 (B) by inserting after subsection (b) the
18 following:

19 “(c) PLAN.—

20 “(1) IN GENERAL.—For purposes of supporting
21 the crisis centers under subsection (b)(1) and main-
22 taining the suicide prevention hotline under sub-
23 section (b)(2), the Secretary shall develop and imple-
24 ment a plan to ensure the provision of high-quality
25 services.

3011

1 “(2) CONTENTS.—The plan required by para-
2 graph (1) shall include the following:

3 “(A) Program evaluation, including per-
4 formance measures to assess progress toward
5 the goals and objectives of the program and to
6 improve the responsiveness and performance of
7 the hotline, including at all backup call centers.

8 “(B) Requirements that crisis centers and
9 backup centers must meet—

10 “(i) to participate in the network
11 under subsection (b)(1); and

12 “(ii) to ensure that each telephone call
13 and applicable other communication re-
14 ceived by the hotline, including at backup
15 call centers, is answered in a timely man-
16 ner, consistent with evidence-based guid-
17 ance or other guidance or best practices, as
18 appropriate.

19 “(C) Specific recommendations and strate-
20 gies for implementing evidence-based practices,
21 including with respect to followup and commu-
22 nicating the availability of resources in the com-
23 munity for individuals in need.

24 “(D) Criteria for carrying out periodic
25 testing of the hotline during each fiscal year,

1 including at crisis centers and backup centers,
2 to identify and address any problems in a time-
3 ly manner.

4 “(3) CONSULTATION.—In developing require-
5 ments under paragraph (2)(B), the Secretary shall
6 consult with State departments of health, local gov-
7 ernments, Indian Tribes, and Tribal organizations.

8 “(4) INITIAL PLAN; UPDATES.—The Secretary
9 shall—

10 “(A) not later than 1 year after the date
11 of enactment of the Restoring Hope for Mental
12 Health and Well-Being Act of 2022, complete
13 development of the initial plan under paragraph
14 (1) and make such plan publicly available; and

15 “(B) periodically thereafter, update such
16 plan and make the updated plan publicly avail-
17 able.”.

18 (3) TRANSMISSION OF DATA TO CDC AND TO
19 ASSIST STATE AND LOCAL AGENCIES.—Section
20 520E–3 of the Public Health Service Act (42 U.S.C.
21 290bb–36c) is amended by inserting after subsection
22 (c), as added by paragraph (2), the following:

23 “(d) IMPROVING EPIDEMIOLOGICAL DATA.—The
24 Secretary shall, as appropriate, formalize and strengthen
25 agreements between the Suicide Prevention Lifeline pro-

3013

1 gram and the Centers for Disease Control and Prevention
2 with respect to the secure sharing of de-identified epide-
3 miological data. Such agreements shall include appro-
4 priate privacy and security protections that meet the re-
5 quirements of applicable Federal law, at a minimum.

6 “(e) DATA TO ASSIST STATE AND LOCAL SUICIDE
7 PREVENTION ACTIVITIES.—The Secretary shall ensure
8 that the aggregated information collected and any applica-
9 ble analyses conducted under subsection (b)(5), including
10 from local call centers, as applicable, are made available
11 in a usable format to State and local agencies in order
12 to inform suicide prevention activities.”

13 (4) AUTHORIZATION OF APPROPRIATIONS.—
14 Subsection (f) of section 520E–3 of the Public
15 Health Service Act (42 U.S.C. 290bb–36e), as re-
16 designated by paragraph (2), is amended to read as
17 follows:

18 “(f) AUTHORIZATION OF APPROPRIATIONS.—To
19 carry out this section, there are authorized to be appro-
20 priated \$101,621,000 for each of fiscal years 2023
21 through 2027.”

22 (b) PILOT PROGRAM ON INNOVATIVE TECH-
23 NOLOGIES.—

24 (1) IN GENERAL.—The Secretary of Health and
25 Human Services, acting through the Assistant Sec-

1 retary for Mental Health and Substance Use, shall,
2 as appropriate, carry out a pilot program to re-
3 search, analyze, and employ various technologies and
4 platforms of communication (including social media
5 platforms, texting platforms, and email platforms)
6 for suicide prevention in addition to the telephone
7 and online chat service provided by the Suicide Pre-
8 vention Lifeline.

9 (2) REPORT.—Not later than 24 months after
10 the date on which the pilot program under para-
11 graph (1) commences, the Secretary of Health and
12 Human Services, acting through the Assistant Sec-
13 retary for Mental Health and Substance Use, shall
14 submit to the Congress a report on the pilot pro-
15 gram. With respect to each platform of communica-
16 tion employed pursuant to the pilot program, the re-
17 port shall include—

18 (A) a full description of the program;

19 (B) the number of individuals served by
20 the program;

21 (C) the average wait time for each indi-
22 vidual to receive a response;

23 (D) the cost of the program, including the
24 cost per individual served; and

3015

1 (E) any other information the Secretary
2 determines appropriate.

3 (c) HHS STUDY AND REPORT.—Not later than 2
4 years after the Secretary of Health and Human Services
5 completes development of the plan under section 520E–
6 3(c) of the Public Health Service Act, as added by sub-
7 section (a)(2)(B), the Secretary shall—

8 (1) complete a study on—

9 (A) the implementation of such plan, in-
10 cluding the progress towards meeting the goals
11 and objectives identified pursuant to paragraph
12 (2)(A) of such section 520E–3(c); and

13 (B) in consultation with the Director of
14 the Centers for Disease Control and Prevention,
15 options to improve data regarding usage of the
16 Suicide Prevention Lifeline, such as repeat
17 calls, consistent with applicable Federal and
18 State privacy laws; and

19 (2) submit a report to Congress on the progress
20 made on meeting the goals and objectives identified
21 pursuant to paragraph (2)(A) of such section 520E–
22 3(c) and recommendations on improving the pro-
23 gram, including improvements to enhance data col-
24 lection and usage.

25 (d) GAO STUDY AND REPORT.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the Secretary of Health and Human Services begins
3 implementation of the plan required by section
4 520E–3(c) of the Public Health Service Act, as
5 added by subsection (a)(2)(B), the Comptroller Gen-
6 eral of the United States shall—

7 (A) complete a study on the Suicide Pre-
8 vention Lifeline; and

9 (B) submit a report to the Congress on the
10 results of such study.

11 (2) CONTENT.—The study required by para-
12 graph (1) shall include what is known about—

13 (A) the feasibility of routing calls to the
14 Suicide Prevention Lifeline to the nearest crisis
15 center based on the physical location of the con-
16 tact;

17 (B) capacity of the Suicide Prevention
18 Lifeline;

19 (C) State and regional variation with re-
20 spect to access to crisis centers described in sec-
21 tion 520E–3(b)(1) of the Public Health Service
22 Act (42 U.S.C. 290bb–36c(b)(1)), including
23 wait times, answer times, hours of operation,
24 and funding sources;

3017

1 (D) the implementation of the plan under
2 section 520E–3(e) of the Public Health Service
3 Act, as added by subsection (a)(2)(B), including
4 the progress toward meeting the goals and ob-
5 jectives in such plan; and

6 (E) the capacity of the Suicide Prevention
7 Lifeline to handle calls from individuals with
8 limited English proficiency.

9 (3) RECOMMENDATIONS.—The report required
10 by paragraph (1) shall include recommendations for
11 improving the Suicide Prevention Lifeline, including
12 recommendations for administrative actions.

13 (e) DEFINITION.—In this section, the term “Suicide
14 Prevention Lifeline” means the suicide prevention hotline
15 maintained pursuant to section 520E–3 of the Public
16 Health Service Act (42 U.S.C. 290bb–36c).

17 **CHAPTER 2—INTO THE LIGHT FOR MA-**
18 **TERNAL MENTAL HEALTH AND SUB-**
19 **STANCE USE DISORDERS**

20 **SEC. 1111. SCREENING AND TREATMENT FOR MATERNAL**
21 **MENTAL HEALTH AND SUBSTANCE USE DIS-**
22 **ORDERS.**

23 (a) IN GENERAL.—Section 317L–1 of the Public
24 Health Service Act (42 U.S.C. 247b–13a) is amended—

3018

1 (1) in the section heading, by striking “**MA-**
2 **TERNAL DEPRESSION**” and inserting “**MATER-**
3 **NAL MENTAL HEALTH AND SUBSTANCE USE**
4 **DISORDERS**”; and

5 (2) in subsection (a)—

6 (A) by inserting “, Indian Tribes and Trib-
7 al organizations (as such terms are defined in
8 section 4 of the Indian Self-Determination and
9 Education Assistance Act)” after “States”; and

10 (B) by striking “for women who are preg-
11 nant, or who have given birth within the pre-
12 ceding 12 months, for maternal depression”
13 and inserting “for women who are postpartum,
14 pregnant, or have given birth within the pre-
15 ceding 12 months, for maternal mental health
16 and substance use disorders”.

17 (b) APPLICATION.—Subsection (b) of section 317L—
18 1 of the Public Health Service Act (42 U.S.C. 247b–13a)
19 is amended—

20 (1) by striking “a State shall submit” and in-
21 serting “an entity listed in subsection (a) shall sub-
22 mit”; and

23 (2) in paragraphs (1) and (2), by striking “ma-
24 ternal depression” each place it appears and insert-

1 ing “maternal mental health and substance use dis-
2 orders”.

3 (c) PRIORITY.—Subsection (c) of section 317L–1 of
4 the Public Health Service Act (42 U.S.C. 247b–13a) is
5 amended—

6 (1) by striking “may give priority to States pro-
7 posing to improve or enhance access to screening”
8 and inserting the following: “shall, as appropriate,
9 give priority to entities listed in subsection (a)
10 that—

11 “(1) are proposing to create, improve, or en-
12 hance screening, prevention, and treatment”;

13 (2) by striking “maternal depression” and in-
14 serting “maternal mental health and substance use
15 disorders”;

16 (3) by striking the period at the end of para-
17 graph (1), as so designated, and inserting a semi-
18 colon; and

19 (4) by inserting after such paragraph (1) the
20 following:

21 “(2) are currently partnered with, or will part-
22 ner with, one or more community-based organiza-
23 tions to address maternal mental health and sub-
24 stance use disorders;

1 “(3) are located in, or provide services under
2 this section in, an area with disproportionately high
3 rates of maternal mental health or substance use
4 disorders or other related disparities; and

5 “(4) operate in a health professional shortage
6 area designated under section 332, including mater-
7 nity care health professional target areas.”.

8 (d) USE OF FUNDS.—Subsection (d) of section
9 317L–1 of the Public Health Service Act (42 U.S.C.
10 247b–13a) is amended—

11 (1) in paragraph (1)—

12 (A) in subparagraph (A), by striking “to
13 health care providers; and” and inserting “on
14 maternal mental health and substance use dis-
15 order screening, brief intervention, treatment
16 (as applicable for health care providers), and
17 referrals for treatment to health care providers
18 in the primary care setting and, as applicable,
19 relevant health paraprofessionals;”;

20 (B) in subparagraph (B), by striking “to
21 health care providers, including information on
22 maternal depression screening, treatment, and
23 followup support services, and linkages to com-
24 munity-based resources; and” and inserting “on
25 maternal mental health and substance use dis-

3021

1 order screening, brief intervention, treatment
2 (as applicable for health care providers) and re-
3 ferrals for treatment, follow-up support serv-
4 ices, and linkages to community-based resources
5 to health care providers in the primary care set-
6 ting and, as applicable, relevant health para-
7 professionals; and”;

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

9 “(C) to the extent practicable and appro-
10 priate, enabling health care providers (such as
11 obstetrician-gynecologists, nurse practitioners,
12 nurse midwives, pediatricians, psychiatrists,
13 mental and other behavioral health care pro-
14 viders, and adult primary care clinicians) to
15 provide or receive real-time psychiatric con-
16 sultation (in-person or remotely), including
17 through the use of technology-enabled collabo-
18 rative learning and capacity building models (as
19 defined in section 330N), to aid in the treat-
20 ment of pregnant and postpartum women;
21 and”;

22 (2) in paragraph (2)—

23 (A) by striking subparagraph (A);

1 (B) by redesignating subparagraphs (B)
2 and (C) as subparagraphs (A) and (B), respec-
3 tively;

4 (C) in subparagraph (A), as so redesign-
5 ated, by striking “and” at the end;

6 (D) in subparagraph (B), as so redesign-
7 ated—

8 (i) by inserting “, including” before
9 “for rural areas”; and

10 (ii) by striking the period at the end
11 and inserting a semicolon; and

12 (E) by inserting after subparagraph (B),
13 as so redesignated, the following:

14 “(C) providing assistance to pregnant and
15 postpartum women to receive maternal mental
16 health and substance use disorder treatment,
17 including patient consultation, care coordina-
18 tion, and navigation for such treatment;

19 “(D) coordinating, as appropriate, with
20 maternal and child health programs of State,
21 local, and Tribal governments, including child
22 psychiatric access programs;

23 “(E) conducting public outreach and
24 awareness regarding grants under subsection
25 (a);

1 “(F) creating multistate consortia to carry
2 out the activities required or authorized under
3 this subsection; and

4 “(G) training health care providers in the
5 primary care setting and relevant health para-
6 professionals on trauma-informed care, cul-
7 turally and linguistically appropriate services,
8 and best practices related to training to im-
9 prove the provision of maternal mental health
10 and substance use disorder care for racial and
11 ethnic minority populations and reduce related
12 disparities in the delivery of such care.”.

13 (e) **ADDITIONAL PROVISIONS.**—Section 317L–1 of
14 the Public Health Service Act (42 U.S.C. 247b–13a) is
15 amended—

16 (1) by redesignating subsection (e) as sub-
17 section (h); and

18 (2) by inserting after subsection (d) the fol-
19 lowing:

20 “(e) **TECHNICAL ASSISTANCE.**—The Secretary shall
21 provide technical assistance to grantees and entities listed
22 in subsection (a) for carrying out activities pursuant to
23 this section.

24 “(f) **DISSEMINATION OF BEST PRACTICES.**—The
25 Secretary, based on evaluation of the activities funded

1 pursuant to this section, shall identify and disseminate
2 evidence-based or evidence-informed practices for screen-
3 ing, assessment, treatment, and referral to treatment serv-
4 ices for maternal mental health and substance use dis-
5 orders, including culturally and linguistically appropriate
6 services, for women during pregnancy and 12 months fol-
7 lowing pregnancy.

8 “(g) MATCHING REQUIREMENT.—The Federal share
9 of the cost of the activities for which a grant is made to
10 an entity under subsection (a) shall not exceed 90 percent
11 of the total cost of such activities.”.

12 (f) AUTHORIZATION OF APPROPRIATIONS.—Sub-
13 section (h) of section 317L–1 (42 U.S.C. 247b–13a) of
14 the Public Health Service Act, as redesignated by sub-
15 section (e), is amended—

16 (1) by striking “\$5,000,000” and inserting
17 “\$24,000,000”; and

18 (2) by striking “2018 through 2022” and in-
19 serting “2023 through 2027”.

20 **SEC. 1112. MATERNAL MENTAL HEALTH HOTLINE.**

21 Part P of title III of the Public Health Service Act
22 (42 U.S.C. 280g et seq.) is amended by adding at the end
23 the following:

3025

1 **“SEC. 399V-7. MATERNAL MENTAL HEALTH HOTLINE.**

2 “(a) IN GENERAL.—The Secretary shall maintain, by
3 grant or contract, a national maternal mental health hot-
4 line to provide emotional support, information, brief inter-
5 vention, and mental health and substance use disorder re-
6 sources to pregnant and postpartum women at risk of, or
7 affected by, maternal mental health and substance use dis-
8 orders, and to their families or household members.

9 “(b) REQUIREMENTS FOR HOTLINE.—The hotline
10 under subsection (a) shall—

11 “(1) be a 24/7 real-time hotline;

12 “(2) provide voice and text support;

13 “(3) be staffed by certified peer specialists, li-
14 censed health care professionals, or licensed mental
15 health professionals who are trained on—

16 “(A) maternal mental health and sub-
17 stance use disorder prevention, identification,
18 and intervention; and

19 “(B) providing culturally and linguistically
20 appropriate support; and

21 “(4) provide maternal mental health and sub-
22 stance use disorder assistance and referral services
23 to meet the needs of underserved populations, indi-
24 viduals with disabilities, and family and household
25 members of pregnant or postpartum women at risk

1 of experiencing maternal mental health and sub-
2 stance use disorders.

3 “(c) ADDITIONAL REQUIREMENTS.—In maintaining
4 the hotline under subsection (a), the Secretary shall—

5 “(1) consult with the Domestic Violence Hot-
6 line, National Suicide Prevention Lifeline, and Vet-
7 erans Crisis Line to ensure that pregnant and
8 postpartum women are connected in real-time to the
9 appropriate specialized hotline service, when applica-
10 ble;

11 “(2) conduct a public awareness campaign for
12 the hotline;

13 “(3) consult with Federal departments and
14 agencies, including the Substance Abuse and Mental
15 Health Services Administration and the Department
16 of Veterans Affairs, to increase awareness regarding
17 the hotline; and

18 “(4) consult with appropriate State, local, and
19 Tribal public health officials, including officials who
20 administer programs that serve low-income pregnant
21 and postpartum individuals.

22 “(d) ANNUAL REPORT.—The Secretary shall submit
23 an annual report to the Congress on the hotline under sub-
24 section (a) and implementation of this section, including—

1 “(1) an evaluation of the effectiveness of activi-
2 ties conducted or supported under subsection (a);

3 “(2) a directory of entities or organizations to
4 which staff maintaining the hotline funded under
5 this section may make referrals; and

6 “(3) such additional information as the Sec-
7 retary determines appropriate.

8 “(e) AUTHORIZATION OF APPROPRIATIONS.—To
9 carry out this section, there are authorized to be appro-
10 priated \$10,000,000 for each of fiscal years 2023 through
11 2027.”.

12 **SEC. 1113. TASK FORCE ON MATERNAL MENTAL HEALTH.**

13 (a) ESTABLISHMENT.—Not later than 180 days after
14 the date of enactment of this Act, the Secretary of Health
15 and Human Services, for purposes of identifying, evalu-
16 ating, and making recommendations to coordinate and im-
17 prove Federal activities related to addressing maternal
18 mental health conditions, shall—

19 (1) establish a task force to be known as the
20 Task Force on Maternal Mental Health (in this sec-
21 tion referred to as the “Task Force”); or

22 (2) incorporate the duties, public meetings, and
23 reports specified in subsections (e) through (f) into
24 existing relevant Federal committees or working
25 groups, such as the Maternal Health Interagency

1 Policy Committee and the Maternal Health Working
2 Group, as appropriate.

3 (b) MEMBERSHIP.—

4 (1) COMPOSITION.—The Task Force shall be
5 composed of—

6 (A) the Federal members under paragraph
7 (2); and

8 (B) the non-Federal members under para-
9 graph (3).

10 (2) FEDERAL MEMBERS.—The Federal mem-
11 bers of the Task Force shall consist of the following
12 heads of Federal departments and agencies (or their
13 designees):

14 (A) The Assistant Secretary for Health of
15 the Department of Health and Human Services
16 and the Assistant Secretary for Mental Health
17 and Substance Use, who shall serve as co-
18 chairs.

19 (B) The Assistant Secretary for Planning
20 and Evaluation of the Department of Health
21 and Human Services.

22 (C) The Assistant Secretary of the Admin-
23 istration for Children and Families.

24 (D) The Director of the Centers for Dis-
25 ease Control and Prevention.

1 (E) The Administrator of the Centers for
2 Medicare & Medicaid Services.

3 (F) The Administrator of the Health Re-
4 sources and Services Administration.

5 (G) The Director of the Indian Health
6 Service.

7 (H) Such other Federal departments and
8 agencies as the Secretary determines appro-
9 priate that serve individuals with maternal men-
10 tal health conditions.

11 (3) NON-FEDERAL MEMBERS.—The non-Fed-
12 eral members of the Task Force shall—

13 (A) compose not more than one-half, and
14 not less than one-third, of the total membership
15 of the Task Force;

16 (B) be appointed by the Secretary; and

17 (C) include—

18 (i) representatives of professional
19 medical societies, professional nursing soci-
20 eties, and relevant health paraprofessional
21 societies with expertise in maternal or
22 mental health;

23 (ii) representatives of nonprofit orga-
24 nizations with expertise in maternal or
25 mental health;

3030

1 (iii) relevant industry representatives;
2 and
3 (iv) other representatives, as appro-
4 priate.

5 (4) DEADLINE FOR DESIGNATING DES-
6 IGNEES.—If the Assistant Secretary for Health, the
7 Assistant Secretary for Mental Health and Sub-
8 stance Use, or the head of a Federal department or
9 agency serving as a member of the Task Force
10 under paragraph (2), chooses to be represented on
11 the Task Force by a designee, the Assistant Sec-
12 retary for Health, the Assistant Secretary for Men-
13 tal Health and Substance Use, or department or
14 agency head shall designate such designee not later
15 than 90 days after the date of the enactment of this
16 section.

17 (c) DUTIES.—The Task Force shall—

18 (1) prepare and regularly update a report that
19 analyzes and evaluates the state of maternal mental
20 health programs at the Federal level, and identifies
21 best practices with respect to maternal mental
22 health (which may include co-occurring substance
23 use disorders), including—

3031

1 (A) a set of evidence-based, evidence-in-
2 formed, and promising practices with respect
3 to—

4 (i) prevention strategies for maternal
5 mental health conditions, including strate-
6 gies and recommendations to reduce racial,
7 ethnic, geographic, and other health dis-
8 parities;

9 (ii) the identification, screening, diag-
10 nosis, intervention, and treatment of ma-
11 ternal mental health conditions and af-
12 fected families;

13 (iii) the timely referral to supports,
14 and implementation of practices, that pre-
15 vent and mitigate the effects of a maternal
16 mental health condition, including strate-
17 gies and recommendations to eliminate ra-
18 cial and ethnic disparities that exist in ma-
19 ternal mental health; and

20 (iv) community-based or
21 multigenerational practices that provide
22 support related to maternal mental health
23 conditions, including support for affected
24 families; and

1 (B) Federal and State programs and ac-
2 tivities that support prevention, screening, diag-
3 nosis, intervention, and treatment of maternal
4 mental health conditions;

5 (2) develop and regularly update a national
6 strategy for maternal mental health, taking into con-
7 sideration the findings of the report under para-
8 graph (1), on how the Task Force and Federal de-
9 partments and agencies represented on the Task
10 Force may prioritize options for, and may improve
11 coordination with respect to, addressing maternal
12 mental health conditions, including by—

13 (A) increasing prevention, screening, diag-
14 nosis, intervention, treatment, and access to
15 maternal mental health care, including clinical
16 and nonclinical care such as peer-support and
17 community health workers, through the public
18 and private sectors;

19 (B) providing support relating to the pre-
20 vention, screening, diagnosis, intervention, and
21 treatment of maternal mental health conditions,
22 including families, as appropriate;

23 (C) reducing racial, ethnic, geographic, and
24 other health disparities related to prevention,

3033

1 diagnosis, intervention, treatment, and access to
2 maternal mental health care;

3 (D) identifying opportunities to modify,
4 strengthen, and better coordinate existing Fed-
5 eral infant and maternal health programs in
6 order to improve screening, diagnosis, research,
7 prevention, identification, intervention, and
8 treatment with respect to maternal mental
9 health; and

10 (E) improving planning, coordination, and
11 collaboration across Federal departments, agen-
12 cies, offices, and programs;

13 (3) solicit public comments, as appropriate,
14 from stakeholders for the report under paragraph
15 (1) and the national strategy under paragraph (2) in
16 order to inform the activities and reports of the
17 Task Force; and

18 (4) consider the latest research related to ma-
19 ternal mental health in developing the strategy, in-
20 cluding, as applicable and appropriate, data and in-
21 formation disaggregated by relevant factors, such as
22 race, ethnicity, geographical location, age, socio-
23 economic level, and others, as appropriate.

24 (d) MEETINGS.—The Task Force shall—

25 (1) meet not less than two times each year; and

1 (2) convene public meetings, as appropriate, to
2 fulfill its duties under this section.

3 (e) REPORTS TO PUBLIC AND FEDERAL LEADERS.—

4 The Task Force shall make publicly available and submit
5 to the heads of relevant Federal departments and agen-
6 cies, the Committee on Energy and Commerce of the
7 House of Representatives, the Committee on Health, Edu-
8 cation, Labor, and Pensions of the Senate, and other rel-
9 evant congressional committees, the following:

10 (1) Not later than 1 year after the first meeting
11 of the Task Force, an initial report under subsection
12 (c)(1).

13 (2) Not later than 2 years after the first meet-
14 ing of the Task Force, an initial national strategy
15 under subsection (c)(2).

16 (3) Each year thereafter—

17 (A) an updated report under subsection
18 (c)(1);

19 (B) an updated national strategy under
20 subsection (c)(2); or

21 (C) if no update is made under subsection
22 (c)(1) or (c)(2), a report summarizing the ac-
23 tivities of the Task Force.

24 (f) REPORTS TO GOVERNORS.—Upon finalizing the
25 initial national strategy under subsection (c)(2), and upon

1 making relevant updates to such strategy, the Task Force
2 shall submit a report to the Governors of all States de-
3 scribing any opportunities for local- and State-level part-
4 nerships identified under subsection (c)(2).

5 (g) SUNSET.—The Task Force shall terminate on
6 September 30, 2027.

7 (h) NONDUPLICATION OF FEDERAL EFFORTS.—The
8 Secretary may relieve the Task Force, in carrying out sub-
9 sections (c) through (f), from responsibility for carrying
10 out such activities as may be specified by the Secretary
11 as duplicative of other activities carried out by the Depart-
12 ment of Health and Human Services.

13 **SEC. 1114. RESIDENTIAL TREATMENT PROGRAM FOR PREG-**
14 **NANT AND POSTPARTUM WOMEN PILOT PRO-**
15 **GRAM REAUTHORIZATION.**

16 Section 508(r) of the Public Health Service Act (42
17 U.S.C. 290bb–1(r)) is amended—

18 (1) by striking paragraph (4);

19 (2) by redesignating paragraphs (5) and (6) as
20 paragraphs (4) and (5), respectively; and

21 (3) in paragraph (4)(B), as so redesignated—

22 (A) in the matter preceding clause (i), by
23 striking “The Director” and inserting “Not
24 later than September 30, 2026, the Director”;
25 and

3036

1 (B) by striking “the relevant committees of
2 jurisdiction of the House of Representatives
3 and the Senate” and inserting “the Committee
4 on Health, Education, Labor, and Pensions of
5 the Senate and the Committee on Energy and
6 Commerce of the House of Representatives”.

7 **CHAPTER 3—REACHING IMPROVED MEN-**
8 **TAL HEALTH OUTCOMES FOR PA-**
9 **TIENTS**

10 **SEC. 1121. INNOVATION FOR MENTAL HEALTH.**

11 (a) NATIONAL MENTAL HEALTH AND SUBSTANCE
12 USE POLICY LABORATORY.—Section 501A of the Public
13 Health Service Act (42 U.S.C. 290aa–0) is amended—

14 (1) in subsection (e)(1), by striking “Indian
15 tribes or tribal organizations” and inserting “Indian
16 Tribes or Tribal organizations”;

17 (2) by striking subsection (e)(3); and

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

19 “(f) AUTHORIZATION OF APPROPRIATIONS.—To
20 carry out this section, there is authorized to be appro-
21 priated \$10,000,000 for each of fiscal years 2023 through
22 2027.”.

23 (b) GAO STUDY.—Not later than 18 months after
24 the date of enactment of this Act, the Comptroller General
25 of the United States shall prepare a report on the work

1 of the National Mental Health and Substance Use Policy
2 Laboratory established under section 501A of the Public
3 Health Service Act (42 U.S.C. 290aa–0), including—

4 (1) the extent to which such Laboratory is
5 meeting its responsibilities as set forth in such sec-
6 tion 501A; and

7 (2) any recommendations for improvement, in-
8 cluding methods to expand the use of evidence-based
9 practices across programs, recommendations to im-
10 prove program evaluations for effectiveness, and dis-
11 semination of resources to stakeholders and the pub-
12 lic.

13 (c) INTERDEPARTMENTAL SERIOUS MENTAL ILL-
14 NESS COORDINATING COMMITTEE.—

15 (1) IN GENERAL.—Part A of title V of the Pub-
16 lic Health Service Act (42 U.S.C. 290aa et seq.), as
17 amended by section 1101, is further amended by in-
18 serting after section 501B, as added by such section
19 1101, the following:

20 **“SEC. 501C. INTERDEPARTMENTAL SERIOUS MENTAL ILL-**
21 **NESS COORDINATING COMMITTEE.**

22 **“(a) ESTABLISHMENT.—**

23 **“(1) IN GENERAL.—**The Secretary, or the des-
24 igned of the Secretary, shall establish a committee to
25 be known as the Interdepartmental Serious Mental

1 Illness Coordinating Committee (in this section re-
2 ferred to as the ‘Committee’).

3 “(2) FEDERAL ADVISORY COMMITTEE ACT.—

4 Except as provided in this section, the provisions of
5 the Federal Advisory Committee Act (5 U.S.C.
6 App.) shall apply to the Committee.

7 “(b) MEETINGS.—The Committee shall meet not
8 fewer than 2 times each year.

9 “(c) RESPONSIBILITIES.—Not later than each of 1
10 year and 5 years after the date of enactment of this sec-
11 tion, the Committee shall submit to Congress and any
12 other relevant Federal department or agency a report in-
13 cluding—

14 “(1) a summary of advances in serious mental
15 illness and serious emotional disturbance research
16 related to the prevention of, diagnosis of, interven-
17 tion in, and treatment and recovery of serious men-
18 tal illnesses, serious emotional disturbances, and ad-
19 vances in access to services and support for adults
20 with a serious mental illness or children with a seri-
21 ous emotional disturbance;

22 “(2) an evaluation of the effect Federal pro-
23 grams related to serious mental illness have on pub-
24 lic health, including outcomes such as—

1 “(A) rates of suicide, suicide attempts, in-
2 cidence and prevalence of serious mental ill-
3 nesses, serious emotional disturbances, and sub-
4 stance use disorders, overdose, overdose deaths,
5 emergency hospitalizations, emergency depart-
6 ment boarding, preventable emergency depart-
7 ment visits, interaction with the criminal justice
8 system, homelessness, and unemployment;

9 “(B) increased rates of employment and
10 enrollment in educational and vocational pro-
11 grams;

12 “(C) quality of mental and substance use
13 disorders treatment services; or

14 “(D) any other criteria as may be deter-
15 mined by the Secretary; and

16 “(3) specific recommendations for actions that
17 agencies can take to better coordinate the adminis-
18 tration of mental health services for adults with a
19 serious mental illness or children with a serious emo-
20 tional disturbance.

21 “(d) MEMBERSHIP.—

22 “(1) FEDERAL MEMBERS.—The Committee
23 shall be composed of the following Federal rep-
24 resentatives, or the designees of such representa-
25 tives—

1 “(A) the Secretary of Health and Human
2 Services, who shall serve as the Chair of the
3 Committee;

4 “(B) the Assistant Secretary for Mental
5 Health and Substance Use;

6 “(C) the Attorney General;

7 “(D) the Secretary of Veterans Affairs;

8 “(E) the Secretary of Defense;

9 “(F) the Secretary of Housing and Urban
10 Development;

11 “(G) the Secretary of Education;

12 “(H) the Secretary of Labor;

13 “(I) the Administrator of the Centers for
14 Medicare & Medicaid Services;

15 “(J) the Administrator of the Administra-
16 tion for Community Living; and

17 “(K) the Commissioner of Social Security.

18 “(2) NON-FEDERAL MEMBERS.—The Com-
19 mittee shall also include not less than 14 non-Fed-
20 eral public members appointed by the Secretary of
21 Health and Human Services, of which—

22 “(A) at least 2 members shall be an indi-
23 vidual who has received treatment for a diag-
24 nosis of a serious mental illness;

3041

1 “(B) at least 1 member shall be a parent
2 or legal guardian of an adult with a history of
3 a serious mental illness or a child with a history
4 of a serious emotional disturbance;

5 “(C) at least 1 member shall be a rep-
6 resentative of a leading research, advocacy, or
7 service organization for adults with a serious
8 mental illness;

9 “(D) at least 2 members shall be—

10 “(i) a licensed psychiatrist with expe-
11 rience in treating serious mental illnesses;

12 “(ii) a licensed psychologist with expe-
13 rience in treating serious mental illnesses
14 or serious emotional disturbances;

15 “(iii) a licensed clinical social worker
16 with experience treating serious mental ill-
17 nesses or serious emotional disturbances;
18 or

19 “(iv) a licensed psychiatric nurse,
20 nurse practitioner, or physician assistant
21 with experience in treating serious mental
22 illnesses or serious emotional disturbances;

23 “(E) at least 1 member shall be a licensed
24 mental health professional with a specialty in

1 treating children and adolescents with a serious
2 emotional disturbance;

3 “(F) at least 1 member shall be a mental
4 health professional who has research or clinical
5 mental health experience in working with mi-
6 norities;

7 “(G) at least 1 member shall be a mental
8 health professional who has research or clinical
9 mental health experience in working with medi-
10 cally underserved populations;

11 “(H) at least 1 member shall be a State
12 certified mental health peer support specialist;

13 “(I) at least 1 member shall be a judge
14 with experience in adjudicating cases related to
15 criminal justice or serious mental illness;

16 “(J) at least 1 member shall be a law en-
17 forcement officer or corrections officer with ex-
18 tensive experience in interfacing with adults
19 with a serious mental illness, children with a se-
20 rious emotional disturbance, or individuals in a
21 mental health crisis; and

22 “(K) at least 1 member shall have experi-
23 ence providing services for homeless individuals
24 and working with adults with a serious mental
25 illness, children with a serious emotional dis-

1 turbance, or individuals in a mental health cri-
2 sis.

3 “(3) TERMS.—A member of the Committee ap-
4 pointed under paragraph (2) shall serve for a term
5 of 3 years, and may be reappointed for 1 or more
6 additional 3-year terms. Any member appointed to
7 fill a vacancy for an unexpired term shall be ap-
8 pointed for the remainder of such term. A member
9 may serve after the expiration of the member’s term
10 until a successor has been appointed.

11 “(e) WORKING GROUPS.—In carrying out its func-
12 tions, the Committee may establish working groups. Such
13 working groups shall be composed of Committee members,
14 or their designees, and may hold such meetings as are nec-
15 essary.

16 “(f) SUNSET.—The Committee shall terminate on
17 September 30, 2027.”.

18 (2) CONFORMING AMENDMENTS.—

19 (A) Section 501(l)(2) of the Public Health
20 Service Act (42 U.S.C. 290aa(l)(2)) is amended
21 by striking “section 6031 of such Act” and in-
22 serting “section 501C”.

23 (B) The Helping Families in Mental
24 Health Crisis Reform Act of 2016 (Division B
25 of Public Law 114–255) is amended—

1 (i) by repealing section 6031; and
2 (ii) by conforming the item relating to
3 such section in the table of contents in sec-
4 tion 1(b) of Public Law 114–255.

5 (d) PRIORITY MENTAL HEALTH NEEDS OF RE-
6 GIONAL AND NATIONAL SIGNIFICANCE.—Section 520A of
7 the Public Health Service Act (42 U.S.C. 290bb–32) is
8 amended—

9 (1) in subsection (a), by striking “Indian tribes
10 or tribal organizations” and inserting “Indian Tribes
11 or Tribal organizations”; and

12 (2) in subsection (f), by striking “\$394,550,000
13 for each of fiscal years 2018 through 2022” and in-
14 serting “\$599,036,000 for each of fiscal years 2023
15 through 2027”.

16 **SEC. 1122. CRISIS CARE COORDINATION.**

17 (a) STRENGTHENING COMMUNITY CRISIS RESPONSE
18 SYSTEMS.—Section 520F of the Public Health Service Act
19 (42 U.S.C. 290bb–37) is amended to read as follows:

20 **“SEC. 520F. MENTAL HEALTH CRISIS RESPONSE PARTNER-
21 SHIP PILOT PROGRAM.**

22 “(a) IN GENERAL.—The Secretary shall establish a
23 pilot program under which the Secretary will award com-
24 petitive grants to States, localities, territories, Indian
25 Tribes, and Tribal organizations to establish new, or en-

1 hance existing, mobile crisis response teams that divert the
2 response for mental health and substance use disorder cri-
3 ses from law enforcement to mobile crisis teams, as de-
4 scribed in subsection (b).

5 “(b) MOBILE CRISIS TEAMS DESCRIBED.—A mobile
6 crisis team, for purposes of this section, is a team of indi-
7 viduals—

8 “(1) that is available to respond to individuals
9 in mental health and substance use disorder crises
10 and provide immediate stabilization, referrals to
11 community-based mental health and substance use
12 disorder services and supports, and triage to a high-
13 er level of care if medically necessary;

14 “(2) which may include licensed counselors,
15 clinical social workers, physicians, paramedics, crisis
16 workers, peer support specialists, or other qualified
17 individuals; and

18 “(3) which may provide support to divert men-
19 tal health and substance use disorder crisis calls
20 from the 9–1–1 system to the 9–8–8 system.

21 “(c) PRIORITY.—In awarding grants under this sec-
22 tion, the Secretary shall prioritize applications which ac-
23 count for the specific needs of the communities to be
24 served, including children and families, veterans, rural and

1 underserved populations, and other groups at increased
2 risk of death from suicide or overdose.

3 “(d) REPORT.—

4 “(1) INITIAL REPORT.—Not later than Sep-
5 tember 30, 2024, the Secretary shall submit to Con-
6 gress a report on steps taken by States, localities,
7 territories, Indian Tribes, and Tribal organizations
8 prior to the date of enactment of this section to
9 strengthen the partnerships among mental health
10 providers, substance use disorder treatment pro-
11 viders, primary care physicians, mental health and
12 substance use disorder crisis teams, paramedics, law
13 enforcement officers, and other first responders.

14 “(2) PROGRESS REPORTS.—Not later than one
15 year after the date on which the first grant is
16 awarded to carry out this section, and for each year
17 thereafter, the Secretary shall submit to Congress a
18 report on the grants made during the year covered
19 by the report, which shall include—

20 “(A) impact data on the teams and people
21 served by such programs, including demo-
22 graphic information of individuals served, vol-
23 ume, and types of service utilization;

24 “(B) outcomes of the number of linkages
25 made to community-based resources or short-

1 term crisis receiving and stabilization facilities,
2 as applicable, and diversion from law enforce-
3 ment or hospital emergency department set-
4 tings;

5 “(C) data consistent with the State block
6 grant requirements for continuous evaluation
7 and quality improvement, and other relevant
8 data as determined by the Secretary;

9 “(D) identification and, where appropriate,
10 recommendations of best practices from States
11 and localities providing mobile crisis response
12 and stabilization services for youth and adults;
13 and

14 “(E) identification of any opportunities for
15 improvements to the program established under
16 this section.

17 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this section,
19 \$10,000,000 for each of fiscal years 2023 through 2027.”.

20 (b) MENTAL HEALTH AWARENESS TRAINING
21 GRANTS.—

22 (1) IN GENERAL.—Section 520J(b) of the Pub-
23 lic Health Service Act (42 U.S.C. 290bb–41(b)) is
24 amended—

1 (A) in paragraph (1), by striking “Indian
2 tribes, tribal organizations” and inserting “In-
3 dian Tribes, Tribal organizations”;

4 (B) in paragraph (4), by striking “Indian
5 tribe, tribal organization” and inserting “Indian
6 Tribe, Tribal organization”;

7 (C) in paragraph (5)—

8 (i) by striking “Indian tribe, tribal or-
9 ganization” and inserting “Indian Tribe,
10 Tribal organization”;

11 (ii) in subparagraph (A), by striking
12 “and” at the end;

13 (iii) in subparagraph (B)(ii), by strik-
14 ing the period at the end and inserting “;
15 and”; and

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

18 “(C) suicide intervention and prevention.”;

19 (D) in paragraph (6), by striking “Indian
20 tribe, tribal organization” and inserting “Indian
21 Tribe, Tribal organization”;

22 (E) by redesignating paragraph (7) as
23 paragraph (8);

24 (F) by inserting after paragraph (6) the
25 following:

1 “(7) TECHNICAL ASSISTANCE.—The Secretary
2 may provide technical assistance to grantees in car-
3 rying out this section, which may include assistance
4 with—

5 “(A) program evaluation and related ac-
6 tivities, including related data collection and re-
7 porting;

8 “(B) implementing and disseminating evi-
9 dence-based practices and programs; and

10 “(C) facilitating collaboration among
11 grantees.”; and

12 (G) in paragraph (8), as so redesignated,
13 by striking “\$14,693,000 for each of fiscal
14 years 2018 through 2022” and inserting
15 “\$24,963,000 for each of fiscal years 2023
16 through 2027”.

17 (2) TECHNICAL CORRECTIONS.—Section
18 520J(b) of the Public Health Service Act (42 U.S.C.
19 290bb–41(b)) is amended—

20 (A) in the heading of paragraph (2), by
21 striking “EMERGENCY SERVICES PERSONNEL”
22 and inserting “EMERGENCY SERVICES PER-
23 SONNEL”; and

3050

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
25 among those at risk for suicide.”;

3051

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 pe-
5 riod at the end and inserting “; and”; and

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

7 “(3) identify best practices, as applicable, to
8 improve the identification, assessment, treatment,
9 and timely transition, as appropriate, to additional
10 or follow-up care for individuals in emergency de-
11 partments who are at risk for suicide and enhance
12 the coordination of care for such individuals during
13 and after discharge, in support of activities under
14 subsection (a).”; and

15 (3) in subsection (d), by striking “\$30,000,000
16 for the period of fiscal years 2018 through 2022”
17 and inserting “\$30,000,000 for each of fiscal years
18 2023 through 2027”.

19 **SEC. 1123. TREATMENT OF SERIOUS MENTAL ILLNESS.**

20 (a) **ASSERTIVE COMMUNITY TREATMENT GRANT**
21 **PROGRAM.—**

22 (1) **TECHNICAL AMENDMENT.—**Section
23 520M(b) of the Public Health Service Act (42
24 U.S.C. 290bb–44(b)) is amended by striking “Indian

1 tribe or tribal organization” and inserting “Indian
2 Tribe or Tribal organization”.

3 (2) REPORT TO CONGRESS.—Section
4 520M(d)(1) of the Public Health Service Act (42
5 U.S.C. 290bb–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.—
15 Section 520M(e)(1) of the Public Health Service Act
16 (42 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
19 of fiscal years 2023 through 2027”.

20 (b) ASSISTED OUTPATIENT TREATMENT.—

21 (1) IN GENERAL.—Section 224 of the Pro-
22 tecting Access to Medicare Act of 2014 (Public Law
23 113–93; 42 U.S.C. 290aa note) is amended—

24 (A) in subsection (a), by striking “4-year
25 pilot”;

3053

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 congress-
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:

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
4 2023 through 2027.”.

5 (2) GAO REPORT.—Not later than 3 years
6 after the date of enactment of this Act, the Comp-
7 troller General of the United States shall submit to
8 the Committee on Health, Education, Labor, and
9 Pensions of the Senate and the Committee on En-
10 ergy and Commerce of the House of Representatives
11 a report examining the efficacy of assisted out-
12 patient treatment programs that received funding
13 under section 224 of the Protecting Access to Medi-
14 care Act of 2014 (Public Law 113– 93; 42 U.S.C.
15 290aa note) in improving health outcomes and treat-
16 ment adherence, reducing rates of incarceration, and
17 reducing rates of homelessness. Such report shall in-
18 clude—

19 (A) a comparison of health outcomes,
20 treatment compliance, program participant
21 feedback, reduced rates of incarceration, and
22 reduced rates of homelessness as compared to
23 other evidence- and community-based out-
24 patient treatment programs and services, in-

1 including information on geographic differences in
2 program efficacy, as applicable; and

3 (B) identification of best practices used, as
4 applicable, in the implementation of assisted
5 outpatient treatment programs to ensure pro-
6 gram participants are receiving treatment in
7 the least restrictive environment that is clini-
8 cally appropriate consistent with Federal and
9 State law, as applicable.

10 **SEC. 1124. STUDY ON THE COSTS OF SERIOUS MENTAL ILL-**
11 **NESS.**

12 (a) IN GENERAL.—The Secretary of Health and
13 Human Services, in consultation with the Assistant Sec-
14 retary for Mental Health and Substance Use, the Assist-
15 ant Secretary for Planning and Evaluation, the Attorney
16 General of the United States, the Secretary of Labor, and
17 the Secretary of Housing and Urban Development, shall
18 conduct a study on the direct and indirect costs of serious
19 mental illness with respect to—

20 (1) nongovernmental entities; and

21 (2) the Federal Government and State, local,
22 and Tribal governments.

23 (b) CONTENT.—The study under subsection (a) shall
24 consider each of the following:

3056

1 (1) The costs to the health care system for
2 health services, including with respect to—

3 (A) office-based physician visits;

4 (B) residential and inpatient treatment
5 programs;

6 (C) outpatient treatment programs;

7 (D) emergency department visits;

8 (E) crisis stabilization programs;

9 (F) home health care;

10 (G) skilled nursing and long-term care fa-
11 cilities;

12 (H) prescription drugs and digital thera-
13 peutics; and

14 (I) any other relevant health services.

15 (2) The costs of homelessness, including with
16 respect to—

17 (A) homeless shelters;

18 (B) street outreach activities;

19 (C) crisis response center visits; and

20 (D) other supportive services.

21 (3) The costs of structured residential facilities
22 and other supportive housing for residential and cus-
23 todial care services.

3057

1 (4) The costs of law enforcement encounters
2 and encounters with the criminal justice system, in-
3 cluding with respect to—

4 (A) encounters that do and do not result
5 in an arrest;

6 (B) criminal and judicial proceedings;

7 (C) services provided by law enforcement
8 and judicial staff (including public defenders,
9 prosecutors, and private attorneys); and

10 (D) incarceration.

11 (5) The costs of serious mental illness on em-
12 ployment.

13 (6) With respect to family members and care-
14 givers, the costs of caring for an individual with a
15 serious mental illness.

16 (7) Any other relevant costs for programs and
17 services administered by the Federal Government or
18 State, Tribal, or local governments.

19 (c) DATA DISAGGREGATION.—In conducting the
20 study under subsection (a), the Secretary of Health and
21 Human Services shall (to the extent feasible)—

22 (1) disaggregate data by—

23 (A) costs to nongovernmental entities, the
24 Federal Government, and State, local, and
25 Tribal governments;

3058

1 (B) types of serious mental illnesses and
2 medical chronic diseases common in patients
3 with a serious mental illness; and

4 (C) demographic characteristics, including
5 race, ethnicity, sex, age (including pediatric
6 subgroups), and other characteristics deter-
7 mined by the Secretary; and

8 (2) include an estimate of—

9 (A) the total number of individuals with a
10 serious mental illness in the United States, in-
11 cluding in traditional and nontraditional hous-
12 ing; and

13 (B) the percentage of such individuals in—

14 (i) homeless shelters;

15 (ii) penal facilities, including Federal
16 prisons, State prisons, and county and mu-
17 nicipal jails; and

18 (iii) nursing facilities.

19 (d) REPORT.—Not later than 2 years after the date
20 of the enactment of this Act, the Secretary of Health and
21 Human Services shall—

22 (1) submit to the Congress a report containing
23 the results of the study conducted under this sec-
24 tion; and

25 (2) make such report publicly available.

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
11 the Assistant Secretary, shall maintain, by competitive
12 grant or contract, a Center of Excellence for Eating Dis-
13 orders (referred to in this section as the ‘Center’) to im-
14 prove the identification of, interventions for, and treat-
15 ment of eating disorders in a manner that is develop-
16 mentally, culturally, and 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—

3060

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
5 intervention, and referral to treatment for
6 individuals experiencing, or at risk for, eat-
7 ing 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
14 provide training materials to, health care pro-
15 viders (including primary care and mental
16 health professionals) regarding the effective
17 treatment and ongoing support of individuals
18 with eating disorders, including children and
19 marginalized populations at disproportionate
20 risk for eating disorders;

21 “(C) collaborate and coordinate, as appro-
22 priate, with other centers of excellence, tech-
23 nical assistance centers, and psychiatric con-
24 sultation lines of the Substance Abuse and
25 Mental Health Services Administration and the

3061

1 Health Resources and Services Administration
2 regarding 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 train-
8 ing to primary care and mental health care pro-
9 viders; and

10 “(E) support other activities, as deter-
11 mined 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

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
6 carry out this section, there is authorized to be appro-
7 priated \$1,000,000 for each of fiscal years 2023 through
8 2027.”.

9 **CHAPTER 5—COMMUNITY MENTAL**
10 **HEALTH SERVICES BLOCK GRANT RE-**
11 **AUTHORIZATION**

12 **SEC. 1141. REAUTHORIZATION OF BLOCK GRANTS FOR**
13 **COMMUNITY MENTAL HEALTH SERVICES.**

14 (a) FUNDING.—Section 1920(a) of the Public Health
15 Service Act (42 U.S.C. 300x–9(a)) is amended by striking
16 “\$532,571,000 for each of fiscal years 2018 through
17 2022” and inserting “\$857,571,000 for each of fiscal
18 years 2023 through 2027”.

19 (b) SET-ASIDE FOR EVIDENCE-BASED CRISIS CARE
20 SERVICES.—Section 1920 of the Public Health Service
21 Act (42 U.S.C. 300x–9) is amended by adding at the end
22 the following:

23 “(d) CRISIS CARE.—

24 “(1) IN GENERAL.—Except as provided in para-
25 graph (3), a State shall expend at least 5 percent of

1 the amount the State receives pursuant to section
2 1911 for each fiscal year to support evidenced-based
3 programs that address the crisis care needs of indi-
4 viduals with serious mental illnesses and children
5 with serious emotional disturbances, which may in-
6 clude individuals (including children and adoles-
7 cents) experiencing mental health crises dem-
8 onstrating serious mental illness or serious emo-
9 tional disturbance, as applicable.

10 “(2) CORE ELEMENTS.—At the discretion of
11 the single State agency responsible for the adminis-
12 tration of the program of the State under a grant
13 under section 1911, funds expended pursuant to
14 paragraph (1) may be used to fund some or all of
15 the core crisis care service components, as applicable
16 and appropriate, including the following:

17 “(A) Crisis call centers.

18 “(B) 24/7 mobile crisis services.

19 “(C) Crisis stabilization programs offering
20 acute care or subacute care in a hospital or ap-
21 propriately licensed facility, as determined by
22 such State, with referrals to inpatient or out-
23 patient care.

24 “(3) STATE FLEXIBILITY.—In lieu of expending
25 5 percent of the amount the State receives pursuant

1 to section 1911 for a fiscal year to support evidence-
2 based programs as required by paragraph (1), a
3 State may elect to expend not less than 10 percent
4 of such amount to support such programs by the
5 end of two consecutive fiscal years.

6 “(4) RULE OF CONSTRUCTION.—Section
7 1912(b)(1)(A)(vi) shall not be construed as limiting
8 the provision of crisis care services pursuant to
9 paragraph (1).”.

10 (c) REPORT TO CONGRESS.—Not later than Sep-
11 tember 30, 2025, and biennially thereafter, the Secretary
12 shall provide a report to the Congress on the crisis care
13 strategies and programs pursued by States pursuant to
14 subsection (d) of section 1920 of the Public Health Service
15 Act (42 U.S.C. 300x–9), as added by subsection (b). Such
16 report shall include—

17 (1) a description of each State’s crisis care ac-
18 tivities;

19 (2) the population served, including information
20 on demographics, including age;

21 (3) the outcomes of such activities, including—

22 (A) how such activities reduced hospitaliza-
23 tions and hospital stays;

24 (B) how such activities reduced incidents
25 of suicidal ideation and behaviors; and

3065

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 Sec-
5 retary 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
12 following:

13 **“SEC. 520H. PEER-SUPPORTED MENTAL HEALTH SERVICES.**

14 “(a) GRANTS AUTHORIZED.—The Secretary, acting
15 through the Assistant Secretary for Mental Health and
16 Substance Use, shall award grants to eligible entities to
17 enable such entities to develop, expand, and enhance ac-
18 cess to mental 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-re-
23 lated capabilities, including by—

1 “(1) carrying out workforce development, re-
2 cruitment, and retention activities, to train, recruit,
3 and retain peer-support providers;

4 “(2) building connections between mental
5 health treatment programs, including between com-
6 munity organizations and peer-support networks, in-
7 cluding virtual peer-support networks, and with
8 other mental 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 serv-
17 ices; and

18 “(5) conducting research on issues relating to
19 mental illness and the impact peer-support has on
20 resiliency, 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 sup-
25 port individuals living with mental illness.

1 “(c) SPECIAL CONSIDERATION.—In carrying out this
2 section, the Secretary shall give special consideration to
3 the 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 out-
11 side of the mental health community, which
12 may include through peer-support networks, to
13 increase the prevalence and quality of long-term
14 wellness of individuals living with a mental
15 health condition, including those with a co-oc-
16 ccurring substance 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
21 is authorized to be appropriated to carry out this section
22 \$13,000,000 for each of fiscal years 2023 through 2027.”.

3068

1 **Subtitle B—Substance Use Dis-**
2 **order Prevention, Treatment,**
3 **and Recovery Services**

4 **CHAPTER 1—NATIVE BEHAVIORAL**
5 **HEALTH RESOURCES**

6 **SEC. 1201. BEHAVIORAL HEALTH AND SUBSTANCE USE DIS-**
7 **ORDER RESOURCES FOR NATIVE AMERI-**
8 **CANS.**

9 Section 506A of the Public Health Service Act (42
10 U.S.C. 290aa–5a) is amended to read as follows:

11 **“SEC. 506A. BEHAVIORAL HEALTH AND SUBSTANCE USE**
12 **DISORDER RESOURCES FOR NATIVE AMERI-**
13 **CANS.**

14 “(a) DEFINITIONS.—In this section:

15 “(1) The term ‘eligible entity’ means any health
16 program administered directly by the Indian Health
17 Service, a Tribal health program, an Indian Tribe,
18 a Tribal organization, an Urban Indian organization,
19 and a Native Hawaiian health organization.

20 “(2) The terms ‘Indian Tribe’, ‘Tribal health
21 program’, ‘Tribal organization’, and ‘Urban Indian
22 organization’ have the meanings given to the terms
23 ‘Indian tribe’, ‘Tribal health program’, ‘tribal orga-
24 nization’, and ‘Urban Indian organization’ in section
25 4 of the Indian Health Care Improvement Act.

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
4 is used in section 4(12)(A) of the Indian Health
5 Care Improvement Act.

6 “(4) The term ‘Native Hawaiian health organi-
7 zation’ means ‘Papa Ola Lokahi’ as defined in sec-
8 tion 12 of the Native Hawaiian Health Care Im-
9 provement 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,
23 using the process described in subsection (d), shall
24 develop a formula to determine the amount of an
25 award under paragraph (1).

1 “(3) DELIVERY OF FUNDS.—On request from
2 an Indian Tribe or Tribal organization, the Sec-
3 retary, acting through the Assistant Secretary for
4 Mental Health and Substance Use and in coordina-
5 tion with the Director of the Indian Health Service,
6 may award funds under this section through a con-
7 tract or compact under, as applicable, title I or V of
8 the Indian Self-Determination and Education Assist-
9 ance Act.

10 “(c) TECHNICAL ASSISTANCE AND PROGRAM EVAL-
11 UATION.—

12 “(1) IN GENERAL.—The Secretary shall—

13 “(A) provide technical assistance to appli-
14 cants and awardees under this section; and

15 “(B) in consultation with Indian Tribes
16 and Tribal organizations, conference with
17 Urban Indian organizations, and engagement
18 with a Native Hawaiian health organization,
19 identify and establish appropriate mechanisms
20 for Indian Tribes and Tribal organizations,
21 Urban Indian organizations, and a Native Ha-
22 waiian health organization to demonstrate out-
23 comes and report data as required for participa-
24 tion in the program under this section.

1 “(2) DATA SUBMISSION AND REPORTING.—As a
2 condition of receipt of funds under this section, an
3 applicant shall agree to submit program evaluation
4 data and reports consistent with the data submission
5 and reporting requirements developed under this
6 subsection.

7 “(d) CONSULTATION.—The Secretary shall, using an
8 accountable process, consult with Indian Tribes and Tribal
9 organizations, confer with Urban Indian organizations,
10 and engage with a Native Hawaiian health organization
11 regarding the development of funding allocations pursuant
12 to subsection (b)(2) and program evaluation and reporting
13 requirements pursuant to subsection (c). In establishing
14 such requirements, the Secretary shall seek to minimize
15 administrative burden for eligible entities, as practicable.

16 “(e) APPLICATION.—An entity desiring an award
17 under subsection (b) shall submit an application to the
18 Secretary at such time, in such manner, and accompanied
19 by such information as the Secretary may reasonably re-
20 quire.

21 “(f) REPORT.—Not later than 3 years after the date
22 of the enactment of the Restoring Hope for Mental Health
23 and Well-Being Act of 2022, the Secretary shall prepare
24 and submit, to the Committee on Health, Education,
25 Labor, and Pensions of the Senate, and the Committee

3072

1 on Energy and Commerce of the House of Representa-
2 tives, a report describing the services provided pursuant
3 to this section.

4 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to carry out this section,
6 \$80,000,000 for each of fiscal years 2023 through 2027.”.

7 **CHAPTER 2—SUMMER BARROW PREVEN-**
8 **TION, TREATMENT, AND RECOVERY**

9 **SEC. 1211. GRANTS FOR THE BENEFIT OF HOMELESS INDI-**
10 **VIDUALS.**

11 Section 506(e) of the Public Health Service Act (42
12 U.S.C. 290aa–5(e)) is amended by striking “2018 through
13 2022” and inserting “2023 through 2027”.

14 **SEC. 1212. PRIORITY SUBSTANCE USE DISORDER TREAT-**
15 **MENT NEEDS OF REGIONAL AND NATIONAL**
16 **SIGNIFICANCE.**

17 Section 509 of the Public Health Service Act (42
18 U.S.C. 290bb–2) is amended—

19 (1) in the section heading, by striking
20 “**ABUSE**” and inserting “**USE DISORDER**”;

21 (2) in subsection (a)—

22 (A) by striking “tribes and tribal organiza-
23 tions (as the terms ‘Indian tribes’ and ‘tribal
24 organizations’ are defined” and inserting

3073

1 “Tribes and Tribal organizations (as such
2 terms are defined”); and

3 (B) in paragraph (3), by striking “in sub-
4 stance abuse” and inserting “in substance use
5 disorders”;

6 (3) in subsection (b), in the subsection heading,
7 by striking “ABUSE” and inserting “USE DIS-
8 ORDER”;

9 (4) in subsection (f), by striking “\$333,806,000
10 for each of fiscal years 2018 through 2022” and in-
11 serting “\$521,517,000 for each of fiscal years 2023
12 through 2027”.

13 **SEC. 1213. EVIDENCE-BASED PRESCRIPTION OPIOID AND**
14 **HEROIN TREATMENT AND INTERVENTIONS**
15 **DEMONSTRATION.**

16 Section 514B of the Public Health Service Act (42
17 U.S.C. 290bb–10) is amended—

18 (1) in subsection (a)(1)—

19 (A) by striking “substance abuse” and in-
20 serting “substance use disorder”;

21 (B) by striking “tribes and tribal organiza-
22 tions” and inserting “Tribes and Tribal organi-
23 zations”; and

24 (C) by striking “addiction” and inserting
25 “substance use disorders”;

3074

1 (2) in subsection (e)(3), by striking “tribes and
2 tribal organizations” and inserting “Tribes and
3 Tribal 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”.

3075

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’
9 means the brewers, vintners, distillers, importers,
10 distributors, and retail or online outlets that sell or
11 serve 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 orga-
15 nizations in any grade of school, kindergarten
16 through 12th grade.

17 “(3) The term ‘youth’ means persons under the
18 age of 21.”; and

19 (2) by striking subsections (e) 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.—

3076

1 “(A) IN GENERAL.—The Secretary, in col-
2 laboration with the Federal officials specified in
3 subparagraph (B), shall continue to support
4 and enhance the efforts of the interagency co-
5 ordinating committee, that began operating in
6 2004, focusing on underage drinking (referred
7 to in 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 Sur-
13 geon General, the Director of the Centers for
14 Disease Control and Prevention, the Director of
15 the National Institute on Alcohol Abuse and Al-
16 coholism, the Assistant Secretary for Mental
17 Health and Substance Use, the Director of the
18 National Institute on Drug Abuse, the Assist-
19 ant Secretary for Children and Families, the
20 Director of the Office of National Drug Control
21 Policy, the Administrator of the National High-
22 way Traffic Safety Administration, the Admin-
23 istrator of the Office of Juvenile Justice and
24 Delinquency Prevention, the Chairman of the
25 Federal Trade Commission, and such other

3077

1 Federal officials as the Secretary of Health and
2 Human Services determines to be appropriate.

3 “(C) CHAIR.—The Secretary of Health
4 and Human Services shall serve as the chair of
5 the Committee.

6 “(D) DUTIES.—The Committee shall guide
7 policy and program development across the
8 Federal Government with respect to underage
9 drinking, provided, however, that nothing in
10 this section shall be construed as transferring
11 regulatory or program authority from an agen-
12 cy to the 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
18 industry trade associations and companies.

19 “(F) ANNUAL REPORT.—

20 “(i) IN GENERAL.—The Secretary, on
21 behalf of the Committee, shall annually
22 submit to the Congress a report that sum-
23 marizes—

24 “(I) all programs and policies of
25 Federal agencies designed to prevent

3078

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
6 preventing and reducing underage
7 drinking 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
15 report under clause (i) shall include infor-
16 mation on the following:

17 “(I) Patterns and consequences
18 of underage drinking as reported in
19 research and surveys such as, but not
20 limited to, Monitoring the Future,
21 Youth Risk Behavior Surveillance
22 System, the National Survey on Drug
23 Use and Health, and the Fatality
24 Analysis Reporting System.

3079

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
6 of underage populations to messages
7 regarding 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
12 and prevalence of underage drinking,
13 consumption patterns and beverage
14 preferences, trends related to drinking
15 among different age groups, including
16 between youth and adults, the means
17 of underage access, including trends
18 over time, for these surveillance data,
19 and other data, as appropriate. The
20 Secretary shall develop a plan to im-
21 prove the collection, measurement,
22 and consistency of reporting Federal
23 underage alcohol data.

3080

1 “(V) Any additional findings re-
2 sulting from research conducted or
3 supported 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
8 services.

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
17 a report on each State’s performance in enact-
18 ing, enforcing, and creating laws, regulations,
19 programs, and other actions to prevent or re-
20 duce underage drinking based on the best prac-
21 tices identified pursuant to paragraph
22 (1)(F)(ii)(VI). For purposes of this paragraph,
23 each such report, with respect to a year, shall
24 be referred to as the ‘State Report’. Each State
25 Report may be used as a resource to inform the

1 identification and implementation of activities
2 to prevent underage drinking, as determined to
3 be appropriate by such State or other applicable
4 entity.

5 “(B) CONTENTS.—

6 “(i) PERFORMANCE MEASURES.—The
7 Secretary shall develop, in consultation
8 with the Committee, a set of measures to
9 be used in preparing the State Report on
10 best practices, including as they relate to
11 State laws, regulations, other actions, and
12 enforcement practices.

13 “(ii) STATE REPORT CONTENT.—The
14 State Report shall include updates on
15 State laws, regulations, and other actions,
16 including those described in previous re-
17 ports to Congress, including with respect
18 to the following:

19 “(I) Whether or not the State
20 has comprehensive anti-underage
21 drinking laws such as for the illegal
22 sale, purchase, attempt to purchase,
23 consumption, or possession of alcohol;
24 illegal use of fraudulent ID; illegal
25 furnishing or obtaining of alcohol for

3082

1 an individual under 21 years; the de-
2 gree of strictness of the penalties for
3 such offenses; and the prevalence of
4 the enforcement of each of these in-
5 fractions.

6 “(II) Whether or not the State
7 has comprehensive liability statutes
8 pertaining to underage access to alco-
9 hol such as dram shop, social host,
10 and house party laws, and the preva-
11 lence of enforcement of each of these
12 laws.

13 “(III) Whether or not the State
14 encourages and conducts comprehen-
15 sive enforcement efforts to prevent
16 underage access to alcohol at retail
17 outlets, such as random compliance
18 checks and shoulder tap programs,
19 and the number of compliance checks
20 within alcohol retail outlets measured
21 against the number of total alcohol re-
22 tail outlets in each State, and the re-
23 sult of such checks.

24 “(IV) Whether or not the State
25 encourages training on the proper

3083

1 selling and serving of alcohol for all
2 sellers and servers of alcohol as a con-
3 dition of employment.

4 “(V) Whether or not the State
5 has policies and regulations with re-
6 gard to direct sales to consumers and
7 home delivery of alcoholic beverages.

8 “(VI) Whether or not the State
9 has programs or laws to deter adults
10 from purchasing alcohol for minors;
11 and the number of adults targeted by
12 these programs.

13 “(VII) Whether or not the State
14 has enacted graduated drivers licenses
15 and the extent of those provisions.

16 “(VIII) Whether or not the State
17 has adopted any other policies con-
18 sistent with evidence-based practices
19 related to the prevention of underage
20 alcohol use, which may include any
21 such practices described in relevant
22 reports issued by the Surgeon General
23 and practices related to youth expo-
24 sure to alcohol-related products and
25 information.

3084

1 “(IX) A description of the degree
2 to which the practices of local juris-
3 dictions within the State vary from
4 one another.

5 “(3) AUTHORIZATION OF APPROPRIATIONS.—
6 There is authorized to be appropriated to carry out
7 this subsection \$1,000,000 for each of fiscal years
8 2023 through 2027.

9 “(d) NATIONAL MEDIA CAMPAIGN TO PREVENT UN-
10 DERAGE DRINKING.—

11 “(1) IN GENERAL.—The Secretary, in consulta-
12 tion with the National Highway Traffic Safety Ad-
13 ministration, shall develop or continue an intensive,
14 multifaceted national media campaign aimed at
15 adults to reduce underage drinking.

16 “(2) PURPOSE.—The purpose of the national
17 media campaign described in this section shall be to
18 achieve the following objectives:

19 “(A) Promote community awareness of,
20 and a commitment to, reducing underage drink-
21 ing.

22 “(B) Encourage activities, including activi-
23 ties carried out by adults, that inhibit the illegal
24 use of alcohol by youth.

1 “(C) Discourage activities, including activi-
2 ties carried out by adults, that promote the ille-
3 gal use of alcohol by youth.

4 “(3) COMPONENTS.—When implementing the
5 national media campaign described in this section,
6 the Secretary shall—

7 “(A) educate the public about the public
8 health and safety benefits of evidence-based
9 strategies to reduce underage drinking, includ-
10 ing existing laws related to the minimum legal
11 drinking age, and engage the public and par-
12 ents in the implementation of such strategies;

13 “(B) educate the public about the negative
14 consequences of underage drinking;

15 “(C) identify specific actions by adults to
16 discourage or inhibit underage drinking;

17 “(D) discourage adult conduct that tends
18 to facilitate underage drinking;

19 “(E) establish collaborative relationships
20 with local and national organizations and insti-
21 tutions to further the goals of the campaign
22 and assure that the messages of the campaign
23 are disseminated from a variety of sources;

24 “(F) conduct the campaign through multi-
25 media sources; and

1 “(G) take into consideration demographics
2 and other relevant factors to most effectively
3 reach target audiences.

4 “(4) CONSULTATION REQUIREMENT.—In devel-
5 oping and implementing the national media cam-
6 paign described in this section, the Secretary shall
7 review recommendations for reducing underage
8 drinking, including those published by the National
9 Academies of Sciences, Engineering, and Medicine
10 and the Surgeon General. The Secretary shall also
11 consult with interested parties including the alcohol
12 beverage industry, medical, public health, and con-
13 sumer and parent groups, law enforcement, institu-
14 tions of higher education, community-based organi-
15 zations and coalitions, and other relevant stake-
16 holders.

17 “(5) ANNUAL REPORT.—The Secretary shall
18 produce an annual report on the progress of the de-
19 velopment or implementation of the media campaign
20 described in this subsection, including expenses and
21 projected costs, and, as such information is avail-
22 able, report on the effectiveness of such campaign in
23 affecting adult attitudes toward underage drinking
24 and adult willingness to take actions to decrease un-
25 derage drinking.

1 “(6) RESEARCH ON YOUTH-ORIENTED CAM-
2 PAIGN.—The Secretary may, based on the avail-
3 ability of funds, conduct or support research on the
4 potential success of a youth-oriented national media
5 campaign to reduce underage drinking. The Sec-
6 retary shall report to Congress any such results and
7 any related recommendations.

8 “(7) ADMINISTRATION.—The Secretary may
9 enter into an agreement with another Federal agen-
10 cy to delegate the authority for execution and ad-
11 ministration of the adult-oriented national media
12 campaign.

13 “(8) AUTHORIZATION OF APPROPRIATIONS.—
14 There is authorized to be appropriated to carry out
15 this section \$2,500,000 for each of fiscal years 2023
16 through 2027.

17 “(e) COMMUNITY-BASED COALITION ENHANCEMENT
18 GRANTS TO PREVENT UNDERAGE DRINKING.—

19 “(1) AUTHORIZATION OF PROGRAM.—The As-
20 sistant Secretary for Mental Health and Substance
21 Use, in consultation with the Director of the Office
22 of National Drug Control Policy, shall award en-
23 hancement grants to eligible entities to design, im-
24 plement, evaluate, and disseminate comprehensive
25 strategies to maximize the effectiveness of commu-

1 nity-wide approaches to preventing and reducing un-
2 derage drinking. This subsection is subject to the
3 availability of appropriations.

4 “(2) PURPOSES.—The purposes of this sub-
5 section are to—

6 “(A) prevent and reduce alcohol use among
7 youth in communities throughout the United
8 States;

9 “(B) strengthen collaboration among com-
10 munities, the Federal Government, Tribal Gov-
11 ernments, and State and local governments;

12 “(C) enhance intergovernmental coopera-
13 tion and coordination on the issue of alcohol
14 use among youth;

15 “(D) serve as a catalyst for increased cit-
16 izen participation and greater collaboration
17 among all sectors and organizations of a com-
18 munity that first demonstrates a long-term
19 commitment to reducing alcohol use among
20 youth;

21 “(E) implement evidence-based strategies
22 to prevent and reduce underage drinking in
23 communities; and

1 “(F) enhance, not supplant, effective local
2 community initiatives for preventing and reduc-
3 ing alcohol use among youth.

4 “(3) APPLICATION.—An eligible entity desiring
5 an enhancement grant under this subsection shall
6 submit an application to the Assistant Secretary at
7 such time, and in such manner, and accompanied by
8 such information and assurances, as the Assistant
9 Secretary may require. Each application shall in-
10 clude—

11 “(A) a complete description of the entity’s
12 current underage alcohol use prevention initia-
13 tives and how the grant will appropriately en-
14 hance the focus on underage drinking issues; or

15 “(B) a complete description of the entity’s
16 current initiatives, and how it will use the grant
17 to enhance those initiatives by adding a focus
18 on underage drinking prevention.

19 “(4) USES OF FUNDS.—Each eligible entity
20 that receives a grant under this subsection shall use
21 the grant funds to carry out the activities described
22 in such entity’s application submitted pursuant to
23 paragraph (3) and obtain specialized training and
24 technical assistance by the entity funded under sec-
25 tion 4 of Public Law 107–82, as amended (21

3090

1 U.S.C. 1521 note). Grants under this subsection
2 shall not exceed \$60,000 per year and may not ex-
3 ceed four years.

4 “(5) SUPPLEMENT NOT SUPPLANT.—Grant
5 funds provided under this subsection shall be used to
6 supplement, not supplant, Federal and non-Federal
7 funds available for carrying out the activities de-
8 scribed in this subsection.

9 “(6) EVALUATION.—Grants under this sub-
10 section shall be subject to the same evaluation re-
11 quirements and procedures as the evaluation re-
12 quirements and procedures imposed on recipients of
13 drug-free community grants.

14 “(7) DEFINITIONS.—For purposes of this sub-
15 section, the term ‘eligible entity’ means an organiza-
16 tion that is currently receiving or has received grant
17 funds under the Drug-Free Communities Act of
18 1997.

19 “(8) ADMINISTRATIVE EXPENSES.—Not more
20 than 6 percent of a grant under this subsection may
21 be expended for administrative expenses.

22 “(9) AUTHORIZATION OF APPROPRIATIONS.—
23 There is authorized to be appropriated to carry out
24 this subsection \$11,500,000 for each of fiscal years
25 2023 through 2027.

3091

1 “(f) GRANTS TO ORGANIZATIONS REPRESENTING
2 PEDIATRIC PROVIDERS AND OTHER RELATED HEALTH
3 PROFESSIONALS TO REDUCE UNDERAGE DRINKING
4 THROUGH SCREENING AND BRIEF INTERVENTIONS.—

5 “(1) IN GENERAL.—The Secretary, acting
6 through the Assistant Secretary for Mental Health
7 and Substance Use, shall make awards to one or
8 more entities representing pediatric providers and
9 other related health professionals with demonstrated
10 ability to increase among the members of such enti-
11 ties effective practices to reduce the prevalence of al-
12 cohol use among individuals under the age of 21, in-
13 cluding college students.

14 “(2) PURPOSES.—Grants under this subsection
15 shall be made to improve—

16 “(A) screening adolescents for alcohol use;

17 “(B) offering brief interventions to adoles-
18 cents to discourage such use;

19 “(C) educating parents about the dangers
20 of and methods of discouraging such use;

21 “(D) diagnosing and treating alcohol use
22 disorders; and

23 “(E) referring patients, when necessary, to
24 other appropriate care.

1 “(3) USE OF FUNDS.—An entity receiving a
2 grant under this section may use the grant funding
3 to promote the practices specified in paragraph (2)
4 among its members by—

5 “(A) providing training to health care pro-
6 viders;

7 “(B) disseminating best practices, includ-
8 ing culturally and linguistically appropriate best
9 practices, and developing and distributing mate-
10 rials; and

11 “(C) supporting other activities as deter-
12 mined appropriate by the Assistant Secretary.

13 “(4) APPLICATION.—To be eligible to receive a
14 grant under this subsection, an entity shall submit
15 an application to the Assistant Secretary at such
16 time, and in such manner, and accompanied by such
17 information and assurances as the Secretary may re-
18 quire. Each application shall include—

19 “(A) a description of the entity;

20 “(B) a description of the activities to be
21 completed that will promote the practices speci-
22 fied in paragraph (2);

23 “(C) a description of the entity’s qualifica-
24 tions for performing such activities; and

1 “(D) a timeline for the completion of such
2 activities.

3 “(5) DEFINITIONS.—For the purpose of this
4 subsection:

5 “(A) BRIEF INTERVENTION.—The term
6 ‘brief intervention’ means, after screening a pa-
7 tient, providing the patient with brief advice
8 and other brief motivational enhancement tech-
9 niques designed to increase the insight of the
10 patient regarding the patient’s alcohol use, and
11 any realized or potential consequences of such
12 use to effect the desired related behavioral
13 change.

14 “(B) SCREENING.—The term ‘screening’
15 means using validated patient interview tech-
16 niques to identify and assess the existence and
17 extent of alcohol use in a patient.

18 “(6) AUTHORIZATION OF APPROPRIATIONS.—
19 There is authorized to be appropriated to carry out
20 this subsection \$3,000,000 for each of fiscal years
21 2023 through 2027.

22 “(g) DATA COLLECTION AND RESEARCH.—

23 “(1) ADDITIONAL RESEARCH ON UNDERAGE
24 DRINKING.—

3094

1 “(A) IN GENERAL.—The Secretary shall,
2 subject to the availability of appropriations,
3 support the collection of data, and conduct or
4 support research that is not duplicative of re-
5 search currently being conducted or supported
6 by the Department of Health and Human Serv-
7 ices, on underage drinking, with respect to the
8 following:

9 “(i) The evaluation, which may in-
10 clude through the development of relevant
11 capabilities of expertise within a State, of
12 the effectiveness of comprehensive commu-
13 nity-based programs or strategies and
14 statewide systems to prevent and reduce
15 underage drinking, across the underage
16 years from early childhood to age 21, such
17 as programs funded and implemented by
18 governmental entities, public health inter-
19 est groups and foundations, and alcohol
20 beverage companies and trade associations.

21 “(ii) Obtaining and reporting more
22 precise information than is currently col-
23 lected on the scope of the underage drink-
24 ing problem and patterns of underage alco-
25 hol consumption, including improved

3095

1 knowledge about the problem and progress
2 in preventing, reducing, and treating un-
3 derage drinking, as well as information on
4 the rate of exposure of youth to advertising
5 and other media messages encouraging and
6 discouraging alcohol consumption.

7 “(iii) The development and identifica-
8 tion of evidence-based or evidence-informed
9 strategies to reduce underage drinking,
10 which may include through translational
11 research.

12 “(iv) Improving and conducting public
13 health data collection on alcohol use and
14 alcohol-related conditions in States, which
15 may include by increasing the use of sur-
16 veys, such as the Behavioral Risk Factor
17 Surveillance System, to monitor binge and
18 excessive drinking and related harms
19 among individuals who are at least 18
20 years of age, but not more than 20 years
21 of age, including harm caused to self or
22 others as a result of alcohol use that is not
23 duplicative of research currently being con-
24 ducted or supported by the Department of
25 Health and Human Services.

3096

1 “(B) AUTHORIZATION OF APPROPRIA-
2 TIONS.—There is authorized to be appropriated
3 to carry out this paragraph \$5,000,000 for each
4 of fiscal years 2023 through 2027.

5 “(2) NATIONAL ACADEMIES OF SCIENCES, EN-
6 GINEERING, AND MEDICINE STUDY.—

7 “(A) IN GENERAL.—Not later than 12
8 months after the date of enactment of the Re-
9 storing Hope for Mental Health and Well-Being
10 Act of 2022, the Secretary shall—

11 “(i) contract with the National Acad-
12 emies of Sciences, Engineering, and Medi-
13 cine to study developments in research on
14 underage drinking and the implications of
15 these developments; and

16 “(ii) report to the Congress on the re-
17 sults of such review.

18 “(B) AUTHORIZATION OF APPROPRIA-
19 TIONS.—There is authorized to be appropriated
20 to carry out this paragraph \$500,000 for fiscal
21 year 2023.”.

22 **SEC. 1216. GRANTS FOR JAIL DIVERSION PROGRAMS.**

23 Section 520G of the Public Health Service Act (42
24 U.S.C. 290bb–38) is amended—

25 (1) in subsection (a)—

3097

1 (A) by striking “up to 125”; and

2 (B) by striking “tribes and tribal organiza-
3 tions” and inserting “Tribes and Tribal organi-
4 zations”;

5 (2) in subsection (b)(2), by striking “tribes, and
6 tribal organizations” and inserting “Tribes, and
7 Tribal organizations”;

8 (3) in subsection (c)—

9 (A) in paragraph (1), by striking “Indian
10 tribe or tribal organization” and inserting “an
11 Indian Tribe or Tribal organization, a health
12 facility or program described in subsection (a),
13 or a public or nonprofit entity referred to in
14 subsection (a)”;

15 (B) in paragraph (2)(A)—

16 (i) in clause (i), by inserting “peer re-
17 covery support services,” after “disorder
18 treatment,”; and

19 (ii) in clause (iii), by striking “tribe,
20 or tribal organization” and inserting
21 “Tribe, or Tribal organization”;

22 (4) in subsection (e)—

23 (A) in the matter preceding paragraph (1),
24 by striking “tribe, or tribal organization” and
25 inserting “Tribe, or Tribal organization”;

1 (B) in paragraph (3), by inserting “and
2 paraprofessionals” after “professionals”; and

3 (C) in paragraph (5), by striking “or ar-
4 rest” and inserting “, arrest, or release”;

5 (5) in subsection (f), by striking “tribe, or trib-
6 al organization” each place it appears and inserting
7 “Tribe, or Tribal organization”;

8 (6) in subsection (h), by striking “tribe, or trib-
9 al organization” and inserting “Tribe, or Tribal or-
10 ganization”; and

11 (7) in subsection (j), by striking “\$4,269,000
12 for each of fiscal years 2018 through 2022” and in-
13 serting “\$14,000,000 for each of fiscal years 2023
14 through 2027”.

15 **SEC. 1217. FORMULA GRANTS TO STATES.**

16 Section 521 of the Public Health Service Act (42
17 U.S.C. 290cc–21) is amended by striking “2018 through
18 2022” and inserting “2023 through 2027”.

19 **SEC. 1218. PROJECTS FOR ASSISTANCE IN TRANSITION**
20 **FROM HOMELESSNESS.**

21 Section 535(a) of the Public Health Service Act (42
22 U.S.C. 290cc–35(a)) is amended by striking “2018
23 through 2022” and inserting “2023 through 2027”.

24 **SEC. 1219. GRANTS FOR REDUCING OVERDOSE DEATHS.**

25 (a) GRANTS.—

1 (1) REPEAL OF MAXIMUM GRANT AMOUNT.—
2 Paragraph (2) of section 544(a) of the Public
3 Health Service Act (42 U.S.C. 290dd–3(a)) is here-
4 by repealed.

5 (2) ELIGIBLE ENTITY; SUBGRANTS.—Section
6 544(a) of the Public Health Service Act (42 U.S.C.
7 290dd–3(a)) is amended by striking paragraph (3)
8 and inserting the following:

9 “(2) ELIGIBLE ENTITY.—For purposes of this
10 section, the term ‘eligible entity’ means a State, Ter-
11 ritory, locality, or Indian Tribe or Tribal organiza-
12 tion (as those terms are defined in section 4 of the
13 Indian Self-Determination and Education Assistance
14 Act).

15 “(3) SUBGRANTS.—For the purposes for which
16 a grant is awarded under this section, the eligible
17 entity receiving the grant may award subgrants to a
18 Federally qualified health center (as defined in sec-
19 tion 1861(aa) of the Social Security Act), an opioid
20 treatment program (as defined in section 8.2 of title
21 42, Code of Federal Regulations (or any successor
22 regulations)), any practitioner dispensing narcotic
23 drugs pursuant to section 303(g) of the Controlled
24 Substances Act, or any nonprofit organization that
25 the Secretary deems appropriate, which may include

1 Urban Indian organizations (as defined in section 4
2 of the Indian Health Care Improvement Act).”.

3 (3) PRESCRIBING.—Section 544(a)(4) of the
4 Public Health Service Act (42 U.S.C. 290dd–
5 3(a)(4)) is amended—

6 (A) in subparagraph (A), by inserting “,
7 including patients prescribed both an opioid and
8 a benzodiazepine” before the semicolon at the
9 end; and

10 (B) in subparagraph (D), by striking
11 “drug overdose” and inserting “overdose”.

12 (4) USE OF FUNDS.—Paragraph (5) of section
13 544(c) of the Public Health Service Act (42 U.S.C.
14 290dd–3(c)) is amended to read as follows:

15 “(5) To establish protocols to connect patients
16 who have experienced an overdose with appropriate
17 treatment, including overdose reversal medications,
18 medication assisted treatment, and appropriate
19 counseling and behavioral therapies.”.

20 (5) IMPROVING ACCESS TO OVERDOSE TREAT-
21 MENT.—Section 544 of the Public Health Service
22 Act (42 U.S.C. 290dd–3) is amended—

23 (A) by redesignating subsections (d)
24 through (f) as subsections (e) through (g), re-
25 spectively;

3101

1 (B) in subsection (f), as so redesignated,
2 by striking “subsection (d)” and inserting “sub-
3 section (e)”;

4 (C) by inserting after subsection (c) the
5 following:

6 “(d) IMPROVING ACCESS TO OVERDOSE TREAT-
7 MENT.—

8 “(1) INFORMATION ON BEST PRACTICES.—

9 “(A) HEALTH AND HUMAN SERVICES.—

10 The Secretary of Health and Human Services
11 may provide information to States, localities,
12 Indian Tribes, Tribal organizations, and Urban
13 Indian organizations on best practices for pre-
14 scribing or co-prescribing a drug or device ap-
15 proved, cleared, or otherwise legally marketed
16 under the Federal Food, Drug, and Cosmetic
17 Act for emergency treatment of known or sus-
18 pected opioid overdose, including for patients
19 receiving chronic opioid therapy and patients
20 being treated for opioid use disorders.

21 “(B) DEFENSE.—The Secretary of Health
22 and Human Services may, as appropriate, con-
23 sult with the Secretary of Defense regarding
24 the provision of information to prescribers with-
25 in Department of Defense medical facilities on

1 best practices for prescribing or co-prescribing
2 a drug or device approved, cleared, or otherwise
3 legally marketed under the Federal Food, Drug,
4 and Cosmetic Act for emergency treatment of
5 known or suspected opioid overdose, including
6 for patients receiving chronic opioid therapy
7 and patients being treated for opioid use dis-
8 orders.

9 “(C) VETERANS AFFAIRS.—The Secretary
10 of Health and Human Services may, as appro-
11 priate, consult with the Secretary of Veterans
12 Affairs regarding the provision of information
13 to prescribers within Department of Veterans
14 Affairs medical facilities on best practices for
15 prescribing or co-prescribing a drug or device
16 approved, cleared, or otherwise legally marketed
17 under the Federal Food, Drug, and Cosmetic
18 Act for emergency treatment of known or sus-
19 pected opioid overdose, including for patients
20 receiving chronic opioid therapy and patients
21 being treated for opioid use disorders.

22 “(2) RULE OF CONSTRUCTION.—Nothing in
23 this subsection shall be construed as establishing or
24 contributing to a medical standard of care.”.

1 (6) AUTHORIZATION OF APPROPRIATIONS.—
2 Section 544(g) of the Public Health Service Act (42
3 U.S.C. 290dd–3(g)), as redesignated, is amended by
4 striking “fiscal years 2017 through 2021” and in-
5 serting “fiscal years 2023 through 2027”.

6 (7) TECHNICAL AMENDMENTS.—

7 (A) Section 544 of the Public Health Serv-
8 ice Act (42 U.S.C. 290dd–3), as amended, is
9 further amended by striking “approved or
10 cleared” each place it appears and inserting
11 “approved, cleared, or otherwise legally mar-
12 keted”.

13 (B) Section 107 of the Comprehensive Ad-
14 diction and Recovery Act of 2016 (Public Law
15 114–198) is amended by striking subsection
16 (b).

17 **SEC. 1220. OPIOID OVERDOSE REVERSAL MEDICATION AC-**
18 **CESS AND EDUCATION GRANT PROGRAMS.**

19 (a) GRANTS.—Section 545 of the Public Health Serv-
20 ice Act (42 U.S.C. 290ee) is amended—

21 (1) in the section heading, by striking “**AC-**
22 **CESS AND EDUCATION GRANT PROGRAMS**” and
23 inserting “**ACCESS, EDUCATION, AND CO-PRE-**
24 **SCRIBING GRANT PROGRAMS**”;

1 (2) in the heading of subsection (a), by striking
2 “GRANTS TO STATES” and inserting “GRANTS”;

3 (3) in subsection (a), by striking “shall make
4 grants to States” and inserting “shall make grants
5 to States, localities, Indian Tribes, and Tribal orga-
6 nizations (as those terms are defined in section 4 of
7 the Indian Self-Determination and Education Assist-
8 ance Act)”;

9 (4) in subsection (a)(1), by striking “implement
10 strategies for pharmacists to dispense a drug or de-
11 vice” and inserting “implement strategies that in-
12 crease access to drugs or devices”;

13 (5) by redesignating paragraphs (3) and (4) as
14 paragraphs (4) and (5), respectively; and

15 (6) by inserting after paragraph (2) the fol-
16 lowing:

17 “(3) encourage health care providers to co-pre-
18 scribe, as appropriate, drugs or devices approved,
19 cleared, or otherwise legally marketed under the
20 Federal Food, Drug, and Cosmetic Act for emer-
21 gency treatment of known or suspected opioid over-
22 dose;”.

23 (b) GRANT PERIOD.—Section 545(d)(2) of the Public
24 Health Service Act (42 U.S.C. 290ee(d)(2)) is amended
25 by striking “3 years” and inserting “5 years”.

1 (c) LIMITATION.—Paragraph (3) of section 545(d) of
2 the Public Health Service Act (42 U.S.C. 290ee(d)) is
3 amended to read as follows:

4 “(3) LIMITATIONS.—A State may—

5 “(A) use not more than 10 percent of a
6 grant under this section for educating the pub-
7 lic pursuant to subsection (a)(5); and

8 “(B) use not less than 20 percent of a
9 grant under this section to offset cost-sharing
10 for distribution and dispensing of drugs or de-
11 vices approved, cleared, or otherwise legally
12 marketed under the Federal Food, Drug, and
13 Cosmetic Act for emergency treatment of
14 known or suspected opioid overdose.”.

15 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
16 545(h)(1) of the Public Health Service Act, is amended
17 by striking “fiscal years 2017 through 2019” and insert-
18 ing “fiscal years 2023 through 2027”.

19 (e) TECHNICAL AMENDMENT.—Section 545 of the
20 Public Health Service Act (42 U.S.C. 290ee), as amended,
21 is further amended by striking “approved or cleared” each
22 place it appears and inserting “approved, cleared, or oth-
23 erwise legally marketed”.

1 **SEC. 1221. EMERGENCY DEPARTMENT ALTERNATIVES TO**
2 **OPIOIDS.**

3 Section 7091 of the SUPPORT for Patients and
4 Communities Act (Public Law 115–271) is amended—

5 (1) in the section heading, by striking “**DEM-**
6 **ONSTRATION**” (and by conforming the item relat-
7 ing to such section in the table of contents in section
8 1(b));

9 (2) in subsection (a)—

10 (A) by amending the subsection heading to
11 read as follows: “GRANT PROGRAM”; and

12 (B) in paragraph (1), by striking “dem-
13 onstration”;

14 (3) in subsection (b), in the subsection heading,
15 by striking “DEMONSTRATION”;

16 (4) in subsection (d)(4), by striking “tribal”
17 and inserting “Tribal”;

18 (5) in subsection (f)—

19 (A) in the heading, by striking “REPORT”
20 and inserting “REPORTS”; and

21 (B) in the matter preceding paragraph (1),
22 by striking “Not later than 1 year after comple-
23 tion of the demonstration program under this
24 section, the Secretary shall submit a report to
25 the Congress on the results of the demonstra-
26 tion program” and inserting “Not later than

1 the end of each of fiscal years 2024 and 2027,
2 the Secretary shall submit to the Committee on
3 Health, Education, Labor, and Pensions of the
4 Senate and the Committee on Energy and Com-
5 merce of the House of Representatives a report
6 on the results of the program”; and

7 (6) in subsection (g), by striking “2019 through
8 2021” and inserting “2023 through 2027”.

9 **CHAPTER 3—EXCELLENCE IN RECOVERY**
10 **HOUSING**

11 **SEC. 1231. CLARIFYING THE ROLE OF SAMHSA IN PRO-**
12 **MOTING THE AVAILABILITY OF HIGH-QUAL-**
13 **ITY RECOVERY HOUSING.**

14 Section 501(d) of the Public Health Service Act (42
15 U.S.C. 290aa) is amended—

16 (1) in paragraph (24)(E), by striking “and” at
17 the end;

18 (2) in paragraph (25), by striking the period at
19 the end and inserting “; and”; and

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

21 “(26) collaborate with national accrediting enti-
22 ties, recovery housing providers, organizations or in-
23 dividuals with established expertise in delivery of re-
24 covery housing services, States, Federal agencies (in-
25 cluding the Department of Health and Human Serv-

1 ices, the Department of Housing and Urban Devel-
2 opment, and the agencies listed in section
3 550(e)(2)(B)), and other relevant stakeholders, to
4 promote the availability of high-quality recovery
5 housing and services for individuals with a substance
6 use disorder.”.

7 **SEC. 1232. DEVELOPING GUIDELINES FOR STATES TO PRO-**
8 **MOTE THE AVAILABILITY OF HIGH-QUALITY**
9 **RECOVERY HOUSING.**

10 Section 550(a) of the Public Health Service Act (42
11 U.S.C. 290ee–5(a)) (relating to national recovery housing
12 best practices) is amended—

13 (1) by amending paragraph (1) to read as fol-
14 lows:

15 “(1) IN GENERAL.—The Secretary, in consulta-
16 tion with the individuals and entities specified in
17 paragraph (2), shall continue activities to identify,
18 facilitate the development of, and periodically update
19 consensus-based best practices, which may include
20 model laws for implementing suggested minimum
21 standards for operating, and promoting the avail-
22 ability of, high-quality recovery housing.”;

23 (2) in paragraph (2)—

24 (A) by striking subparagraphs (A) and (B)
25 and inserting the following:

1 “(A) officials representing the agencies de-
2 scribed in subsection (e)(2);”;

3 (B) by redesignating subparagraphs (C)
4 through (G) as subparagraphs (B) through (F),
5 respectively;

6 (C) in subparagraph (B), as so redesign-
7 ated, by striking “tribal” and inserting “Trib-
8 al”; and

9 (D) in subparagraph (D), as so redesign-
10 ated, by striking “tribes, tribal organizations,
11 and tribally” and inserting “Tribes, Tribal or-
12 ganizations, and Tribally”; and

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

14 “(3) AVAILABILITY.—The best practices re-
15 ferred to in paragraph (1) shall be—

16 “(A) made publicly available; and

17 “(B) published on the public website of the
18 Substance Abuse and Mental Health Services
19 Administration.

20 “(4) EXCLUSION OF GUIDELINE ON TREAT-
21 MENT SERVICES.—In facilitating the development of
22 best practices under paragraph (1), the Secretary
23 may not include any best practices with respect to
24 substance use disorder treatment services.”.

3110

1 **SEC. 1233. COORDINATION OF FEDERAL ACTIVITIES TO**
2 **PROMOTE THE AVAILABILITY OF RECOVERY**
3 **HOUSING.**

4 Section 550 of the Public Health Service Act (42
5 U.S.C. 290ee-5) (relating to national recovery housing
6 best practices), as amended by section 1232, is further
7 amended—

8 (1) by redesignating subsections (e), (f), and
9 (g) as subsections (g), (h), and (i), respectively;

10 (2) in subsection (e)(2), by striking “Indian
11 tribes, tribal” and inserting “Indian Tribes, Tribal”;

12 (3) in subsection (h)(2), as so redesignated—

13 (A) by striking “Indian tribe” and insert-
14 ing “Indian Tribe”; and

15 (B) by striking “tribal organization” and
16 inserting “Tribal organization”; and

17 (4) by inserting after subsection (d) the fol-
18 lowing:

19 “(e) COORDINATION OF FEDERAL ACTIVITIES TO
20 PROMOTE THE AVAILABILITY OF HOUSING FOR INDIVID-
21 UALS EXPERIENCING HOMELESSNESS, INDIVIDUALS
22 WITH A MENTAL ILLNESS, AND INDIVIDUALS WITH A
23 SUBSTANCE USE DISORDER.—

24 “(1) IN GENERAL.—The Secretary, acting
25 through the Assistant Secretary, and the Secretary
26 of Housing and Urban Development shall convene

1 an interagency working group for the following pur-
2 poses:

3 “(A) To increase collaboration, coopera-
4 tion, and consultation among the Department
5 of Health and Human Services, the Department
6 of Housing and Urban Development, and the
7 Federal agencies listed in paragraph (2)(B),
8 with respect to promoting the availability of
9 housing, including high-quality recovery hous-
10 ing, for individuals experiencing homelessness,
11 individuals with mental illnesses, and individ-
12 uals with substance use disorder.

13 “(B) To align the efforts of such agencies
14 and avoid duplication of such efforts by such
15 agencies.

16 “(C) To develop objectives, priorities, and
17 a long-term plan for supporting State, Tribal,
18 and local efforts with respect to the operation
19 of high-quality recovery housing that is con-
20 sistent with the best practices developed under
21 this section.

22 “(D) To improve information on the qual-
23 ity of recovery housing.

24 “(2) COMPOSITION.—The interagency working
25 group under paragraph (1) shall be composed of—

3112

1 “(A) the Secretary, acting through the As-
2 sistant Secretary, and the Secretary of Housing
3 and Urban Development, who shall serve as the
4 co-chairs; and

5 “(B) representatives of each of the fol-
6 lowing Federal agencies:

7 “(i) The Centers for Medicare & Med-
8 icaid Services.

9 “(ii) The Substance Abuse and Men-
10 tal Health Services Administration.

11 “(iii) The Health Resources and Serv-
12 ices Administration.

13 “(iv) The Office of the Inspector Gen-
14 eral of the Department of Health and
15 Human Services.

16 “(v) The Indian Health Service.

17 “(vi) The Department of Agriculture.

18 “(vii) The Department of Justice.

19 “(viii) The Office of National Drug
20 Control Policy.

21 “(ix) The Bureau of Indian Affairs.

22 “(x) The Department of Labor.

23 “(xi) The Department of Veterans Af-
24 fairs.

3113

1 “(xii) Any other Federal agency as
2 the co-chairs determine appropriate.

3 “(3) MEETINGS.—The working group shall
4 meet on a quarterly basis.

5 “(4) REPORTS TO CONGRESS.—Not later than
6 4 years after the date of the enactment of this sec-
7 tion, the working group shall submit to the Com-
8 mittee on Health, Education, Labor, and Pensions,
9 the Committee on Agriculture, Nutrition, and For-
10 estry, and the Committee on Finance of the Senate
11 and the Committee on Energy and Commerce, the
12 Committee on Ways and Means, the Committee on
13 Agriculture, and the Committee on Financial Serv-
14 ices of the House of Representatives a report de-
15 scribing the work of the working group and any rec-
16 ommendations of the working group to improve Fed-
17 eral, State, and local coordination with respect to re-
18 covery housing and other housing resources and op-
19 erations for individuals experiencing homelessness,
20 individuals with a mental illness, and individuals
21 with a substance use disorder.”.

22 **SEC. 1234. NATIONAL ACADEMIES OF SCIENCES, ENGINEER-**
23 **ING, AND MEDICINE STUDY AND REPORT.**

24 (a) IN GENERAL.—Not later than 60 days after the
25 date of enactment of this Act, the Secretary of Health and

1 Human Services, acting through the Assistant Secretary
2 for Mental Health and Substance Use, shall—

3 (1) contract with the National Academies of
4 Sciences, Engineering, and Medicine—

5 (A) to study the quality and effectiveness
6 of recovery housing in the United States and
7 whether the availability of such housing meets
8 demand; and

9 (B) to identify recommendations to pro-
10 mote the availability of high-quality recovery
11 housing; and

12 (2) report to the Congress on the results of
13 such review.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—To carry
15 out this section, there is authorized to be appropriated
16 \$1,500,000 for fiscal year 2023.

17 **SEC. 1235. GRANTS FOR STATES TO PROMOTE THE AVAIL-**
18 **ABILITY OF RECOVERY HOUSING AND SERV-**
19 **ICES.**

20 Section 550 of the Public Health Service Act (42
21 U.S.C. 290ee–5) (relating to national recovery housing
22 best practices), as amended by sections 1232 and 1233,
23 is further amended by inserting after subsection (e) (as
24 inserted by section 1233) the following:

1 “(f) GRANTS FOR IMPLEMENTING NATIONAL RECOV-
2 ERY HOUSING BEST PRACTICES.—

3 “(1) IN GENERAL.—The Secretary shall award
4 grants to States (and political subdivisions thereof),
5 Indian Tribes, and territories—

6 “(A) for the provision of technical assist-
7 ance to implement the guidelines and rec-
8 ommendations developed under subsection (a);
9 and

10 “(B) to promote—

11 “(i) the availability of recovery hous-
12 ing for individuals with a substance use
13 disorder; and

14 “(ii) the maintenance of recovery
15 housing in accordance with best practices
16 developed under this section.

17 “(2) STATE PROMOTION PLANS.—Not later
18 than 90 days after receipt of a grant under para-
19 graph (1), and every 2 years thereafter, each State
20 (or political subdivisions thereof,) Indian Tribe, or
21 territory receiving a grant under paragraph (1) shall
22 submit to the Secretary, and publish on a publicly
23 accessible internet website of the State (or political
24 subdivisions thereof), Indian Tribe, or territory—

1 “(A) the plan of the State (or political sub-
2 divisions thereof), Indian Tribe, or territory,
3 with respect to the promotion of recovery hous-
4 ing for individuals with a substance use dis-
5 order located within the jurisdiction of such
6 State (or political subdivisions thereof), Indian
7 Tribe, or territory; and

8 “(B) a description of how such plan is con-
9 sistent with the best practices developed under
10 this section.”.

11 **SEC. 1236. FUNDING.**

12 Subsection (i) of section 550 of the Public Health
13 Service Act (42 U.S.C. 290ee–5) (relating to national re-
14 covery housing best practices), as redesignated by section
15 1233, is amended by striking “\$3,000,000 for the period
16 of fiscal years 2019 through 2021” and inserting
17 “\$5,000,000 for the period of fiscal years 2023 through
18 2027”.

19 **SEC. 1237. TECHNICAL CORRECTION.**

20 Title V of the Public Health Service Act (42 U.S.C.
21 290aa et seq.) is amended—

22 (1) by redesignating section 550 (relating to
23 Sobriety Treatment and Recovery Teams) (42
24 U.S.C. 290ee–10), as added by section 8214 of Pub-
25 lic Law 115–271, as section 550A; and

1 (2) by moving such section so it appears after
2 section 550 (relating to national recovery housing
3 best practices).

4 **CHAPTER 4—SUBSTANCE USE PREVEN-**
5 **TION, TREATMENT, AND RECOVERY**
6 **SERVICES BLOCK GRANT**

7 **SEC. 1241. ELIMINATING STIGMATIZING LANGUAGE RELAT-**
8 **ING TO SUBSTANCE USE.**

9 (a) BLOCK GRANTS FOR PREVENTION AND TREAT-
10 MENT OF SUBSTANCE USE.—Part B of title XIX of the
11 Public Health Service Act (42 U.S.C. 300x et seq.) is
12 amended—

13 (1) in the part heading, by striking “**SUB-**
14 **STANCE ABUSE**” and inserting “**SUBSTANCE**
15 **USE**”;

16 (2) in subpart II, by amending the subpart
17 heading to read as follows: “**Block Grants for**
18 **Substance Use Prevention, Treatment,**
19 **and Recovery Services**”;

20 (3) in section 1922(a) (42 U.S.C. 300x–
21 22(a))—

22 (A) in paragraph (1), in the matter pre-
23 ceding subparagraph (A), by striking “sub-
24 stance abuse” and inserting “substance use dis-
25 orders”; and

1 (B) by striking “such abuse” each place it
2 appears in paragraphs (1) and (2) and insert-
3 ing “such disorders”;

4 (4) in section 1923 (42 U.S.C. 300x-23)—

5 (A) in the section heading, by striking
6 “**SUBSTANCE ABUSE**” and inserting “**SUB-**
7 **STANCE USE**”; and

8 (B) in subsection (a), by striking “drug
9 abuse” and inserting “substance use disorders”;

10 (5) in section 1925(a)(1) (42 U.S.C. 300x-
11 25(a)(1)), by striking “alcohol or drug abuse” and
12 inserting “alcohol or other substance use disorders”;

13 (6) in section 1926(b)(2)(B) (42 U.S.C. 300x-
14 26(b)(2)(B)), by striking “substance abuse”;

15 (7) in section 1931(b)(2) (42 U.S.C. 300x-
16 31(b)(2)), by striking “substance abuse” and insert-
17 ing “substance use disorders”;

18 (8) in section 1933(d)(1) (42 U.S.C. 300x-
19 33(d)), in the matter following subparagraph (B), by
20 striking “abuse of alcohol and other drugs” and in-
21 serting “use of substances”;

22 (9) by amending paragraph (4) of section 1934
23 (42 U.S.C. 300x-34) to read as follows:

1 “(4) The term ‘substance use disorder’ means
2 the recurrent use of alcohol or other drugs that
3 causes clinically significant impairment.”;

4 (10) in section 1935 (42 U.S.C. 300x–35)—

5 (A) in subsection (a), by striking “sub-
6 stance abuse” and inserting “substance use dis-
7 orders”; 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

1 of the Public Health Service Act (42 U.S.C. 300y et seq.)
2 is 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 strik-
7 ing “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
21 Act (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—

3121

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 re-
9 ceived under this subpart expended on
10 recovery support services,
11 disaggregated by the amount ex-
12 pended for type of service activity;”;
13 and

14 (3) in clause (viii), as so redesignated, by strik-
15 ing “disorders workforce” and inserting “disorders
16 workforce, including with respect to prevention,
17 treatment, and recovery,”.

18 **SEC. 1244. UPDATING CERTAIN LANGUAGE RELATING TO**
19 **TRIBES.**

20 Section 1933(d) of the Public Health Service Act (42
21 U.S.C. 300x-33(d)) is amended—

22 (1) in paragraph (1)—

23 (A) in subparagraph (A)—

3122

1 (i) by striking “of an Indian tribe or
2 tribal organization” and inserting “of an
3 Indian Tribe or Tribal organization”; and

4 (ii) by striking “such tribe” and in-
5 sserting “such Tribe”;

6 (B) in subparagraph (B)—

7 (i) by striking “tribe or tribal organi-
8 zation” and inserting “Tribe or Tribal or-
9 ganization”; and

10 (ii) by striking “Secretary under this”
11 and inserting “Secretary under this sub-
12 part”; and

13 (C) in the matter following subparagraph
14 (B), by striking “tribe or tribal organization”
15 and inserting “Tribe or Tribal organization”;

16 (2) by amending paragraph (2) to read as fol-
17 lows:

18 “(2) INDIAN TRIBE OR TRIBAL ORGANIZATION
19 AS GRANTEE.—The amount reserved by the Sec-
20 retary on the basis of a determination under this
21 subsection shall be granted to the Indian Tribe or
22 Tribal organization serving the individuals for whom
23 such a determination has been made.”;

1 (3) in paragraph (3), by striking “tribe or trib-
2 al organization” and inserting “Tribe or Tribal or-
3 ganization”; and

4 (4) in paragraph (4)—

5 (A) in the paragraph heading, by striking
6 “DEFINITION” and inserting “DEFINITIONS”;
7 and

8 (B) by striking “The terms” and all that
9 follows through “given such terms” and insert-
10 ing the following: “The terms ‘Indian Tribe’
11 and ‘Tribal organization’ have the meanings
12 given the terms ‘Indian tribe’ and ‘tribal orga-
13 nization’”.

14 **SEC. 1245. BLOCK GRANTS FOR SUBSTANCE USE PREVEN-**
15 **TION, TREATMENT, AND RECOVERY SERV-**
16 **ICES.**

17 (a) **IN GENERAL.**—Section 1935(a) of the Public
18 Health Service Act (42 U.S.C. 300x–35(a)), as amended
19 by section 1241, is further amended by striking “appro-
20 priated” and all that follows through “2022..” and insert-
21 ing the following: “appropriated \$1,908,079,000 for each
22 of fiscal years 2023 through 2027.”.

23 (b) **TECHNICAL CORRECTIONS.**—Section
24 1935(b)(1)(B) of the Public Health Service Act (42

3124

1 U.S.C. 300x–35(b)(1)(B)) is amended by striking “the
2 collection of data in this paragraph is”.

3 **SEC. 1246. REQUIREMENT OF REPORTS AND AUDITS BY**
4 **STATES.**

5 Section 1942(a) of the Public Health Service Act (42
6 U.S.C. 300x–52(a)) is amended—

7 (1) in paragraph (1), by striking “and” at the
8 end;

9 (2) in paragraph (2), by striking the period at
10 the end and inserting “; and”; and

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

12 “(3) the amount provided to each recipient in
13 the previous fiscal year.”.

14 **SEC. 1247. STUDY ON ASSESSMENT FOR USE OF STATE RE-**
15 **SOURCES.**

16 (a) IN GENERAL.—The Secretary of Health and
17 Human Services, acting through the Assistant Secretary
18 for Mental Health and Substance Use (in this section re-
19 ferred to as the “Secretary”), shall, in consultation with
20 States and other local entities providing prevention, treat-
21 ment, or recovery support services related to substance
22 use, conduct a study on strategies to assess community
23 needs with respect to such services in order to facilitate
24 State use of block grant funding received under subpart
25 II of part B of title XIX of the Public Health Service Act

1 (42 U.S.C. 300x–21 et seq.) to provide services to sub-
2 stance use disorder prevention, treatment, and recovery
3 support. The study shall, where feasible and appropriate,
4 include estimates of resources for community needs strate-
5 gies respective to prevention, treatment, or recovery sup-
6 port services.

7 (b) REPORT.—Not later than 2 years after the date
8 of enactment of this Act, the Secretary shall submit to
9 the Committee on Health, Education, Labor, and Pen-
10 sions of the Senate and the Committee on Energy and
11 Commerce of the House of Representatives a report on
12 the results of the study conducted under subsection (a).

13 **CHAPTER 5—TIMELY TREATMENT FOR**
14 **OPIOID USE DISORDER**

15 **SEC. 1251. STUDY ON EXEMPTIONS FOR TREATMENT OF**
16 **OPIOID USE DISORDER THROUGH OPIOID**
17 **TREATMENT PROGRAMS DURING THE COVID-**
18 **19 PUBLIC HEALTH EMERGENCY.**

19 (a) STUDY.—The Assistant Secretary for Mental
20 Health and Substance Use shall conduct a study, in con-
21 sultation with patients and other stakeholders, on activi-
22 ties carried out pursuant to exemptions granted—

23 (1) to a State (including the District of Colum-
24 bia or any territory of the United States) or an
25 opioid treatment program;

1 (2) pursuant to section 8.11(h) of title 42, Code
2 of Federal Regulations; and

3 (3) during the period—

4 (A) beginning on the declaration of the
5 public health emergency for the COVID–19
6 pandemic under section 319 of the Public
7 Health Service Act (42 U.S.C. 247d); and

8 (B) ending on the earlier of—

9 (i) the termination of such public
10 health emergency, including extensions
11 thereof pursuant to such section 319; and

12 (ii) the end of calendar year 2022.

13 (b) **PRIVACY.**—The section does not authorize the
14 disclosure by the Department of Health and Human Serv-
15 ices of individually identifiable information about patients.

16 (c) **FEEDBACK.**—In conducting the study under sub-
17 section (a), the Assistant Secretary for Mental Health and
18 Substance Use shall gather feedback from the States and
19 opioid treatment programs on their experiences in imple-
20 menting exemptions described in subsection (a).

21 (d) **REPORT.**—Not later than 180 days after the end
22 of the period described in subsection (a)(3)(B), and sub-
23 ject to subsection (c), the Assistant Secretary for Mental
24 Health and Substance Use shall publish a report on the
25 results of the study under this section.

3127

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
5 amended by adding at the end the following:

6 “(3) Notwithstanding paragraph (1), a registrant
7 that is dispensing pursuant to section 303(g) narcotic
8 drugs to individuals for maintenance treatment or detoxi-
9 fication treatment shall not be required to have a separate
10 registration to incorporate one or more mobile medication
11 units into the registrant’s practice to dispense such nar-
12 cotics at locations other than the registrant’s principal
13 place of business or professional practice described in
14 paragraph (1), so long as the registrant meets such stand-
15 ards for operation of a mobile medication unit as the At-
16 torney General may establish.”.

17 (b) **REVISE OPIOID TREATMENT PROGRAM ADMIS-**
18 **SION CRITERIA TO ELIMINATE REQUIREMENT THAT PA-**
19 **TIENTS HAVE AN OPIOID USE DISORDER FOR AT LEAST**
20 **1 YEAR.**—Not later than 18 months after the date of en-
21 actment of this Act, the Secretary of Health and Human
22 Services shall revise section 8.12(e)(1) of title 42, Code
23 of Federal Regulations (or successor regulations), to elimi-
24 nate the requirement that an opioid treatment program
25 only admit an individual for treatment under the program

1 if the individual has been addicted to opioids for at least
2 1 year before being 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
9 title shall be used to purchase, procure, or distribute pipes
10 or cylindrical objects intended to be used to smoke or in-
11 hale 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
22 detoxification 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

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
21 be administered for the purpose of maintenance
22 or detoxification treatment under section
23 303(g)(2)” and inserting “the controlled sub-
24 stance is a narcotic drug in schedule III, IV, or

1 V to be administered for the purpose of mainte-
2 nance or detoxification 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
8 Service Act (42 U.S.C. 290bb-36d(c)) is amended
9 by striking “information on any qualified practi-
10 tioner that is certified to prescribe medication for
11 opioid dependency under section 303(g)(2)(B) of the
12 Controlled Substances Act” and inserting “informa-
13 tion on any practitioner who prescribes narcotic
14 drugs in schedule III, IV, or V of section 202 of the
15 Controlled Substances Act for the purpose of main-
16 tenance or detoxification treatment”.

17 (4) Section 544(a)(3) of the Public Health
18 Service Act (42 U.S.C. 290dd-3), as added by sec-
19 tion 1219(a)(2), is amended by striking “any practi-
20 tioner dispensing narcotic drugs pursuant to section
21 303(g) of the Controlled Substances Act” and in-
22 sserting “any practitioner dispensing narcotic drugs
23 for the purpose of maintenance or detoxification
24 treatment”.

3131

1 (5) Section 1833(bb)(3)(B) of the Social Secu-
2 rity Act (42 U.S.C. 1395l(bb)(3)(B)) is amended by
3 striking “first receives a waiver under section 303(g)
4 of the Controlled Substances Act on or after Janu-
5 ary 1, 2019” and inserting “first begins prescribing
6 narcotic drugs in schedule III, IV, or V of section
7 202 of the Controlled Substances Act for the pur-
8 pose of maintenance or detoxification treatment on
9 or after January 1, 2021”.

10 (6) Section 1834(o)(3)(C)(ii) of the Social Se-
11 curity Act (42 U.S.C. 1395m(o)(3)(C)(ii)) is amend-
12 ed by striking “first receives a waiver under section
13 303(g) of the Controlled Substances Act on or after
14 January 1, 2019” and inserting “first begins pre-
15 scribing narcotic drugs in schedule III, IV, or V of
16 section 202 of the Controlled Substances Act for the
17 purpose of maintenance or detoxification treatment
18 on or after January 1, 2021”.

19 (7) Section 1866F(c)(3) of the Social Security
20 Act (42 U.S.C. 1395cc-6(c)(3)) is amended—

21 (A) in subparagraph (A), by adding “and”
22 at the end;

23 (B) in subparagraph (B), by striking “;
24 and” and inserting a period; and

25 (C) by striking subparagraph (C).

1 (8) Section 1903(aa)(2)(C) of the Social Secu-
2 rity Act (42 U.S.C. 1396b(aa)(2)(C)) is amended—

3 (A) in clause (i), by adding “and” at the
4 end;

5 (B) by striking clause (ii); and

6 (C) by redesignating clause (iii) as clause
7 (ii).

8 **SEC. 1263. REQUIRING PRESCRIBERS OF CONTROLLED**
9 **SUBSTANCES TO COMPLETE TRAINING.**

10 (a) IN GENERAL.—Section 303 of the Controlled
11 Substances Act (21 U.S.C. 823) is amended by adding at
12 the end the following:

13 “(l) REQUIRED TRAINING FOR PRESCRIBERS.—

14 “(1) TRAINING REQUIRED.—As a condition on
15 registration under this section to dispense controlled
16 substances in schedule II, III, IV, or V, the Attorney
17 General shall require any qualified practitioner, be-
18 ginning with the first applicable registration for the
19 practitioner, to meet the following:

20 “(A) If the practitioner is a physician (as
21 defined under section 1861(r) of the Social Se-
22 curity Act) and the practitioner meets one or
23 more of the following conditions:

24 “(i) The physician holds a board cer-
25 tification in addiction psychiatry or addic-

1 tion medicine from the American Board of
2 Medical Specialties.

3 “(ii) The physician holds a board cer-
4 tification from the American Board of Ad-
5 diction Medicine.

6 “(iii) The physician holds a board cer-
7 tification in addiction medicine from the
8 American Osteopathic Association.

9 “(iv) The physician has, with respect
10 to the treatment and management of pa-
11 tients with opioid or other substance use
12 disorders, or the safe pharmacological
13 management of dental pain and screening,
14 brief intervention, and referral for appro-
15 priate treatment of patients with or at risk
16 of developing opioid or other substance use
17 disorders, completed not less than 8 hours
18 of training (through classroom situations,
19 seminars at professional society meetings,
20 electronic communications, or otherwise)
21 that is provided by—

22 “(I) the American Society of Ad-
23 diction Medicine, the American Acad-
24 emy of Addiction Psychiatry, the
25 American Medical Association, the

3134

1 American Osteopathic Association, the
2 American Dental Association, the
3 American Association of Oral and
4 Maxillofacial Surgeons, the American
5 Psychiatric Association, or any other
6 organization accredited by the Accred-
7 itation Council for Continuing Medical
8 Education (ACCME) or the Commis-
9 sion for Continuing Education Pro-
10 vider Recognition (CCEPR);

11 “(II) any organization accredited
12 by a State medical society accreditor
13 that is recognized by the ACCME or
14 the CCEPR;

15 “(III) any organization accred-
16 ited by the American Osteopathic As-
17 sociation to provide continuing med-
18 ical education; or

19 “(IV) any organization approved
20 by the Assistant Secretary for Mental
21 Health and Substance Use, the
22 ACCME, or the CCEPR.

23 “(v) The physician graduated in good
24 standing from an accredited school of
25 allopathic medicine, osteopathic medicine,

3135

1 dental surgery, or dental medicine in the
2 United States during the 5-year period im-
3 mediately preceding the date on which the
4 physician first registers or renews under
5 this section and has successfully completed
6 a comprehensive allopathic or osteopathic
7 medicine curriculum or accredited medical
8 residency or dental surgery or dental medi-
9 cine curriculum that included not less than
10 8 hours of training on—

11 “(I) treating and managing pa-
12 tients with opioid or other substance
13 use disorders, including the appro-
14 priate clinical use of all drugs ap-
15 proved by the Food and Drug Admin-
16 istration for the treatment of a sub-
17 stance use disorder; or

18 “(II) the safe pharmacological
19 management of dental pain and
20 screening, brief intervention, and re-
21 ferral for appropriate treatment of pa-
22 tients with or at risk of developing
23 opioid and other substance use dis-
24 orders.

3136

1 “(B) If the practitioner is not a physician
2 (as defined under section 1861(r) of the Social
3 Security Act), the practitioner is legally author-
4 ized by the State to dispense controlled sub-
5 stances under schedule II, III, IV, or V and is
6 dispensing such substances within such State in
7 accordance with all applicable State laws, and
8 the practitioner meets one or more of the fol-
9 lowing conditions:

10 “(i) The practitioner has completed
11 not fewer than 8 hours of training with re-
12 spect to the treatment and management of
13 patients with opioid or other substance use
14 disorders (through classroom situations,
15 seminars at professional society meetings,
16 electronic communications, or otherwise)
17 provided by the American Society of Addic-
18 tion Medicine, the American Academy of
19 Addiction Psychiatry, the American Med-
20 ical Association, the American Osteopathic
21 Association, the American Nurses
22 Credentialing Center, the American Psy-
23 chiatric Association, the American Associa-
24 tion of Nurse Practitioners, the American
25 Academy of Physician Associates, or any

1 other organization approved or accredited
2 by the Assistant Secretary for Mental
3 Health and Substance Use or the Accreditation Council for Continuing Medical
4 Education.
5

6 “(ii) The practitioner has graduated
7 in good standing from an accredited physi-
8 cian assistant school or accredited school
9 of advanced practice nursing in the United
10 States during the 5-year period imme-
11 diately preceding the date on which the
12 practitioner first registers or renews under
13 this section and has successfully completed
14 a comprehensive physician assistant or ad-
15 vanced practice nursing curriculum that
16 included not fewer than 8 hours of training
17 on treating and managing patients with
18 opioid and other substance use disorders,
19 including the appropriate clinical use of all
20 drugs approved by the Food and Drug Ad-
21 ministration for the treatment of a sub-
22 stance use disorder.

23 “(2) ONE-TIME TRAINING.—

24 “(A) IN GENERAL.—The Attorney General
25 shall not require any qualified practitioner to

1 complete the training described in clause (iv) or
2 (v) of paragraph (1)(A) or clause (i) or (ii) of
3 paragraph (1)(B) more than once.

4 “(B) NOTIFICATION.—Not later than 90
5 days after the date of the enactment of the Re-
6 storing Hope for Mental Health and Well-Being
7 Act of 2022, the Attorney General shall provide
8 to qualified practitioners a single written, elec-
9 tronic notification of the training described in
10 clauses (iv) and (v) of paragraph (1)(A) or
11 clauses (i) and (ii) of paragraph (1)(B).

12 “(3) RULE OF CONSTRUCTION.—Nothing in
13 this subsection shall be construed—

14 “(A) to preclude the use, by a qualified
15 practitioner, of training received pursuant to
16 this subsection to satisfy registration require-
17 ments of a State or for some other lawful pur-
18 pose; or

19 “(B) to preempt any additional require-
20 ments by a State related to the dispensing of
21 controlled substances under schedule II, III, IV,
22 or V.

23 “(4) DEFINITIONS.—In this section:

24 “(A) FIRST APPLICABLE REGISTRATION.—
25 The term ‘first applicable registration’ means

1 the first registration or renewal of registration
2 by a qualified practitioner under this section
3 that occurs on or after the date that is 180
4 days after the date of enactment of the Restor-
5 ing Hope for Mental Health and Well-Being
6 Act of 2022.

7 “(B) QUALIFIED PRACTITIONER.—In this
8 subsection, the term ‘qualified practitioner’
9 means a practitioner who—

10 “(i) is licensed under State law to pre-
11 scribe controlled substances; and

12 “(ii) is not solely a veterinarian.”.

13 (b) REPORT.—Not later than 5 years after the date
14 of enactment of this Act, the Secretary, in consultation
15 with the Attorney General, shall submit to the Committee
16 on Health, Education, Labor, and Pensions of the Senate
17 and the Committee on Energy and Commerce of the
18 House of Representatives a report assessing the impact
19 of the elimination of the waiver program established under
20 section 303(g)(2) of the Controlled Substances Act (21
21 U.S.C. 823(g)(2)), as amended by the Drug Addiction
22 Treatment Act of 2000.

1 **SEC. 1264. INCREASE IN NUMBER OF DAYS BEFORE WHICH**
2 **CERTAIN CONTROLLED SUBSTANCES MUST**
3 **BE ADMINISTERED.**

4 Section 309A(a)(5) of the Controlled Substances Act
5 (21 U.S.C. 829a(a)(5)) is amended by striking “14 days”
6 and inserting “45 days”.

7 **CHAPTER 7—OPIOID CRISIS RESPONSE**

8 **SEC. 1271. OPIOID PRESCRIPTION VERIFICATION.**

9 (a) MATERIALS FOR TRAINING PHARMACISTS ON
10 CERTAIN CIRCUMSTANCES UNDER WHICH A PHARMACIST
11 MAY DECLINE TO FILL A PRESCRIPTION.—

12 (1) UPDATES TO MATERIALS.—Section 3212(a)
13 of the SUPPORT for Patients and Communities Act
14 (21 U.S.C. 829 note) is amended by striking “Not
15 later than 1 year after the date of enactment of this
16 Act, the Secretary of Health and Human Services,
17 in consultation with the Administrator of the Drug
18 Enforcement Administration, Commissioner of Food
19 and Drugs, Director of the Centers for Disease Con-
20 trol and Prevention, and Assistant Secretary for
21 Mental Health and Substance Use, shall develop and
22 disseminate” and inserting “The Secretary of
23 Health and Human Services, in consultation with
24 the Administrator of the Drug Enforcement Admin-
25 istration, Commissioner of Food and Drugs, Direc-
26 tor of the Centers for Disease Control and Preven-

1 tion, and Assistant Secretary for Mental Health and
2 Substance Use, shall develop and disseminate not
3 later than 1 year after the date of enactment of the
4 Restoring Hope for Mental Health and Well-Being
5 Act of 2022, and update periodically thereafter”.

6 (2) MATERIALS INCLUDED.—Section 3212(b) of
7 the SUPPORT for Patients and Communities Act
8 (21 U.S.C. 829 note) is amended—

9 (A) by redesignating paragraphs (1) and
10 (2) as paragraphs (2) and (3), respectively; and

11 (B) by inserting before paragraph (2), as
12 so redesignated, the following new paragraph:

13 “(1) pharmacists on how to verify the identity
14 of the patient;”.

15 (3) MATERIALS FOR TRAINING ON PATIENT
16 VERIFICATION .—Section 3212 of the SUPPORT
17 for Patients and Communities Act (21 U.S.C. 829
18 note) is amended by adding at the end the following
19 new subsection:

20 “(d) MATERIALS FOR TRAINING ON VERIFICATION
21 OF IDENTITY.—Not later than 1 year after the date of
22 enactment of this subsection, the Secretary of Health and
23 Human Services, after seeking stakeholder input in ac-
24 cordance with subsection (c), shall—

1 “(1) update the materials developed under sub-
2 section (a) to include information for pharmacists on
3 how to verify the identity of the patient; and

4 “(2) disseminate, as appropriate, the updated
5 materials.”.

6 (b) INCENTIVIZING STATES TO BUILD OR MAINTAIN
7 PRESCRIPTION DRUG MONITORING PROGRAMS.—

8 (1) IN GENERAL.—Section 392A of the Public
9 Health Service Act (42 U.S.C. 280b–1) is amend-
10 ed—

11 (A) by redesignating subsections (c) and
12 (d) as subsections (d) and (e), respectively; and

13 (B) by inserting after subsection (b) the
14 following new subsection:

15 “(c) PRIORITY.—In awarding grants to States under
16 subsections (a) and (b), the Director of the Centers for
17 Disease Control and Prevention may give priority to juris-
18 dictions with a disproportionately high rate of drug
19 overdoses or drug overdose deaths, as applicable.”.

20 (2) CONFORMING CHANGE.—Section 392A of
21 the Public Health Service Act (42 U.S.C. 280b–1)
22 is amended by striking “Indian tribes” each place it
23 appears and inserting “Indian Tribes”.

1 **SEC. 1272. SYNTHETIC OPIOID AND EMERGING DRUG MIS-**
2 **USE DANGER AWARENESS.**

3 (a) IN GENERAL.—Not later than one year after the
4 date of enactment of this Act, the Secretary shall provide
5 for the planning and implementation of a public education
6 campaign to raise public awareness of synthetic opioids
7 (including fentanyl and its analogues) and emerging drug
8 use and misuse issues, as appropriate. Such campaign re-
9 lated to synthetic opioids shall include the dissemination
10 of information that—

11 (1) promotes awareness about the potency and
12 dangers of fentanyl and its analogues and other syn-
13 thetic opioids;

14 (2) explains services provided by the Substance
15 Abuse and Mental Health Services Administration
16 and the Centers for Disease Control and Prevention
17 (and any entity providing such services under a con-
18 tract entered into with such agencies) with respect
19 to the use and misuse of opioids (including synthetic
20 opioids) and other emerging drug threats, such as
21 stimulants, as appropriate; and

22 (3) relates generally to opioid use and pain
23 management, including information on alternative,
24 nonopioid pain management treatments.

25 The Secretary shall update such campaign to address
26 emerging drug misuse issues, as appropriate.

1 (b) USE OF MEDIA.—The campaign under subsection
2 (a) may be implemented through the use of television,
3 radio, internet, in-person public communications, and
4 other commercial marketing venues and may be targeted
5 to specific demographic groups.

6 (c) CONSIDERATION OF REPORT FINDINGS.—In
7 planning and implementing the public education campaign
8 under subsection (a) related to synthetic opioids, the Sec-
9 retary shall take into consideration the findings of the re-
10 port required under section 7001 of the SUPPORT for
11 Patients and Communities Act (Public Law 115–271).

12 (d) CONSULTATION.—In coordinating the campaign
13 under subsection (a), the Secretary shall consult with the
14 Assistant Secretary for Mental Health and Substance Use
15 to provide ongoing advice on the effectiveness of informa-
16 tion disseminated through the campaign.

17 (e) REQUIREMENT OF CAMPAIGN.—The campaign
18 implemented under subsection (a) shall not be duplicative
19 of any other Federal efforts relating to eliminating sub-
20 stance use and misuse.

21 (f) EVALUATION.—

22 (1) IN GENERAL.—The Secretary shall ensure
23 that the campaign implemented under subsection (a)
24 is subject to an independent evaluation, beginning 2

1 years after the date of enactment of this Act, and
2 2 years thereafter.

3 (2) MEASURES AND BENCHMARKS.—For pur-
4 poses of an evaluation conducted pursuant to para-
5 graph (1), the Secretary shall—

6 (A) establish baseline measures and bench-
7 marks to quantitatively evaluate the impact of
8 the campaign under this section; and

9 (B) conduct qualitative assessments re-
10 garding the effectiveness of strategies employed
11 under this section.

12 (g) REPORT.—The Secretary shall, beginning 2 years
13 after the date of enactment of this Act, and 2 years there-
14 after, submit to Congress a report on the effectiveness of
15 the campaign implemented under subsection (a) towards
16 meeting the measures and benchmarks established under
17 subsection (f)(2).

18 (h) DISSEMINATION OF INFORMATION THROUGH
19 PROVIDERS.—The Secretary shall develop and implement
20 a plan for the dissemination of information related to syn-
21 thetic opioids, to health care providers who participate in
22 Federal programs, including programs administered by
23 the Department of Health and Human Services, the In-
24 dian Health Service, the Department of Veterans Affairs,
25 the Department of Defense, and the Health Resources and

1 Services Administration, the Medicare program under title
2 XVIII of the Social Security Act (42 U.S.C. 1395 et seq.),
3 and the Medicaid program under title XIX of such Act
4 (42 U.S.C. 1396 et seq.).

5 (i) TRAINING GUIDE AND OUTREACH ON SYNTHETIC
6 OPIOID EXPOSURE PREVENTION.—

7 (1) TRAINING GUIDE.—Not later than 18
8 months after the date of enactment of this Act, the
9 Secretary shall design, publish, and make publicly
10 available on the internet website of the Department
11 of Health and Human Services, a training guide and
12 webinar for first responders and other individuals
13 who also may be at high risk of exposure to syn-
14 thetic opioids that details measures to prevent that
15 exposure.

16 (2) OUTREACH.—Not later than 18 months
17 after the date of enactment of this Act, the Sec-
18 retary shall also conduct outreach about the avail-
19 ability of the training guide and webinar published
20 under paragraph (1) to—

21 (A) fire department staff;

22 (B) law enforcement officers;

23 (C) ambulance transport and other first
24 responders;

3147

1 (D) hospital emergency department per-
2 sonnel; and

3 (E) other high-risk occupations, as identi-
4 fied by the Secretary.

5 **SEC. 1273. GRANT PROGRAM FOR STATE AND TRIBAL RE-**
6 **SPONSE TO OPIOID USE DISORDERS.**

7 Section 1003 of the 21st Century Cures Act (42
8 U.S.C. 290ee–3 note) is amended to read as follows:

9 **“SEC. 1003. GRANT PROGRAM FOR STATE AND TRIBAL RE-**
10 **SPONSE TO OPIOID USE DISORDERS.**

11 “(a) IN GENERAL.—The Secretary of Health and
12 Human Services (referred to in this section as the ‘Sec-
13 retary’) shall carry out the grant program described in
14 subsection (b) for purposes of addressing opioid misuse
15 and use disorders and, as applicable and appropriate,
16 stimulant misuse and use disorders, within States, Indian
17 Tribes, and populations served by Tribal organizations
18 and Urban Indian organizations.

19 “(b) GRANTS PROGRAM.—

20 “(1) IN GENERAL.—Subject to the availability
21 of appropriations, the Secretary shall award grants
22 to the single State agency responsible for admin-
23 istering the substance use prevention, treatment,
24 and recovery services block grant under subpart II
25 of part B of title XIX of the Public Health Service

1 Act (42 U.S.C. 300x–21 et seq.), Indian Tribes, and
2 Tribal organizations for the purpose of addressing
3 opioid misuse and use disorders, and as applicable
4 and appropriate, stimulant misuse and use dis-
5 orders, within such States, such Indian Tribes, and
6 populations served by such Tribal organizations, in
7 accordance with paragraph (2). Indian Tribes or
8 Tribal organizations may also apply for an award as
9 part of a consortia or may include in an application
10 a partnership with an Urban Indian organization.

11 “(2) MINIMUM ALLOCATIONS.—Notwith-
12 standing subsection (i)(3), in determining grant
13 amounts for each recipient of a grant under para-
14 graph (1), the Secretary shall ensure that each State
15 and the District of Columbia receive not less than
16 \$4,000,000 and ensure that each Territory receives
17 not less than \$250,000.

18 “(3) FORMULA METHODOLOGY.—

19 “(A) IN GENERAL.—At least 30 days be-
20 fore publishing a funding opportunity an-
21 nouncement with respect to grants under this
22 section, the Secretary shall—

23 “(i) develop a formula methodology to
24 be followed in allocating grant funds
25 awarded under this section among grant-

3149

1 ees, which, where applicable and appro-
2 priate based on populations being served
3 by the relevant entity—

4 “(I) with respect to allocations
5 for States, gives preference to States
6 whose populations have a prevalence
7 of opioid misuse and use disorders or
8 drug overdose deaths that is substan-
9 tially higher relative to the popu-
10 lations of other States;

11 “(II) with respect to allocations
12 for Tribes and Tribal organizations,
13 gives preferences to Tribes and Tribal
14 organizations (including those apply-
15 ing in partnership with an Urban In-
16 dian organization) serving populations
17 with demonstrated need with respect
18 to opioid misuse and use disorders or
19 drug overdose deaths;

20 “(III) includes performance as-
21 sessments for continuation awards;
22 and

23 “(IV) ensures that the formula
24 avoids a funding cliff between States
25 with similar overdose mortality rates

3150

1 to prevent funding reductions when
2 compared to prior year allocations, as
3 determined by the Secretary; and

4 “(ii) not later than 30 days after de-
5 veloping the formula methodology under
6 clause (i), submit the formula methodology
7 to—

8 “(I) the Committee on Health,
9 Education, Labor, and Pensions and
10 the Committee on Appropriations of
11 the Senate; and

12 “(II) the Committee on Energy
13 and Commerce and the Committee on
14 Appropriations of the House of Rep-
15 resentatives.

16 “(B) REPORT.—Not later than two years
17 after the date of the enactment of the Restoring
18 Hope for Mental Health and Well-Being Act of
19 2022, the Comptroller General of the United
20 States shall submit to the Committee on
21 Health, Education, Labor, and Pensions of the
22 Senate and the Committee on Energy and Com-
23 merce of the House of Representatives a report
24 that—

1 “(i) assesses how grant funding is al-
2 located to States under this section and
3 how such allocations have changed over
4 time;

5 “(ii) assesses how any changes in
6 funding under this section have affected
7 the efforts of States to address opioid mis-
8 use and use disorders and, as applicable
9 and appropriate, stimulant misuse and use
10 disorders; and

11 “(iii) assesses the use of funding pro-
12 vided through the grant program under
13 this section and other similar grant pro-
14 grams administered by the Substance
15 Abuse and Mental Health Services Admin-
16 istration.

17 “(4) USE OF FUNDS.—Grants awarded under
18 this subsection shall be used for carrying out activi-
19 ties that supplement activities pertaining to opioid
20 misuse and use disorders and, as applicable and ap-
21 propriate, stimulant misuse and use disorders (in-
22 cluding co-occurring substance misuse and use dis-
23 orders), undertaken by the entities described in
24 paragraph (1), which may include public health-re-
25 lated activities such as the following:

1 “(A) Implementing substance use disorder
2 and overdose prevention activities, including
3 primary prevention activities, and evaluating
4 such activities to identify effective strategies to
5 prevent substance use disorders and overdoses,
6 which may include drugs or devices approved,
7 cleared, or otherwise legally marketed under the
8 Federal Food, Drug, and Cosmetic Act.

9 “(B) Establishing or improving prescrip-
10 tion drug monitoring programs.

11 “(C) Training for health care practitioners,
12 such as best practices for prescribing opioids,
13 pain management, recognizing potential cases
14 of substance use disorders, referral of patients
15 to treatment programs, preventing diversion of
16 controlled substances, and overdose prevention.

17 “(D) Supporting access to and the provi-
18 sion of substance use disorder-related health
19 care services, including—

20 “(i) services provided by federally cer-
21 tified opioid treatment programs;

22 “(ii) services provided in outpatient
23 and residential substance use disorder
24 treatment programs or facilities, including

1 those that utilize medication-assisted treat-
2 ment, as appropriate; or

3 “(iii) services provided by other ap-
4 propriate health care providers to treat
5 substance use disorders, including crisis
6 services and services provided in integrated
7 health care settings by appropriate health
8 care providers that treat substance use dis-
9 orders.

10 “(E) Recovery support services, includ-
11 ing—

12 “(i) community-based services that in-
13 clude education, outreach, and peer sup-
14 ports such as peer support specialists and
15 recovery coaches to help support recovery;

16 “(ii) mutual aid recovery programs
17 that support medication-assisted treat-
18 ment;

19 “(iii) services to address housing
20 needs; or

21 “(iv) services related to supporting
22 families that include an individual with a
23 substance use disorder.

24 “(F) Other public health-related activities,
25 as such entity determines appropriate, related

1 to addressing opioid misuse and use disorders
2 and, as applicable and appropriate, stimulant
3 misuse and use disorders, within such entity,
4 including directing resources in accordance with
5 local needs related to substance use disorders.

6 “(c) ACCOUNTABILITY AND OVERSIGHT.—A State re-
7 ceiving a grant under subsection (b) shall submit to the
8 Secretary a description of—

9 “(1) the purposes for which the grant funds re-
10 ceived by the State under such subsection for the
11 preceding fiscal year were expended and a descrip-
12 tion of the activities of the State under the grant;

13 “(2) the ultimate recipients of amounts pro-
14 vided to the State;

15 “(3) the number of individuals served through
16 the grant; and

17 “(4) such other information as determined ap-
18 propriate by the Secretary.

19 “(d) LIMITATIONS.—Any funds made available pur-
20 suant to subsection (i) shall not be used for any purpose
21 other than the grant program under subsection (b).

22 “(e) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—
23 The Secretary, in consultation with Indian Tribes and
24 Tribal organizations, shall identify and establish appro-
25 priate mechanisms for Indian Tribes and Tribal organiza-

1 tions to demonstrate or report the information as required
2 under subsections (b), (c), and (d).

3 “(f) REPORT TO CONGRESS.—Not later than Sep-
4 tember 30, 2024, and biennially thereafter, the Secretary
5 shall submit to the Committee on Health, Education,
6 Labor, and Pensions of the Senate and the Committee on
7 Energy and Commerce of the House of Representatives,
8 and the Committees on Appropriations of the House of
9 Representatives and the Senate, a report that includes a
10 summary of the information provided to the Secretary in
11 reports made pursuant to subsections (c) and (d), includ-
12 ing—

13 “(1) the purposes for which grant funds are
14 awarded under this section;

15 “(2) the activities of the grant recipients; and

16 “(3) each entity that receives a grant under
17 this section, including the funding level provided to
18 such recipient.

19 “(g) TECHNICAL ASSISTANCE.—The Secretary, in-
20 cluding through the Tribal Training and Technical Assist-
21 ance Center of the Substance Abuse and Mental Health
22 Services Administration, as applicable, shall provide enti-
23 ties described in subsection (b)(1) with technical assist-
24 ance concerning grant application and submission proce-
25 dures under this section, award management activities,

1 and enhancing outreach and direct support to rural and
2 underserved communities and providers in addressing sub-
3 stance use disorders.

4 “(h) DEFINITIONS.—In this section:

5 “(1) INDIAN TRIBE.—The term ‘Indian Tribe’
6 has the meaning given the term ‘Indian tribe’ in sec-
7 tion 4 of the Indian Self-Determination and Edu-
8 cation Assistance Act (25 U.S.C. 5304).

9 “(2) TRIBAL ORGANIZATION.—The term ‘Tribal
10 organization’ has the meaning given the term ‘tribal
11 organization’ in section 4 of the Indian Self-Deter-
12 mination and Education Assistance Act (25 U.S.C.
13 5304).

14 “(3) STATE.—The term ‘State’ has the mean-
15 ing given such term in section 1954(b) of the Public
16 Health Service Act (42 U.S.C. 300x–64(b)).

17 “(4) URBAN INDIAN ORGANIZATION.—The term
18 ‘Urban Indian organization’ has the meaning given
19 such term in section 4 of the Indian Health Care
20 Improvement Act.

21 “(i) AUTHORIZATION OF APPROPRIATIONS.—

22 “(1) IN GENERAL.—For purposes of carrying
23 out the grant program under subsection (b), there is
24 authorized to be appropriated \$1,750,000,000 for
25 each of fiscal years 2023 through 2027.

1 “(2) FEDERAL ADMINISTRATIVE EXPENSES.—
2 Of the amounts made available for each fiscal year
3 to award grants under subsection (b), the Secretary
4 shall not use more than 2 percent for Federal ad-
5 ministrative expenses, training, technical assistance,
6 and evaluation.

7 “(3) SET ASIDE.—Of the amounts made avail-
8 able for each fiscal year to award grants under sub-
9 section (b) for a fiscal year, the Secretary shall—

10 “(A) award not more than 5 percent to In-
11 dian Tribes and Tribal organizations; and

12 “(B) of the amount remaining after appli-
13 cation of subparagraph (A), set aside up to 15
14 percent for awards to States with the highest
15 age-adjusted rate of drug overdose death based
16 on the ordinal ranking of States according to
17 the Director of the Centers for Disease Control
18 and Prevention.”.

1 **Subtitle C—Access to Mental**
2 **Health Care and Coverage**
3 **CHAPTER 1—IMPROVING UPTAKE AND PA-**
4 **TIENT ACCESS TO INTEGRATED CARE**
5 **SERVICES**

6 **SEC. 1301. IMPROVING UPTAKE AND PATIENT ACCESS TO**
7 **INTEGRATED CARE SERVICES.**

8 Section 520K of the Public Health Service Act (42
9 U.S.C. 290bb–42) is amended to read as follows:

10 **“SEC. 520K. IMPROVING UPTAKE AND PATIENT ACCESS TO**
11 **INTEGRATED CARE SERVICES.**

12 “(a) **DEFINITIONS.**—In this section:

13 “(1) **ELIGIBLE ENTITY.**—The term ‘eligible en-
14 tity’ means a State, or an appropriate State agency,
15 in collaboration with—

16 “(A) 1 or more qualified community pro-
17 grams as described in section 1913(b)(1); or

18 “(B) 1 or more health centers (as defined
19 in section 330(a)), rural health clinics (as de-
20 fined in section 1861(aa) of the Social Security
21 Act), or Federally qualified health centers (as
22 defined in such section), or primary care prac-
23 tices serving adult or pediatric patients or both.

24 “(2) **INTEGRATED CARE; BIDIRECTIONAL INTE-**
25 **GRATED CARE.**—

1 “(A) The term ‘integrated care’ means col-
2 laborative models, including the psychiatric col-
3 laborative care model and other evidence-based
4 or evidence-informed models, or practices for
5 coordinating and jointly delivering behavioral
6 and physical health services, which may include
7 practices that share the same space in the same
8 facility.

9 “(B) The term ‘bidirectional integrated
10 care’ means the integration of behavioral health
11 care and specialty physical health care, and the
12 integration of primary and physical health care
13 within specialty behavioral health settings, in-
14 cluding within primary health care settings.

15 “(3) PSYCHIATRIC COLLABORATIVE CARE
16 MODEL.—The term ‘psychiatric collaborative care
17 model’ means the evidence-based, integrated behav-
18 ioral health service delivery method that includes—

19 “(A) care directed by the primary care
20 team;

21 “(B) structured care management;

22 “(C) regular assessments of clinical status
23 using developmentally appropriate, validated
24 tools; and

1 “(D) modification of treatment as appro-
2 priate.

3 “(4) SPECIAL POPULATION.—The term ‘special
4 population’ means—

5 “(A) adults with a serious mental illness or
6 adults who have co-occurring mental illness and
7 physical health conditions or chronic disease;

8 “(B) children and adolescents with a seri-
9 ous emotional disturbance who have a co-occur-
10 ring physical health condition or chronic dis-
11 ease;

12 “(C) individuals with a substance use dis-
13 order; or

14 “(D) individuals with a mental illness who
15 have a co-occurring substance use disorder.

16 “(b) GRANTS AND COOPERATIVE AGREEMENTS.—

17 “(1) IN GENERAL.—The Secretary may award
18 grants and cooperative agreements to eligible entities
19 to support the improvement of integrated care for
20 physical and behavioral health care in accordance
21 with paragraph (2).

22 “(2) USE OF FUNDS.—A grant or cooperative
23 agreement awarded under this section shall be
24 used—

1 “(A) to promote full integration and col-
2 laboration in clinical practices between physical
3 and behavioral health care, including for special
4 populations;

5 “(B) to support the improvement of inte-
6 grated care models for physical and behavioral
7 health care to improve overall wellness and
8 physical health status, including for special pop-
9 ulations;

10 “(C) to promote the implementation and
11 improvement of bidirectional integrated care
12 services provided at entities described in sub-
13 section (a)(1), including evidence-based or evi-
14 dence-informed screening, assessment, diag-
15 nosis, prevention, treatment, and recovery serv-
16 ices for mental and substance use disorders,
17 and co-occurring physical health conditions and
18 chronic diseases; and

19 “(D) in the case of an eligible entity that
20 is collaborating with a primary care practice, to
21 support the implementation of evidence-based
22 or evidence-informed integrated care models, in-
23 cluding the psychiatric collaborative care model,
24 including—

25 “(i) by hiring staff;

1 “(ii) by identifying and formalizing
2 contractual relationships with other health
3 care providers or other relevant entities of-
4 fering care management and behavioral
5 health consultation to facilitate the adop-
6 tion of integrated care, including, as appli-
7 cable, providers who will function as psy-
8 chiatric consultants and behavioral health
9 care managers in providing behavioral
10 health integration services through the col-
11 laborative care model;

12 “(iii) by purchasing or upgrading soft-
13 ware and other resources, as applicable,
14 needed to appropriately provide behavioral
15 health integration, including resources
16 needed to establish a patient registry and
17 implement measurement-based care; and

18 “(iv) for such other purposes as the
19 Secretary determines to be applicable and
20 appropriate.

21 “(c) APPLICATIONS.—

22 “(1) IN GENERAL.—An eligible entity that is
23 seeking a grant or cooperative agreement under this
24 section shall submit an application to the Secretary
25 at such time, in such manner, and accompanied by

1 such information as the Secretary may require, in-
2 cluding the contents described in paragraph (2).

3 “(2) CONTENTS FOR AWARDS.—Any such appli-
4 cation of an eligible entity seeking a grant or cooper-
5 ative agreement under this section shall include, as
6 applicable—

7 “(A) a description of a plan to achieve
8 fully collaborative agreements to provide
9 bidirectional integrated care to special popu-
10 lations;

11 “(B) a summary of the policies, if any,
12 that are barriers to the provision of integrated
13 care, and the specific steps, if applicable, that
14 will be taken to address such barriers;

15 “(C) a description of partnerships or other
16 arrangements with local health care providers
17 to provide services to special populations and,
18 as applicable, in areas with demonstrated need,
19 such as Tribal, rural, or other medically under-
20 served communities, such as those with a work-
21 force shortage of mental health and substance
22 use disorder, pediatric mental health, or other
23 related professionals;

24 “(D) an agreement and plan to report to
25 the Secretary performance measures necessary

1 to evaluate patient outcomes and facilitate eval-
2 uations across participating projects; and

3 “(E) a description of the plan or progress
4 in implementing the psychiatric collaborative
5 care model, as applicable and appropriate;

6 “(F) a description of the plan or progress
7 of evidence-based or evidence-informed inte-
8 grated care models other than the psychiatric
9 collaborative care model implemented by pri-
10 mary care practices, as applicable and appro-
11 priate; and

12 “(G) a plan for sustainability beyond the
13 grant or cooperative agreement period under
14 subsection (e).

15 “(d) GRANT AND COOPERATIVE AGREEMENT
16 AMOUNTS.—

17 “(1) TARGET AMOUNT.—The target amount
18 that an eligible entity may receive for a year through
19 a grant or cooperative agreement under this section
20 shall be no more than \$2,000,000.

21 “(2) ADJUSTMENT PERMITTED.—The Sec-
22 retary, taking into consideration the quality of an el-
23 igible entity’s application and the number of eligible
24 entities that received grants under this section prior
25 to the date of enactment of the Restoring Hope for

1 Mental Health and Well-Being Act of 2022, may ad-
2 just the target amount that an eligible entity may
3 receive for a year through a grant or cooperative
4 agreement under this section.

5 “(3) LIMITATION.—An eligible entity that is re-
6 ceiving funding under subsection (b)—

7 “(A) may not allocate more than 10 per-
8 cent of the funds awarded to such eligible entity
9 under this section to administrative functions;
10 and

11 “(B) shall allocate the remainder of such
12 funding to health facilities that provide inte-
13 grated care.

14 “(e) DURATION.—A grant or cooperative agreement
15 under this section shall be for a period not to exceed 5
16 years.

17 “(f) REPORT ON PROGRAM OUTCOMES.—An eligible
18 entity receiving a grant or cooperative agreement under
19 this section shall submit an annual report to the Sec-
20 retary. Such annual report shall include—

21 “(1) the progress made to reduce barriers to in-
22 tegrated care as described in the entity’s application
23 under subsection (c);

24 “(2) a description of outcomes with respect to
25 each special population listed in subsection (a)(4),

1 including outcomes related to education, employ-
2 ment, and housing, or, as applicable and appro-
3 priate, outcomes for such populations receiving be-
4 havioral health care through the psychiatric collabo-
5 rative care model in primary care practices; and

6 “(3) progress in meeting performance metrics
7 and other relevant benchmarks; and

8 “(4) such other information that the Secretary
9 may require.

10 “(g) TECHNICAL ASSISTANCE FOR PRIMARY-BEHAV-
11 IORAL HEALTH CARE INTEGRATION.—

12 “(1) CERTAIN RECIPIENTS.—The Secretary
13 may provide appropriate information, training, and
14 technical assistance to eligible entities that receive a
15 grant or cooperative agreement under subsection
16 (b)(2), in order to help such entities meet the re-
17 quirements of this section, including assistance
18 with—

19 “(A) development and selection of inte-
20 grated care models;

21 “(B) dissemination of evidence-based inter-
22 ventions in integrated care;

23 “(C) establishment of organizational prac-
24 tices to support operational and administrative
25 success; and

1 “(D) as appropriate, appropriate informa-
2 tion, training, and technical assistance in imple-
3 menting the psychiatric collaborative care model
4 when an eligible entity is collaborating with 1
5 or more primary care practices for the purposes
6 of implementing the psychiatric collaborative
7 care model.

8 “(2) ADDITIONAL DISSEMINATION OF TECH-
9 NICAL INFORMATION.—In addition to providing the
10 assistance described in paragraph (1) to recipients
11 of a grant or cooperative agreement under this sec-
12 tion, the Secretary may also provide such assistance
13 to other States and political subdivisions of States,
14 Indian Tribes and Tribal organizations, as those
15 terms are defined in section 4 of the Indian Self-De-
16 termination and Education Assistance Act, out-
17 patient mental health and addiction treatment cen-
18 ters, community mental health centers that meet the
19 criteria under section 1913(c), certified community
20 behavioral health clinics described in section 223 of
21 the Protecting Access to Medicare Act of 2014, pri-
22 mary care organizations such as Federally qualified
23 health centers or rural health clinics as defined in
24 section 1861(aa) of the Social Security Act, primary
25 health care practices, the community-based organiza-

1 tions, and other entities engaging in integrated care
2 activities, as the Secretary determines appropriate.

3 “(h) REPORT TO CONGRESS.—Not later than 18
4 months after the date of enactment of the Restoring Hope
5 for Mental Health and Well-Being Act of 2022, and annu-
6 ally thereafter, the Secretary shall submit a report to the
7 Committee on Health, Education, Labor, and Pensions of
8 the Senate and the Committee on Energy and Commerce
9 of the House of Representatives summarizing the informa-
10 tion submitted in reports to the Secretary under sub-
11 section (f), including progress made in meeting perform-
12 ance metrics and the uptake of integrated care models,
13 any adjustments made to target amounts pursuant to sub-
14 section (d)(2), and any other relevant information.

15 “(i) FUNDING.—

16 “(1) AUTHORIZATION OF APPROPRIATIONS.—
17 To carry out this section, there is authorized to be
18 appropriated \$60,000,000 for each of fiscal years
19 2023 through 2027.

20 “(2) INCREASING UPTAKE OF THE PSYCHIATRIC
21 COLLABORATIVE CARE MODEL BY PRIMARY CARE
22 PRACTICES.—Not less than 10 percent of funds ap-
23 propriated to carry out this section shall be for the
24 purposes of implementing the psychiatric collabo-

1 rative care model implemented by primary care prac-
2 tices under subsection (b).

3 “(3) FUNDING CONTINGENCY.—Paragraph (2)
4 shall not apply to a fiscal year unless the amount
5 made available to carry out this section for such fis-
6 cal year exceeds the amount appropriated to carry
7 out this section (as in effect before the date of en-
8 actment of the Restoring Hope for Mental Health
9 and Well-Being Act of 2022) for fiscal year 2022.”.

10 **CHAPTER 2—HELPING ENABLE ACCESS**
11 **TO LIFESAVING SERVICES**

12 **SEC. 1311. REAUTHORIZATION AND PROVISION OF CER-**
13 **TAIN PROGRAMS TO STRENGTHEN THE**
14 **HEALTH CARE WORKFORCE.**

15 (a) MENTAL AND BEHAVIORAL HEALTH EDUCATION
16 AND TRAINING GRANTS.—Section 756 of the Public
17 Health Service Act (42 U.S.C. 294e–1) is amended—

18 (1) in subsection (a)—

19 (A) in paragraph (1), by inserting “(which
20 may include master’s and doctoral level pro-
21 grams)” after “occupational therapy”; and

22 (B) in paragraph (4), by inserting before
23 the period the following: “, including training to
24 increase skills and capacity to meet the needs of

3170

1 children and adolescents who have experienced
2 trauma”; and

3 (2) in subsection (f), by striking “For each of
4 fiscal years 2019 through 2023” and inserting “For
5 each of fiscal years 2023 through 2027”.

6 (b) TRAINING DEMONSTRATION PROGRAM.—Section
7 760 of the Public Health Service Act (42 U.S.C. 294k)
8 is amended—

9 (1) by striking “mental and substance use dis-
10 orders” each place it appears and inserting “mental
11 health and substance use disorder”;

12 (2) in subsection (a)(2)—

13 (A) by inserting “(including for individuals
14 completing clinical training requirements for li-
15 censure)” after “training”;

16 (B) by inserting “counselors, nurses,”
17 after “psychologists,”; and

18 (C) by striking the semicolon and inserting
19 “, including such settings that serve pediatric
20 populations;”;

21 (3) in subsection (a)(3)(A)—

22 (A) by striking “disorder” (as inserted by
23 paragraph (1)) and inserting “disorders”; and

24 (B) by inserting “or pediatric populations”
25 after “addiction”;

1 (4) in subsection (b)(2)(A), by inserting “(in-
2 cluding such settings that serve pediatric popu-
3 lations)” after “settings”;

4 (5) in subsection (c)(2)(F)—

5 (A) by inserting “counselors, nurses,” after
6 “psychologists”; and

7 (B) by striking the period and inserting “,
8 including such entities that serve pediatric pop-
9 ulations.”;

10 (6) in subsection (d)(1)(A)—

11 (A) by inserting “health service psycholo-
12 gists, nurses” after “fellows,”; and

13 (B) by inserting “counselors,” after “phy-
14 sician assistants”;

15 (7) in subsection (d)(1)(B)—

16 (A) by inserting “, which may include such
17 settings that serve pediatric populations” after
18 “settings”;

19 (B) by inserting “health” after “mental”;

20 (8) in subsection (d)(2)(C), inserting “(which
21 may include trauma-informed care, as appropriate)”
22 after “care”;

23 (9) in subsection (g), by striking “\$10,000,000
24 for each of fiscal years 2018 through 2022” and in-

3172

1 serting “, and \$31,700,000 for each of fiscal years
2 2023 through 2027”; and

3 (10) in subsection (f)(2)(B), by striking “dis-
4 order” (as inserted by paragraph (1)) and inserting
5 “disorders”.

6 **SEC. 1312. REAUTHORIZATION OF MINORITY FELLOWSHIP**
7 **PROGRAM.**

8 Section 597(c) of the Public Health Service Act (42
9 U.S.C. 2901(c)) is amended by striking “\$12,669,000 for
10 each of fiscal years 2018 through 2022” and inserting
11 “\$25,000,000 for each of fiscal years 2023 through
12 2027”.

13 **CHAPTER 3—ELIMINATING THE OPT-OUT**
14 **FOR NONFEDERAL GOVERNMENTAL**
15 **HEALTH PLANS**

16 **SEC. 1321. ELIMINATING THE OPT-OUT FOR NONFEDERAL**
17 **GOVERNMENTAL HEALTH PLANS.**

18 Section 2722(a)(2) of the Public Health Service Act
19 (42 U.S.C. 300gg-21(a)(2)) is amended by adding at the
20 end the following new subparagraph:

21 “(F) SUNSET OF ELECTION OPTION.—

22 “(i) IN GENERAL.—Notwithstanding
23 the preceding provisions of this para-
24 graph—

3173

1 “(I) no election described in sub-
2 paragraph (A) with respect to section
3 2726 may be made on or after the
4 date of the enactment of this subpara-
5 graph; 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
15 multiple agreements described in such sub-
16 paragraph of varying lengths and that has
17 an election described in subparagraph (A)
18 with respect to section 2726 in effect as of
19 the date of the enactment of this subpara-
20 graph that expires on or after the date
21 that is 180 days after the date of such en-
22 actment may extend such election until the
23 date on which the term of the last such
24 agreement expires.”.

1 **CHAPTER 4—MENTAL HEALTH AND SUB-**
2 **STANCE USE DISORDER PARITY IM-**
3 **PLEMENTATION**

4 **SEC. 1331. GRANTS TO SUPPORT MENTAL HEALTH AND**
5 **SUBSTANCE USE DISORDER PARITY IMPLE-**
6 **MENTATION.**

7 (a) IN GENERAL.—Section 2794(c) of the Public
8 Health Service Act (42 U.S.C. 300gg–94(e)) (as added by
9 section 1003 of the Patient Protection and Affordable
10 Care Act (Public Law 111–148)) is amended by adding
11 at the 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
18 to enforce and ensure compliance with the men-
19 tal health and substance use disorder parity
20 provisions of section 2726.

21 “(B) ELIGIBLE STATE.—A State shall be
22 eligible for a grant awarded under this para-
23 graph only if such State—

24 “(i) submits to the Secretary an appli-
25 cation for such grant at such time, in such

3175

1 manner, and containing such information
2 as specified by the Secretary; and

3 “(ii) agrees to request and review
4 from health insurance issuers offering
5 group or individual health insurance cov-
6 erage the comparative analyses and other
7 information required of such health insur-
8 ance issuers under subsection (a)(8)(A) of
9 section 2726 relating to the design and ap-
10 plication of nonquantitative treatment limi-
11 tations imposed on mental health or sub-
12 stance use disorder benefits.

13 “(C) AUTHORIZATION OF APPROPRIA-
14 TIONS.—There are authorized to be appro-
15 priated \$10,000,000 for each of the first five
16 fiscal years beginning after the date of the en-
17 actment of this paragraph, to remain available
18 until expended, for purposes of awarding grants
19 under subparagraph (A).”.

20 (b) TECHNICAL AMENDMENT.—Section 2794 of the
21 Public Health Service Act (42 U.S.C. 300gg–95), as
22 added by section 6603 of the Patient Protection and Af-
23 fordable Care Act (Public Law 111–148) is redesignated
24 as section 2795.

3176

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 award-
14 ed to private, nonprofit entities with demonstrated exper-
15 tise related to school-based health centers. Such technical
16 assistance, taking into account local and regional dif-
17 ferences among school based health centers, shall support
18 such entities in providing services described in subsection
19 (a)(1) pursuant to this section, including mental health
20 and substance use disorder services, and may include tech-
21 nical assistance relating to program operations and sup-
22 port for the implementation of evidence-based or evidence-
23 informed best practices related to the provision of high
24 quality health care services to children and adolescents.”.

3177

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 sub-
7 section (g);

8 (2) by inserting after subsection (e) the fol-
9 lowing:

10 “(f) **TECHNICAL ASSISTANCE.**—The Secretary may,
11 directly or by awarding grants or contracts to public and
12 private nonprofit entities, provide training and technical
13 assistance to eligible entities to carry out activities de-
14 scribed in subsection (d).”; and

15 (3) in subsection (g) (as redesignated by para-
16 graph (1)), by striking “\$20,000,000 for the period
17 of fiscal years 2018 through 2022” and inserting
18 “\$50,000,000 for the period of fiscal years 2023
19 through 2027”.

20 **SEC. 1403. CO-OCCURRING CHRONIC CONDITIONS AND**
21 **MENTAL HEALTH IN YOUTH STUDY.**

22 Not later than 12 months after the date of enactment
23 of this Act, the Secretary of Health and Human Services
24 shall—

25 (1) complete a study on the rates of suicidal be-
26 haviors among children and adolescents with chronic

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 re-
4 sults of such study, including recommendations for
5 early intervention services for such children and ado-
6 lescents at risk of suicide, the dissemination of best
7 practices to support the emotional and mental health
8 needs of youth, and strategies to lower the rates of
9 suicidal behaviors in children and adolescents de-
10 scribed in paragraph (1) to reduce any demographic
11 disparities in such rates.

12 **SEC. 1404. BEST PRACTICES FOR BEHAVIORAL AND MEN-**
13 **TAL HEALTH INTERVENTION TEAMS.**

14 The Public Health Service Act is amended by insert-
15 ing after section 520H of such Act, as added by section
16 1151 of this Act, the following new section:

17 **“SEC. 520H-1. BEST PRACTICES FOR BEHAVIORAL AND**
18 **MENTAL HEALTH INTERVENTION TEAMS.**

19 “(a) IN GENERAL.—The Secretary, acting through
20 the Assistant Secretary for Mental Health and Substance
21 Use, and in consultation with the Secretary of Education,
22 shall submit to the Health Education, Labor, and Pen-
23 sions Committee of the Senate and the Energy and Com-
24 merce Committee of the House of Representatives a report
25 that identifies best practices related to using behavioral

1 and mental health intervention teams, which may be used
2 to assist elementary schools, secondary schools, and insti-
3 tutions of higher education interested in voluntarily estab-
4 lishing and using such teams to support students exhib-
5 iting behaviors interfering with learning at school or who
6 are at risk of harm to self or others.

7 “(b) ELEMENTS.—The report under subsection (a)
8 shall assess evidence supporting such best practices and,
9 as appropriate, include consideration of the following:

10 “(1) How behavioral and mental health inter-
11 vention teams might operate effectively from an evi-
12 dence-based, objective perspective while protecting
13 the constitutional and civil rights and privacy of in-
14 dividuals.

15 “(2) The use of behavioral and mental health
16 intervention teams—

17 “(A) to identify and support students ex-
18 hibiting behaviors interfering with learning or
19 posing 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 inter-
24 vention teams can—

1 “(A) access evidence-based professional de-
2 velopment to support students described in
3 paragraph (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 inter-
13 vention teams can help mitigate inappropriate refer-
14 ral to mental health services or law enforcement by
15 implementing evidence-based interventions that meet
16 student needs.

17 “(c) CONSULTATION.—In carrying out subsection
18 (a), the Secretary shall consult with—

19 “(1) the Secretary of Education;

20 “(2) the Director of the National Threat As-
21 sessment 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

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—

3182

1 “(i) mitigate the threat of harm to
2 self or others posed by a student described
3 in 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’,
9 and ‘secondary school’ have the meanings given to
10 such terms in section 8101 of the Elementary and
11 Secondary Education Act of 1965.

12 “(3) The term ‘institution of higher education’
13 has the meaning given to such term in section 102
14 of 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
22 amended by striking “may be)” and inserting “may be),
23 kinship caregivers of the child,”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Para-
2 graph (1) of section 565(f) of the Public Health Service
3 Act (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”.

1 **CHAPTER 3—GARRETT LEE SMITH**
2 **MEMORIAL REAUTHORIZATION**

3 **SEC. 1421. SUICIDE PREVENTION TECHNICAL ASSISTANCE**
4 **CENTER.**

5 (a) **TECHNICAL AMENDMENT.**—Section 520C of the
6 Public Health Service Act (42 U.S.C. 290bb–34) is
7 amended—

8 (1) by striking “tribes” and inserting “Tribes”;
9 and

10 (2) by striking “tribal” each place it appears
11 and inserting “Tribal”.

12 (b) **COLLABORATION.**—Section 520C(a) of the Public
13 Health Service Act (42 U.S.C. 290bb–34(a)) is amend-
14 ed—

15 (1) by striking “The Secretary” and inserting
16 the following:

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

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

19 “(2) **COLLABORATION.**—In carrying out this
20 subsection, as applicable with respect to assistance
21 to entities serving members of the Armed Forces
22 and veterans, the Secretary shall, as appropriate,
23 collaborate with the Secretary of Defense and the
24 Secretary of Veterans Affairs.”.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
2 520C(c) of the Public Health Service Act (42 U.S.C.
3 290bb–34(c)) is amended by striking “\$5,988,000 for
4 each of fiscal years 2018 through 2022” and inserting
5 “\$9,000,000 for each of fiscal years 2023 through 2027”.

6 (d) ANNUAL REPORT.—Section 520C(d) of the Pub-
7 lic Health Service Act (42 U.S.C. 290bb–34(d)) is amend-
8 ed by striking “Not later than 2 years after the date of
9 enactment of this subsection, the Secretary shall submit
10 to Congress” and inserting “Not later than 2 years after
11 the date of the enactment of the Restoring Hope for Men-
12 tal Health and Well-Being Act of 2022, the Secretary shall
13 submit to the Committee on Health, Education, Labor,
14 and Pensions of the Senate and the Committee on Energy
15 and Commerce of the House of Representatives”.

16 **SEC. 1422. YOUTH SUICIDE EARLY INTERVENTION AND**
17 **PREVENTION STRATEGIES.**

18 Section 520E of the Public Health Service Act (42
19 U.S.C. 290bb–36) is amended—

- 20 (1) by striking “tribe” and inserting “Tribe”;
- 21 (2) by striking “tribal” each place it appears
22 and inserting “Tribal”;
- 23 (3) in subsection (a)(1), by inserting “pediatric
24 health programs,” after “foster care systems,”;

1 (4) by amending subsection (b)(1)(B) to read
2 as follows:

3 “(B) a public organization or private non-
4 profit organization designated by a State or In-
5 dian Tribe (as defined in section 4 of the In-
6 dian Self-Determination and Education Assist-
7 ance Act) to develop or direct the State-spon-
8 sored statewide or Tribal youth suicide early
9 intervention and prevention strategy; or”;

10 (5) in subsection (c)—

11 (A) in paragraph (1), by inserting “pedi-
12 atric health programs,” after “foster care sys-
13 tems,”;

14 (B) in paragraph (7), by inserting “pedi-
15 atric health programs,” after “foster care sys-
16 tems,”;

17 (C) in paragraph (9), by inserting “pedi-
18 atric health programs,” after “educational insti-
19 tutions,”;

20 (D) in paragraph (13), by striking “and”
21 at the end;

22 (E) in paragraph (14), by striking the pe-
23 riod at the end and inserting “; and”; and

24 (F) by adding at the end the following:

1 “(15) provide to parents, legal guardians, and
2 family members of youth, supplies to securely store
3 means commonly used in suicide, if applicable, with-
4 in the household.”;

5 (6) in subsection (d)—

6 (A) in the heading, by striking “DIRECT
7 SERVICES” and inserting “SUICIDE PREVEN-
8 TION ACTIVITIES”; and

9 (B) by striking “direct services, of which
10 not less than 5 percent shall be used for activi-
11 ties authorized under subsection (a)(3)” and in-
12 serting “suicide prevention activities”;

13 (7) in subsection (e)(3)(A), by inserting “and
14 the Department of Education, as appropriate” after
15 “agencies and suicide working groups”;

16 (8) in subsection (g)—

17 (A) in paragraph (1), by striking “18” and
18 inserting “24”; and

19 (B) in paragraph (2), by striking “2 years
20 after the date of enactment of Helping Families
21 in Mental Health Crisis Reform Act of 2016”
22 and inserting “December 31, 2025”;

23 (9) in subsection (l)(4), by striking “between 10
24 and 24 years of age” and inserting “up to 24 years
25 of age”; and

1 (10) in subsection (m), by striking
2 “\$30,000,000 for each of fiscal years 2018 through
3 2022” and inserting “\$40,000,000 for each of fiscal
4 years 2023 through 2027”.

5 **SEC. 1423. MENTAL HEALTH AND SUBSTANCE USE DIS-**
6 **ORDER SERVICES FOR STUDENTS IN HIGHER**
7 **EDUCATION.**

8 Section 520E–2 of the Public Health Service Act (42
9 U.S.C. 290bb–36b) is amended—

10 (1) in the heading, by striking “**ON CAMPUS**”
11 and inserting “**FOR STUDENTS IN HIGHER EDU-**
12 **CATION**”;

13 (2) in subsection (b)—

14 (A) in paragraph (1), by striking “mental
15 and substance use disorders” and inserting
16 “mental health and substance use disorders and
17 promote resiliency”;

18 (B) in paragraph (4), by striking “mental
19 and substance use disorder services.” and in-
20 serting “mental health and substance use dis-
21 order resources and services.”;

22 (C) in paragraph (5), by striking “mental
23 and substance use” and inserting “mental
24 health and substance use”;

1 (D) in paragraph (6), by striking “staff to
2 respond effectively to students with mental and
3 substance use disorders.” and inserting “staff
4 to recognize and respond effectively and appro-
5 priately to students experiencing mental health
6 and substance use disorders.”;

7 (E) in paragraph (7), by striking “mental
8 and substance use” and inserting “mental
9 health and substance use”;

10 (F) in paragraph (8), by striking “mental
11 and substance use” and inserting “mental
12 health and substance use.”;

13 (G) in paragraph (9), by striking “regard-
14 ing improving the behavioral health of students
15 through clinical services, outreach, prevention,
16 or” and inserting “to improve the behavioral
17 health of students through clinical services, out-
18 reach, prevention, promotion of mental health,
19 or”;

20 (H) in paragraph (10), by striking “mental
21 and behavioral disorders,” and inserting “men-
22 tal and behavioral health disorders,”; and

23 (I) in paragraph (12), by striking “best
24 practices.” and inserting “best practices, and
25 trauma-informed practices.”;

1 (3) in subsection (d)—

2 (A) in paragraph (1), by striking “mental
3 and substance use” and inserting “mental
4 health and substance use”; and

5 (B) in paragraph (3), by striking “pro-
6 moting access to services,” and inserting “pro-
7 moting mental health and access to services,”

8 (4) in subsection (f)—

9 (A) in the matter preceding paragraph (1),
10 by striking “the Congress” and inserting “the
11 Committee on Energy and Commerce of the
12 House of Representatives and the Committee
13 on Health, Education, Labor, and Pensions of
14 the Senate”;

15 (B) in paragraph (2), by striking “includ-
16 ing efforts” and inserting “including through
17 prevention, early detection, early intervention,
18 and efforts”; and

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

20 “(3) An assessment of the mental health and
21 substance use disorder needs of the populations
22 served by recipients of grants under this section.”;
23 and

24 (5) in subsection (i), by striking “2018 through
25 2022” and inserting “2023 through 2027”;

3191

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 “, includ-
10 ing minority-serving institutions as described in sec-
11 tion 371(a) of the Higher Education Act of 1965
12 (20 U.S.C. 1067q) and community colleges” after
13 “higher education”; and

14 (3) in subsection (f), by striking “2018 through
15 2022” and inserting “2023 through 2027”.

16 **CHAPTER 4—MEDIA AND MENTAL**
17 **HEALTH**

18 **SEC. 1431. STUDY ON THE EFFECTS OF SMARTPHONE AND**
19 **SOCIAL MEDIA USE ON ADOLESCENTS.**

20 (a) **IN GENERAL.**—Not later than 1 year after the
21 date of enactment of this Act, the Secretary of Health and
22 Human Services may conduct or support research on—

23 (1) smartphone and social media use by adoles-
24 cents; and

25 (2) the effects of such use on—

3192

1 (A) emotional, behavioral, and physical
2 health and development; and

3 (B) any disparities in the mental health
4 outcomes of rural, minority, and other under-
5 served populations.

6 (b) REPORT.—Not later than 5 years after the date
7 of enactment of this Act, the Secretary of Health and
8 Human Services shall submit to the Congress, and make
9 publicly available, a report on the findings of research
10 under this section.

11 **SEC. 1432. RESEARCH ON THE HEALTH AND DEVELOPMENT**
12 **EFFECTS OF MEDIA AND RELATED TECH-**
13 **NOLOGY ON INFANTS, CHILDREN, AND ADO-**
14 **LESCENTS.**

15 (a) IN GENERAL.—The Secretary of Health and
16 Human Services (in this section referred to as the “Sec-
17 retary”) shall, as appropriate, conduct or support research
18 related to the health and developmental effects, including
19 long-term effects, of media and related technology use on
20 infants, children, and adolescents, which may include the
21 effects of exposure to, and use of, media and related tech-
22 nology, such as social media, applications, websites, tele-
23 vision, motion pictures, artificial intelligence, mobile de-
24 vices, computers, video games, virtual and augmented re-
25 ality, and other content, networks, or platforms dissemi-

1 nated through the internet, broadcasted, or other media
2 technologies, as applicable.

3 (b) ACTIVITIES.—In carrying out subsection (a), the
4 Secretary, acting through the Director of the National In-
5 stitutes of Health, shall, as appropriate, develop a re-
6 search agenda to assess the effects of media and related
7 technologies on infants, children, and adolescents, which
8 may include consideration of the following, as appropriate:

9 (1) The cognitive development of infants, chil-
10 dren, and adolescents, which may include effects re-
11 lated to language development, learning abilities,
12 and other areas of cognitive development.

13 (2) The physical health of infants, children, and
14 adolescents, which may include effects related to
15 diet, exercise, sleeping and eating routines, and
16 other areas of physical development.

17 (3) The mental health of infants, children, and
18 adolescents, which may include effects related to
19 self-awareness, social awareness, relationship skills,
20 decision-making, violence, bullying, privacy, mental
21 disorders, and other areas related to mental health.

22 (c) CONSULTATION.—In developing the research
23 agenda under subsection (b), the Secretary may consult
24 with appropriate national research institutes, academies,
25 and centers, relevant consortia, and non-Federal experts,

1 as appropriate. The Secretary may utilize scientific work-
2 shops, symposia, and other activities to assess current
3 knowledge and identify relevant research opportunities
4 and gaps in this area.

5 (d) REPORT TO CONGRESS.—Not later than 2 years
6 after the date of enactment of this Act, the Director of
7 the National Institutes of Health shall submit to the Com-
8 mittee on Energy and Commerce of the House of Rep-
9 resentatives and the Committee on Health, Education,
10 Labor, and Pensions of the Senate a report—

11 (1) on the progress made in improving data and
12 expanding research on the health and developmental
13 effects of media and related technology on infants,
14 children, and adolescents in accordance with this
15 section; and

16 (2) that summarizes the grants and research
17 funded under this section for each of the years cov-
18 ered by the report.

19 **Subtitle E—Miscellaneous** 20 **Provisions**

21 **SEC. 1501. LIMITATIONS ON AUTHORITY.**

22 In carrying out any program of the Substance Abuse
23 and Mental Health Services Administration whose statu-
24 tory authorization is enacted or amended by this title, the
25 Secretary of Health and Human Services shall not allocate

1 funding, or require award recipients to prioritize, dedicate,
2 or allocate funding, without consideration of the incidence,
3 prevalence, or determinants of mental health or substance
4 use issues, unless such allocation or requirement is con-
5 sistent with statute, regulation, or other Federal law.

6 **TITLE II—PREPARING FOR AND**
7 **RESPONDING TO EXISTING**
8 **VIRUSES, EMERGING NEW**
9 **THREATS, AND PANDEMICS**

10 **SEC. 2001. SHORT TITLE.**

11 This title may be cited as the “Prepare for and Re-
12 spond to Existing Viruses, Emerging New Threats, and
13 Pandemics Act” or the “PREVENT Pandemics Act”.

14 **Subtitle A—Strengthening Federal**
15 **and State Preparedness**

16 **CHAPTER 1—FEDERAL LEADERSHIP AND**
17 **ACCOUNTABILITY**

18 **SEC. 2101. APPOINTMENT AND AUTHORITY OF THE DIREC-**
19 **TOR OF THE CENTERS FOR DISEASE CON-**
20 **TROL AND PREVENTION.**

21 (a) IN GENERAL.—Part A of title III of the Public
22 Health Service Act (42 U.S.C. 241 et seq.) is amended
23 by inserting after section 304 the following:

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
9 and with the advice and consent of the Senate. Such indi-
10 vidual shall also serve as the Administrator of the Agency
11 for Toxic Substances and Disease Registry consistent with
12 section 104(i) of the Comprehensive Environmental Re-
13 sponse, Compensation, and Liability Act. The Director
14 shall perform functions provided for in subsection (b) and
15 such other 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;

1 “(2) be responsible for the overall direction of
2 the CDC and for the establishment and implementa-
3 tion of policies related to the management and oper-
4 ation of programs and activities within the CDC;

5 “(3) coordinate and oversee the operation of
6 centers, 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 con-
19 ducted by such centers, institutes, and offices to fa-
20 cilitate 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 estab-
25 lished pursuant to subsection (c).

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 Direc-
5 tor shall develop and submit to the Committee on
6 Health, Education, Labor, and Pensions and the
7 Committee on Appropriations of the Senate and the
8 Committee on Energy and Commerce and the Com-
9 mittee on Appropriations of the House of Represent-
10 atives, and post on the website of the CDC, a coordi-
11 nated strategy to provide strategic direction and fa-
12 cilitate collaboration across the centers, institutes,
13 and offices within the CDC. Such strategy shall be
14 known as the ‘CDC Strategic Plan’.

15 “(2) REQUIREMENTS.—The CDC Strategic
16 Plan 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

3199

1 prevent and reduce the prevalence of the
2 diseases 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 pacity 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 objec-
14 tives under subparagraph (A), and progress to-
15 wards achieving such capacity and capabilities,
16 as appropriate; 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

1 and Human Services and other Federal de-
2 partments 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
8 subsection.

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
13 the Committee on Energy and Commerce of the
14 House of Representatives at hearings on topics such
15 as—

16 “(A) support for State, local, and Tribal
17 public health preparedness and responses to any
18 recent or ongoing public health emergency, in-
19 cluding—

20 “(i) any objectives, activities, or initia-
21 tives that have been carried out, or are
22 planned, by the Director to prepare for, or
23 respond to, the public health emergency,
24 including relevant strategic communica-
25 tions or partnerships and any gaps or chal-

3201

1 lenges identified in such objectives, activi-
2 ties, or 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
9 threats that the Director is preparing to
10 address;

11 “(B) activities related to public health and
12 functions of the Director described in sub-
13 section (b); and

14 “(C) updates on other relevant activities
15 supported or conducted by the CDC, or in col-
16 laboration or coordination with the heads of
17 other Federal departments, agencies, or stake-
18 holders, as appropriate.

19 “(2) CLARIFICATIONS.—

20 “(A) WAIVER AUTHORITY.—The Chair of
21 the Committee on Health, Education, Labor,
22 and Pensions of the Senate or the Chair of the
23 Committee on Energy and Commerce of the
24 House of Representatives may waive the re-
25 quirements of paragraph (1) for the applicable

1 fiscal year with respect to the applicable Com-
2 mittee.

3 “(B) SCOPE OF REQUIREMENTS.—The re-
4 quirements of this subsection shall not be con-
5 strued to impact the appearance of other Fed-
6 eral officials or the Director at hearings of ei-
7 ther Committee described in paragraph (1) at
8 other times and for purposes other than the
9 times and purposes described in paragraph (1).

10 “(3) CLOSED HEARINGS.—Information that is
11 not appropriate for disclosure during an open hear-
12 ing under paragraph (1) in order to protect national
13 security may instead be discussed in a closed hear-
14 ing that immediately follows the open hearing.

15 “(e) OTHER TRANSACTIONS.—

16 “(1) IN GENERAL.—In carrying out activities of
17 the Centers for Disease Control and Prevention, the
18 Director may enter into transactions other than a
19 contract, grant, or cooperative agreement for pur-
20 poses of infectious disease research, biosurveillance,
21 infectious disease modeling, and public health pre-
22 paredness and response.

23 “(2) WRITTEN DETERMINATION.—With respect
24 to a project that is expected to cost the Centers for
25 Disease Control and Prevention more than

1 \$40,000,000, the Director may exercise the author-
2 ity under paragraph (1) only upon a written deter-
3 mination by the Assistant Secretary for Financial
4 Resources of the Department of Health and Human
5 Services, that the use of such authority is essential
6 to promoting the success of the project. The author-
7 ity of the Assistant Secretary for Financial Re-
8 sources under this paragraph may not be delegated.

9 “(3) GUIDELINES.—The Director, in consulta-
10 tion with the Secretary, shall establish guidelines re-
11 garding the use of the authority under paragraph
12 (1). Such guidelines shall include auditing require-
13 ments.”.

14 (b) EFFECTIVE DATE.—The first sentence of section
15 305(a) of the Public Health Service Act, as added by sub-
16 section (a), shall take effect on January 20, 2025.

17 **SEC. 2102. ADVISORY COMMITTEE TO THE DIRECTOR OF**
18 **THE CENTERS FOR DISEASE CONTROL AND**
19 **PREVENTION.**

20 Title III of the Public Health Service Act (42 U.S.C.
21 241 et seq.) is amended by inserting after section 305,
22 as added by section 2101, the following:

23 **“SEC. 305A. ADVISORY COMMITTEE TO THE DIRECTOR.**

24 “(a) IN GENERAL.—Not later than 60 days after the
25 date of the enactment of the PREVENT Pandemics Act,

1 the Secretary, acting through the Director of the Centers
2 for Disease Control and Prevention (referred to in this
3 section as the ‘Director’), shall maintain or establish an
4 advisory committee within the Centers for Disease Control
5 and Prevention to advise the Director on policy and strate-
6 gies that enable the agency to fulfill its mission.

7 “(b) FUNCTIONS AND ACTIVITIES.—The Advisory
8 Committee may—

9 “(1) make recommendations to the Director re-
10 garding ways to prioritize the activities of the agen-
11 cy in alignment with the CDC Strategic Plan re-
12 quired under section 305(e);

13 “(2) advise on ways to achieve or improve per-
14 formance metrics in relation to the CDC Strategic
15 Plan, and other relevant metrics, as appropriate;

16 “(3) provide advice and recommendations on
17 the development of the CDC Strategic Plan, and any
18 subsequent updates, as appropriate;

19 “(4) advise on grants, cooperative agreements,
20 contracts, or other transactions, as applicable;

21 “(5) provide other advice to the Director, as re-
22 quested, to fulfill duties under sections 301 and 311;
23 and

24 “(6) appoint subcommittees.

25 “(c) MEMBERSHIP.—

1 “(1) IN GENERAL.—The Advisory Committee
2 shall consist of not more than 15 non-Federal mem-
3 bers, including the Chair, to be appointed by the
4 Secretary under paragraph (3).

5 “(2) EX OFFICIO MEMBERS.—Any ex officio
6 members of the Advisory Council may consist of—

7 “(A) the Secretary;

8 “(B) the Assistant Secretary for Health;

9 “(C) the Director; and

10 “(D) such additional officers or employees
11 of the United States as the Secretary deter-
12 mines necessary for the advisory committee to
13 effectively carry out its functions.

14 “(3) APPOINTED MEMBERS.—Individuals shall
15 be appointed to the Advisory Committee under para-
16 graph (1) as follows:

17 “(A) Twelve of the members shall be ap-
18 pointed by the Director from among the leading
19 representatives of the health disciplines (includ-
20 ing public health, global health, health dispari-
21 ties, biomedical research, public health pre-
22 paredness, and other fields, as applicable) rel-
23 evant to the activities of the agency or center,
24 as applicable.

1 “(B) Three of the members may be ap-
2 pointed by the Secretary from the general pub-
3 lic and may include leaders in fields of innova-
4 tion, public policy, public relations, law, eco-
5 nomics, or management.

6 “(4) COMPENSATION.—Ex officio members of
7 the Advisory Council who are officers or employees
8 of the United States shall not receive any compensa-
9 tion for service on the advisory committee. The re-
10 maining members of the advisory committee may re-
11 ceive, for each day (including travel time) they are
12 engaged in the performance of the functions of the
13 advisory committee, compensation at rates not to ex-
14 ceed the daily equivalent to the annual rate of basic
15 pay for level III of the Executive Schedule under
16 section 5314 of title 5, United States Code.

17 “(5) TERMS OF OFFICE.—

18 “(A) IN GENERAL.—The term of office of
19 a member of the advisory committee appointed
20 under paragraph (3) shall be 4 years, except
21 that any member appointed to fill a vacancy for
22 an unexpired term shall serve for the remainder
23 of such term. The Secretary shall make ap-
24 pointments to the advisory committee in such a
25 manner as to ensure that the terms of the

1 members not all expire in the same year. A
2 member of the advisory committee may serve
3 after the expiration of such member's term
4 until a successor has been appointed and taken
5 office.

6 “(B) REAPPOINTMENTS.—A member who
7 has been appointed to the advisory committee
8 for a term of 4 years may not be reappointed
9 to the advisory committee during the 2-year pe-
10 riod beginning on the date on which such 4-
11 year term expired.

12 “(C) TIME FOR APPOINTMENT.—If a va-
13 cancy occurs in the advisory committee among
14 the members appointed under paragraph (3),
15 the Secretary shall make an appointment to fill
16 such vacancy within 90 days from the date the
17 vacancy occurs.

18 “(d) CHAIR.—The Secretary shall select a member
19 of the advisory committee to serve as the Chair of the com-
20 mittee. The Secretary may so select an individual from
21 among the appointed members. The term of office of the
22 chair shall be 2 years.

23 “(e) MEETINGS.—The advisory committee shall meet
24 at the call of the Chair or upon request of the Director,
25 but in no event less than 2 times during each fiscal year.

1 “(f) EXECUTIVE SECRETARY AND STAFF.—The Di-
2 rector shall designate a member of the staff of the agency
3 to serve as the executive secretary of the advisory com-
4 mittee. The Director shall make available to the advisory
5 committee such staff, information, and other assistance as
6 it may require to carry out its functions. The Director
7 shall provide orientation and training for new members
8 of the advisory committee to provide for their effective
9 participation in the functions of the advisory committee.”.

10 **SEC. 2103. PUBLIC HEALTH AND MEDICAL PREPAREDNESS**
11 **AND RESPONSE COORDINATION.**

12 (a) PUBLIC HEALTH EMERGENCY FUND.—Section
13 319(b) of the Public Health Service Act (42 U.S.C.
14 247d(b)) is amended—

15 (1) in paragraph (2)—

16 (A) in subparagraph (E), by striking
17 “and” at the end;

18 (B) by redesignating subparagraph (F) as
19 subparagraph (G); and

20 (C) by inserting after subparagraph (E),
21 the following:

22 “(F) support the initial deployment and
23 distribution of contents of the Strategic Na-
24 tional Stockpile, as appropriate; and”;

1 (2) by amending paragraph (3)(A) to read as
2 follows:

3 “(A) the expenditures made from the Pub-
4 lic Health Emergency Fund in such fiscal year,
5 including—

6 “(i) the amount obligated;

7 “(ii) the recipient or recipients of such
8 obligated funds;

9 “(iii) the specific response activities
10 such obligated funds will support; and

11 “(iv) the declared or potential public
12 health emergency for which such funds
13 were obligated; and”.

14 (b) IMPROVING PUBLIC HEALTH AND MEDICAL PRE-
15 PAREDNESS AND RESPONSE COORDINATION.—

16 (1) COORDINATION WITH FEDERAL AGEN-
17 CIES.—Section 2801 of the Public Health Service
18 Act (42 U.S.C. 300hh) is amended by adding at the
19 end the following:

20 “(c) COORDINATION WITH FEDERAL AGENCIES.—In
21 leading the Federal public health and medical response to
22 a declared or potential public health emergency, consistent
23 with this section, the Secretary shall coordinate with, and
24 may request support from, other Federal departments and
25 agencies, as appropriate in order to carry out necessary

1 activities and leverage the expertise of such departments
2 and agencies, which may include the provision of assist-
3 ance at the direction of the Secretary related to supporting
4 the public health and medical response for States, local-
5 ities, and Tribes.”.

6 (2) ASPR DUTIES.—Section 2811(b) of the
7 Public Health Service Act (42 U.S.C. 300hh–10(b))
8 is amended—

9 (A) in paragraph (1), by inserting “and,
10 consistent with the National Response Frame-
11 work and other applicable provisions of law, as-
12 sist the Secretary in carrying out the functions
13 under section 2801” before the period; and

14 (B) in paragraph (4)—

15 (i) in subparagraph (E) by striking
16 “the actions necessary to overcome these
17 obstacles.” and inserting “recommend ac-
18 tions necessary to overcome these obsta-
19 cles, such as—

20 “(i) improving coordination with rel-
21 evant Federal officials;

22 “(ii) partnering with other public or
23 private entities to leverage capabilities
24 maintained by such entities, as appropriate
25 and consistent with this subsection; and

3211

1 “(iii) coordinating efforts to support
2 or establish new capabilities, as appro-
3 priate.”;

4 (ii) in subparagraph (G)—

5 (I) by redesignating clauses (i)
6 and (ii) as subclauses (I) and (II) and
7 adjusting the margins accordingly;

8 (II) in the matter preceding sub-
9 clause (I), as so redesignated—

10 (aa) by inserting “each year,
11 including national-level and
12 State-level full-scale exercises not
13 less than once every 4 years”
14 after “operational exercises”; and

15 (bb) by striking “exercises
16 based on—” and inserting “exer-
17 cises—

18 “(i) based on”;

19 (III) by striking the period and
20 inserting a semicolon; and

21 (IV) by adding at the end the fol-
22 lowing:

23 “(ii) that assess the ability of the
24 Strategic National Stockpile, as appro-
25 priate, to provide medical countermeasures,

3212

1 medical products, and other supplies, in-
2 cluding ancillary medical supplies, to sup-
3 port the response to a public health emer-
4 gency or potential public health emergency,
5 including a threat that requires the large-
6 scale and simultaneous deployment of
7 stockpiles and a long-term public health
8 and medical response; and

9 “(iii) conducted in coordination with
10 State and local health officials.”; and

11 (iii) by adding at the end the fol-
12 lowing:

13 “(J) MEDICAL PRODUCT AND SUPPLY CA-
14 PACITY PLANNING.—Coordinate efforts within
15 the Department of Health and Human Services
16 to support—

17 “(i) preparedness for medical product
18 and medical supply needs directly related
19 to responding to chemical, biological, radio-
20 logical, or nuclear threats, including
21 emerging infectious diseases, and incidents
22 covered by the National Response Frame-
23 work, including—

24 “(I) sharing information, includ-
25 ing with appropriate stakeholders, re-

3213

1 lated to the anticipated need for, and
2 availability of, such products and sup-
3 plies during such responses;

4 “**(II)** supporting activities, which
5 may include public-private partner-
6 ships, to maintain capacity of medical
7 products and medical supplies, as ap-
8 plicable and appropriate; and

9 “**(III)** planning for potential
10 surges in medical supply needs for
11 purposes of a response to such a
12 threat; and

13 “(ii) situational awareness with re-
14 spect to anticipated need for, and avail-
15 ability of, such medical products and med-
16 ical supplies within the United States dur-
17 ing a response to such a threat.”.

18 **(c) APPEARANCES BEFORE AND REPORTS TO CON-**
19 **GRESS.**—Section 2811 of the Public Health Service Act
20 (42 U.S.C. 300hh–10) is amended by adding at the end
21 the following:

22 “**(g) APPEARANCES BEFORE CONGRESS.**—

23 “**(1) IN GENERAL.**—Each fiscal year, the As-
24 sistant Secretary for Preparedness and Response
25 shall appear before the Committee on Health, Edu-

1 cation, Labor, and Pensions of the Senate and the
2 Committee on Energy and Commerce of the House
3 of Representatives at hearings, on topics such as—

4 “(A) coordination of Federal activities to
5 prepare for, and respond to, public health emer-
6 gencies;

7 “(B) activities and capabilities of the Stra-
8 tegic National Stockpile, including whether, and
9 the degree to which, recommendations made
10 pursuant to section 2811–1(c)(1)(A) have been
11 met;

12 “(C) support for State, local, and Tribal
13 public health and medical preparedness;

14 “(D) activities implementing the counter-
15 measures budget plan described under sub-
16 section (b)(7), including—

17 “(i) any challenges in meeting the full
18 range of identified medical countermeasure
19 needs; and

20 “(ii) progress in supporting advanced
21 research, development, and procurement of
22 medical countermeasures, pursuant to sub-
23 section (b)(3);

24 “(E) the strategic direction of, and activi-
25 ties related to, the sustainment of manufac-

1 turing surge capacity and capabilities for med-
2 ical countermeasures pursuant to section 319L
3 and the distribution and deployment of such
4 countermeasures;

5 “(F) any additional objectives, activities,
6 or initiatives that have been carried out or are
7 planned by the Assistant Secretary for Pre-
8 paredness and Response and associated chal-
9 lenges, as appropriate;

10 “(G) the specific all-hazards threats that
11 the Assistant Secretary for Preparedness and
12 Response is preparing to address, or that are
13 being addressed, through the activities de-
14 scribed in subparagraphs (A) through (F); and

15 “(H) objectives, activities, or initiatives re-
16 lated to the coordination and consultation re-
17 quired under subsections (b)(4)(H) and
18 (b)(4)(I), in a manner consistent with para-
19 graph (3), as appropriate.

20 “(2) CLARIFICATIONS.—

21 “(A) WAIVER AUTHORITY.—The Chair of
22 the Committee on Health, Education, Labor,
23 and Pensions of the Senate or the Chair of the
24 Committee on Energy and Commerce of the
25 House of Representatives may waive the re-

1 requirements of paragraph (1) for the applicable
2 fiscal year with respect to the applicable Com-
3 mittee.

4 “(B) SCOPE OF REQUIREMENTS.—The re-
5 quirements of this subsection shall not be con-
6 strued to impact the appearance of other Fed-
7 eral officials or the Assistant Secretary at hear-
8 ings of either Committee described in para-
9 graph (1) at other times and for purposes other
10 than the times and purposes described in para-
11 graph (1)

12 “(3) CLOSED HEARINGS.—Information that is
13 not appropriate for disclosure during an open hear-
14 ing under paragraph (1) in order to protect national
15 security may instead be discussed in a closed hear-
16 ing that immediately follows such open hearing.”.

17 (d) ANNUAL REPORT ON EMERGENCY RESPONSE
18 AND PREPAREDNESS.—Section 2801 of the Public Health
19 Service Act (42 U.S.C. 300hh), as amended by subsection
20 (b), is further amended by adding at the end the following:

21 “(d) ANNUAL REPORT ON EMERGENCY RESPONSE
22 AND PREPAREDNESS.—The Secretary shall submit a writ-
23 ten report each fiscal year to the Committee on Health,
24 Education, Labor, and Pensions and the Committee on
25 Appropriations of the Senate and the Committee on En-

1 ergy and Commerce and the Committee on Appropriations
2 of the House of Representatives, containing—

3 “(1) updated information related to an assess-
4 ment of the response to any public health emergency
5 declared, or otherwise in effect, during the previous
6 fiscal year;

7 “(2) findings related to drills and operational
8 exercises completed in the previous fiscal year pursu-
9 ant to section 2811(b)(4)(G);

10 “(3) the state of public health preparedness and
11 response capabilities for chemical, biological, radio-
12 logical, and nuclear threats, including emerging in-
13 fectious diseases; and

14 “(4) any challenges in preparing for or respond-
15 ing to such threats, as appropriate.”.

16 (e) GAO REPORT ON INTERAGENCY AGREEMENTS
17 AND COORDINATION.—Not later than 3 years after the
18 date of enactment of this Act, the Comptroller General
19 of the United States shall—

20 (1) conduct a review of previous and current
21 interagency agreements established between the Sec-
22 retary of Health and Human Services and the heads
23 of other relevant Federal departments or agencies
24 pursuant to section 2801(b) of the Public Health
25 Service Act (42 U.S.C. 300hh(b)), including—

3218

1 (A) the specific roles and responsibilities of
2 each Federal department or agency that is a
3 party to any such interagency agreement;

4 (B) the manner in which specific capabili-
5 ties of each such Federal department or agency
6 may be utilized under such interagency agree-
7 ments;

8 (C) the frequency with which such inter-
9 agency agreements have been utilized;

10 (D) gaps, if any, in interagency agree-
11 ments that prevent the Secretary from carrying
12 out the goals under section 2802 of the Public
13 Health Service Act (42 U.S.C. 300hh-1);

14 (E) barriers, if any, to establishing or uti-
15 lizing such interagency agreements; and

16 (F) recommendations, if any, on the ways
17 in which such interagency agreements can be
18 improved to address the gaps and barriers iden-
19 tified under subparagraphs (D) and (E);

20 (2) conduct a review of the implementation and
21 utilization of the authorities described under section
22 2801(e) of the Public Health Service Act (42 U.S.C.
23 300hh(e)); and

24 (3) submit to the Committee on Health, Edu-
25 cation, Labor, and Pensions of the Senate and the

1 Committee on Energy and Commerce of the House
2 of Representatives a report on the reviews under
3 paragraphs (1) and (2), including related rec-
4 ommendations, as applicable.

5 **SEC. 2104. OFFICE OF PANDEMIC PREPAREDNESS AND RE-**
6 **SPONSE POLICY.**

7 (a) IN GENERAL.—There is established in the Execu-
8 tive Office of the President an Office of Pandemic Pre-
9 paredness and Response Policy (referred to in this section
10 as the “Office”), which shall be headed by a Director (re-
11 ferred to in this section as the “Director”) appointed by
12 the President and who shall be compensated at the rate
13 provided for level II of the Executive Schedule in section
14 5313 of title 5, United States Code. The President is au-
15 thorized to appoint not more than 2 Associate Directors,
16 who shall be compensated at a rate not to exceed that pro-
17 vided for level III of the Executive Schedule in section
18 5314 of such title. Associate Directors shall perform such
19 functions as the Director may prescribe.

20 (b) FUNCTIONS OF THE DIRECTOR.—The primary
21 function of the Director is to provide advice, within the
22 Executive Office of the President, on policy related to pre-
23 paredness for, and response to, pandemic and other bio-
24 logical threats that may impact national security, and sup-
25 port strategic coordination and communication with re-

1 spect to relevant activities across the Federal Government.

2 In addition to such other functions and activities as the

3 President may assign, the Director, consistent with appli-

4 cable laws and the National Response Framework, shall—

5 (1) serve as the principal advisor to the Presi-

6 dent on all matters related to pandemic prepared-

7 ness and response policy and make recommendations

8 to the President regarding pandemic and other bio-

9 logical threats that may impact national security;

10 (2) coordinate Federal activities to prepare for,

11 and respond to, pandemic and other biological

12 threats, by—

13 (A) providing strategic direction to the

14 heads of applicable Federal departments, agen-

15 cies, and offices, including—

16 (i) the establishment, implementation,

17 prioritization, and assessment of policy

18 goals and objectives across the Executive

19 Office of the President and such depart-

20 ments, agencies, and offices;

21 (ii) supporting the assessment and

22 clarification of roles and responsibilities re-

23 lated to such Federal activities; and

24 (iii) supporting the development and

25 implementation of metrics and perform-

3221

1 ance measures to evaluate the extent to
2 which applicable activities meet such goals
3 and objectives;

4 (B) providing, in consultation with the
5 Secretary of Health and Human Services and
6 the heads of other relevant Federal depart-
7 ments, agencies, and offices, leadership with re-
8 spect to the National Biodefense Strategy and
9 related activities pursuant to section 1086 of
10 the National Defense Authorization Act for Fis-
11 cal Year 2017 (6 U.S.C. 104) and section 363
12 of the William M. (Mac) Thornberry National
13 Defense Authorization Act for Fiscal Year 2021
14 (6 U.S.C. 105);

15 (C) facilitating coordination and commu-
16 nication between such Federal departments,
17 agencies, and offices to improve preparedness
18 for, and response to, such threats;

19 (D) ensuring that the authorities, capabili-
20 ties, and expertise of each such department,
21 agency, and office are appropriately leveraged
22 to facilitate the whole-of-Government response
23 to such threats;

24 (E) overseeing coordination of Federal ef-
25 forts to prepare for and support the production,

3222

1 supply, and distribution of relevant medical
2 products and supplies during a response to a
3 pandemic or other biological threat, as applica-
4 ble and appropriate, including supporting Fed-
5 eral efforts to assess any relevant vulnerabilities
6 in the supply chain of such products and sup-
7 plies, and identify opportunities for private enti-
8 ties to engage with the Federal Government to
9 address medical product and medical supply
10 needs during such a response;

11 (F) overseeing coordination of Federal ef-
12 forts for the basic and advanced research, de-
13 velopment, manufacture, and procurement of
14 medical countermeasures for such threats, in-
15 cluding by—

16 (i) serving, with the Secretary of
17 Health and Human Services, as co-Chair
18 of the Public Health Emergency Medical
19 Countermeasures Enterprise established
20 pursuant to section 2811–1 of the Public
21 Health Service Act (42 U.S.C. 300hh–
22 10a);

23 (ii) promoting coordination between
24 the medical countermeasure research, de-
25 velopment, and procurement activities of

3223

1 respective Federal departments and agen-
2 cies, including to advance the discovery
3 and development of new medical products
4 and technologies;

5 (G) convening heads of Federal depart-
6 ments and agencies, as appropriate, on topics
7 related to capabilities to prepare for, and re-
8 spond to, such threats;

9 (H) assessing and advising on inter-
10 national cooperation in preparing for, and re-
11 sponding to, such threats to advance the na-
12 tional security objectives of the United States;
13 and

14 (I) overseeing other Federal activities to
15 assess preparedness for, and responses to, such
16 threats, including—

17 (i) drills and operational exercises
18 conducted pursuant to applicable provi-
19 sions of law; and

20 (ii) Federal after-action reports devel-
21 oped following such drills and exercises or
22 a response to a pandemic or other biologi-
23 cal threat;

24 (3) promote and support the development of
25 relevant expertise and capabilities within the Federal

3224

1 Government to ensure that the United States can
2 quickly detect, identify, and respond to such threats,
3 and provide recommendations, as appropriate, to the
4 President;

5 (4) consult with the Director of the Office of
6 Management and Budget and other relevant officials
7 within the Executive Office of the President, includ-
8 ing the Assistant to the President for National Secu-
9 rity Affairs and the Director of the Office of Science
10 and Technology Policy, regarding activities related
11 to preparing for, and responding to, such threats
12 and relevant research and emerging technologies
13 that may advance the biosecurity and preparedness
14 and response goals of the Federal Government;

15 (5) identify opportunities to leverage current
16 and emerging technologies, including through public-
17 private partnerships, as appropriate, to address such
18 threats and advance the preparedness and response
19 goals of the Federal Government; and

20 (6) ensure that findings of Federal after-action
21 reports conducted pursuant to paragraph (2)(I)(ii)
22 are implemented to the maximum extent feasible
23 within the Federal Government.

24 (c) SUPPORT FROM OTHER AGENCIES.—Each de-
25 partment, agency, and instrumentality of the executive

1 branch of the Federal Government, including any inde-
2 pendent agency, is authorized to support the Director by
3 providing the Director such information as the Director
4 determines necessary to carry out the functions of the Di-
5 rector under this section.

6 (d) PREPAREDNESS OUTLOOK REPORT.—

7 (1) IN GENERAL.—Within its first year of oper-
8 ation, the Director, in consultation with the heads of
9 relevant Federal departments and agencies and
10 other officials within the Executive Office of the
11 President, shall through a report submitted to the
12 President and made available to the public, to the
13 extent practicable, identify and describe situations
14 and conditions which warrant special attention with-
15 in the next 5 years, involving current and emerging
16 problems of national significance related to pan-
17 demic or other biological threats, and opportunities
18 for, and the barriers to, the research, development,
19 and procurement of medical countermeasures to ade-
20 quately respond to such threats.

21 (2) REVISIONS.—The Office shall revise the re-
22 port under paragraph (1) not less than once every
23 5 years and work with relevant Federal officials to
24 address the problems, barriers, opportunities, and

1 actions identified under this report through the de-
2 velopment of the President's Budgets and programs.

3 (e) INTERDEPARTMENTAL WORKING GROUP.—The
4 Director shall lead an interdepartmental working group
5 that will meet on a regular basis to evaluate national bio-
6 security and pandemic preparedness issues and make rec-
7 ommendations to the heads of applicable Federal depart-
8 ments, agencies and offices. The working group shall con-
9 sist of representatives from—

10 (1) the Office of Pandemic Preparedness and
11 Response Policy, to serve as the chair;

12 (2) the Department of Health and Human
13 Services;

14 (3) the Department of Homeland Security;

15 (4) the Department of Defense;

16 (5) the Office of Management and Budget; and

17 (6) other Federal Departments and agencies.

18 (f) INDUSTRY LIAISON.—

19 (1) IN GENERAL.—Not later than 10 days after
20 the initiation of a Federal response to a pandemic
21 or other biological threat that may pose a risk to na-
22 tional security, the Director shall appoint an Indus-
23 try Liaison within the Office of Pandemic Prepared-
24 ness and Response Policy to serve until the termi-
25 nation of such response.

1 (2) ACTIVITIES.—The Industry Liaison shall—

2 (A) not later than 20 days after the initi-
3 ation of such response, identify affected indus-
4 tries and develop a plan to regularly commu-
5 nicate with, and receive input from, affected in-
6 dustries;

7 (B) work with relevant Federal depart-
8 ments and agencies to support information
9 sharing and coordination with industry stake-
10 holders; and

11 (C) communicate, and support the provi-
12 sion of technical assistance, as applicable, with
13 private entities interested in supporting such re-
14 sponse, which may include entities not histori-
15 cally involved in the public health or medical
16 sectors, as applicable and appropriate.

17 (g) ADDITIONAL FUNCTIONS OF THE DIRECTOR.—

18 The Director, in addition to the other duties and functions
19 set forth in this section—

20 (1) shall—

21 (A) serve as a member of the Domestic
22 Policy Council and the National Security Coun-
23 cil;

24 (B) serve as a member of the Intergovern-
25 mental Science, Engineering, and Technology

1 Advisory Panel under section 205(b) of the Na-
2 tional Science and Technology Policy, Organiza-
3 tion, and Priorities Act of 1976 (42 U.S.C.
4 6614(b)) and the Federal Coordinating Council
5 for Science, Engineering and Technology under
6 section 401 of such Act (42 U.S.C. 6651);

7 (C) consult with State, Tribal, local, and
8 territorial governments, industry, academia,
9 professional societies, and other stakeholders,
10 as appropriate;

11 (D) use for administrative purposes, on a
12 reimbursable basis, the available services, equip-
13 ment, personnel, and facilities of Federal, State,
14 and local agencies; and

15 (E) at the President's request, perform
16 such other duties and functions and enter into
17 contracts and other arrangements for studies,
18 analyses, and related services with public or pri-
19 vate entities, as applicable and appropriate; and

20 (2) may hold such hearings in various parts of
21 the United States as necessary to determine the
22 views of the entities and individuals referred to in
23 paragraph (1) and of the general public, concerning
24 national needs and trends in pandemic preparedness
25 and response.

1 (h) STAFFING AND DETAILEES.—In carrying out
2 functions under this section, the Director may—

3 (1) appoint not more than 25 individuals to
4 serve as employees of the Office as necessary to
5 carry out this section;

6 (2) fix the compensation of such personnel at a
7 rate to be determined by the Director, up to the
8 amount of annual compensation (excluding expenses)
9 specified in section 102 of title 3, United States
10 Code;

11 (3) utilize the services of consultants, which
12 may include by obtaining services described under
13 section 3109(b) of title 5, United States Code, at
14 rates not to exceed the rate of basic pay for level IV
15 of the Executive Schedule; and

16 (4) direct, with the concurrence of the Sec-
17 retary of a department or head of an agency, the
18 temporary reassignment within the Federal Govern-
19 ment of personnel employed by such department or
20 agency, in order to carry out the functions of the Of-
21 fice.

22 (i) PREPAREDNESS REVIEW AND REPORT.—The Di-
23 rector, in consultation with the heads of applicable Federal
24 departments, agencies, and offices, shall—

1 (1) not later than 1 year after the date of en-
2 actment of this Act, conduct a review of applicable
3 Federal strategies, policies, procedures, and after-ac-
4 tion reports to identify gaps and inefficiencies re-
5 lated to pandemic preparedness and response;

6 (2) not later than 18 months after the date of
7 enactment of this Act, and every 2 years thereafter,
8 submit to the President and the Committee on
9 Health, Education, Labor, and Pensions of the Sen-
10 ate and the Committee on Energy and Commerce of
11 the House of Representatives a report describing—

12 (A) current and emerging pandemic and
13 other biological threats that pose a significant
14 level of risk to national security;

15 (B) the roles and responsibilities of the
16 Federal Government in preparing for, and re-
17 sponding to, such threats;

18 (C) the findings of the review conducted
19 under paragraph (1);

20 (D) any barriers or limitations related to
21 addressing such findings;

22 (E) current and planned activities to up-
23 date Federal strategies, policies, and procedures
24 to address such findings, consistent with appli-

3231

1 cable laws and the National Response Frame-
2 work;

3 (F) current and planned activities to sup-
4 port the development of expertise within the
5 Federal Government pursuant to subsection
6 (b)(3); and

7 (G) opportunities to improve Federal pre-
8 paredness and response capacities and capabili-
9 ties through the use of current and emerging
10 technologies.

11 (j) NONDUPLICATION OF EFFORT.—The Director
12 shall ensure that activities carried out under this section
13 do not unnecessarily duplicate the efforts of other Federal
14 departments, agencies, and offices.

15 (k) CONFORMING AMENDMENTS.—

16 (1) Section 2811–1 of the Public Health Serv-
17 ice Act (42 U.S.C. 300hh–10a) is amended—

18 (A) in the second sentence of subsection
19 (a), by striking “shall serve as chair” and in-
20 serting “and the Director of the Office of Pan-
21 demic Preparedness and Response Policy shall
22 serve as co-chairs”; and

23 (B) in subsection (b)—

24 (i) by redesignating paragraph (10) as
25 paragraph (11); and

3232

1 (ii) by inserting after paragraph (9)
2 the following:

3 “(10) The Director of the Office of Pandemic
4 Preparedness and Response Policy.”.

5 (2) Section 101(c)(1) of the National Security
6 Act of 1947 (50 U.S.C. 3021(c)(1)) is amended by
7 inserting “the Director of the Office of Pandemic
8 Preparedness and Response Policy” after “Treas-
9 ury,”.

10 (3) The National Science and Technology Pol-
11 icy, Organization, and Priorities Act of 1976 (42
12 U.S.C. 6601 et seq.) is amended—

13 (A) in section 205(b)(2) (42 U.S.C.
14 6614(b)(2))—

15 (i) by striking “and (C)” and insert-
16 ing “(C)”; and

17 (ii) by striking the period at the end
18 and inserting “; and (D) the Director of
19 the Office of Pandemic Preparedness and
20 Response Policy.”; and

21 (B) in section 401(b) (42 U.S.C. 6651(b)),
22 by inserting “, the Director of the Office of
23 Pandemic Preparedness and Response Policy,”
24 after “Technology Policy”.

3233

1 **CHAPTER 2—STATE AND LOCAL**
2 **READINESS**
3 **SEC. 2111. IMPROVING STATE AND LOCAL PUBLIC HEALTH**
4 **SECURITY.**

5 (a) IN GENERAL.—Section 319C–1(b)(2) of the Pub-
6 lic Health Service Act (42 U.S.C. 247d–3a(b)(2)) is
7 amended—

8 (1) in subparagraph (A)—

9 (A) in clause (vii), by inserting “during
10 and” before “following a public health emer-
11 gency”;

12 (B) by amending clause (viii) to read as
13 follows:

14 “(viii) a description of how the entity,
15 as applicable and appropriate, will coordi-
16 nate with State emergency preparedness
17 and response plans in public health emer-
18 gency preparedness, including State edu-
19 cation agencies (as defined in section 8101
20 of the Elementary and Secondary Edu-
21 cation Act of 1965), State child care lead
22 agencies (designated under section 658D
23 of the Child Care and Development Block
24 Grant Act of 1990), and other relevant
25 State agencies”;

1 (C) in clause (xi), by striking “; and” and
2 inserting a semicolon;

3 (D) by redesignating clause (xii) as clause
4 (xiii); and

5 (E) by inserting after clause (xi) the fol-
6 lowing:

7 “(xii) a description of how the entity
8 will provide technical assistance to improve
9 public health preparedness and response,
10 as appropriate, to agencies or other enti-
11 ties that operate facilities within the enti-
12 ty’s jurisdiction in which there is an in-
13 creased risk of infectious disease outbreaks
14 in the event of a public health emergency
15 declared under section 319, such as resi-
16 dential care facilities, group homes, and
17 other similar settings; and”;

18 (2) by redesignating subparagraphs (D)
19 through (H) as subparagraphs (E) through (I), re-
20 spectively; and

21 (3) by inserting after subparagraph (C) the fol-
22 lowing:

23 “(D) an assurance that the entity will re-
24 quire relevant staff to complete relevant pre-
25 paredness and response trainings, including

1 trainings related to efficient and effective oper-
2 ation during an incident or event within an In-
3 cident Command System;”.

4 (b) APPLICABILITY.—The amendments made by sub-
5 section (a) shall not apply with respect to any cooperative
6 agreement entered into prior to the date of enactment of
7 this Act.

8 **SEC. 2112. SUPPORTING ACCESS TO MENTAL HEALTH AND**
9 **SUBSTANCE USE DISORDER SERVICES DUR-**
10 **ING PUBLIC HEALTH EMERGENCIES.**

11 (a) AUTHORITIES.—Section 501(d) of the Public
12 Health Service Act (42 U.S.C. 290aa(d)) is amended—

13 (1) by redesignating paragraphs (24) and (25)
14 as paragraphs (25) and (26), respectively; and

15 (2) by inserting after paragraph (23) the fol-
16 lowing:

17 “(24) support the continued access to, or avail-
18 ability of, mental health and substance use disorder
19 services during, or in response to, a public health
20 emergency declared under section 319, including in
21 consultation with, as appropriate, the Assistant Sec-
22 retary for Preparedness and Response, the Director
23 of the Centers for Disease Control and Prevention,
24 and the heads of other relevant agencies, in pre-

1 paring for, and responding to, a public health emer-
2 gency;”.

3 (b) STRATEGIC PLAN.—Section 501(l)(4) of the Pub-
4 lic Health Service Act (42 U.S.C. 290aa(l)(4)) is amend-
5 ed—

6 (1) in subparagraph (E), by striking “and” at
7 the end;

8 (2) in subparagraph (F), by striking the period
9 and inserting “; and”; and

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

11 “(G) specify a strategy to support the con-
12 tinued access to, or availability of, mental
13 health and substance use disorder services, in-
14 cluding to at-risk individuals (as defined in sec-
15 tion 2802(b)(4)), during, or in response to,
16 public health emergencies declared pursuant to
17 section 319.”.

18 (c) BIENNIAL REPORT CONCERNING ACTIVITIES AND
19 PROGRESS.—Section 501(m) of the Public Health Service
20 Act (42 U.S.C. 290aa(m)) is amended—

21 (1) by redesignating paragraphs (4) through
22 (7) as paragraphs (5) through (8), respectively;

23 (2) by inserting after paragraph (3) the fol-
24 lowing:

1 “(4) a description of the Administration’s ac-
2 tivities to support the continued provision of mental
3 health and substance use disorder services, as appli-
4 cable, in response to public health emergencies de-
5 clared pursuant to section 319;” and

6 (3) in paragraph (5), as so redesignated—

7 (A) by redesignating subparagraphs (D)
8 and (E) as subparagraphs (E) and (F), respec-
9 tively; and

10 (B) by inserting after subparagraph (C)
11 the following:

12 “(D) relevant preparedness and response
13 activities;”.

14 (d) **ADVISORY COUNCILS.**—Not later than 1 year
15 after the date of enactment of this Act, the Assistant Sec-
16 retary for Mental Health and Substance Use shall issue
17 a report to the Committee on Health, Education, Labor,
18 and Pensions and the Committee on Appropriations of the
19 Senate and the Committee on Energy and Commerce and
20 the Committee on Appropriations of the House of Rep-
21 resentatives, reflecting the feedback of the advisory coun-
22 cils for the Center for Substance Abuse Treatment, the
23 Center for Substance Abuse Prevention, and the Center
24 for Mental Health Services, pursuant to section 502 of
25 the Public Health Service Act (42 U.S.C. 290aa–1), with

1 recommendations to improve the continued provision of
2 mental health and substance use disorder services during
3 a public health emergency declared under section 319 of
4 such Act (42 U.S.C. 247d), and the provision of such serv-
5 ices as part of the public health and medical response to
6 such an emergency, consistent with title XXVIII of such
7 Act (42 U.S.C. 300hh et seq.), including related to the
8 capacity of the mental health and substance use disorder
9 workforce and flexibilities provided to awardees of mental
10 health and substance use disorder programs.

11 (e) GAO REPORT.—Not later than 3 years after the
12 date of enactment of this Act, the Comptroller General
13 of the United States shall submit to the Committee on
14 Health, Education, Labor, and Pensions of the Senate and
15 the Committee on Energy and Commerce of the House
16 of Representatives a report on programs and activities of
17 the Substance Abuse and Mental Health Services Admin-
18 istration to support the provision of mental health and
19 substance use disorder services and related activities dur-
20 ing the COVID–19 pandemic, including the provision of
21 such services as part of the medical and public health re-
22 sponse to such pandemic. Such report shall—

23 (1) examine the role played by the advisory
24 councils described in section 502 of the Public
25 Health Service Act (42 U.S.C. 290aa–1) and the

1 National Mental Health and Substance Use Policy
2 Laboratory established under section 501A of such
3 Act (42 U.S.C. 290aa-0) in providing technical as-
4 sistance and recommendations to the Substance
5 Abuse and Mental Health Services Administration to
6 support the response of such agency to the public
7 health emergency declared under section 319 of the
8 Public Health Service Act (42 U.S.C. 247d) with re-
9 spect to COVID-19;

10 (2) describe the manner in which existing
11 awardees of mental health and substance use dis-
12 order programs provided and altered delivery of
13 services during such public health emergency, includ-
14 ing information on the populations served by such
15 awardees and any barriers faced in delivering serv-
16 ices; and

17 (3) describe activities of the Substance Abuse
18 and Mental Health Services Administration to sup-
19 port the response to such public health emergency,
20 including through technical assistance, provision of
21 services, and any flexibilities provided to such exist-
22 ing awardees, and any barriers faced in imple-
23 menting such activities.

1 **SEC. 2113. TRAUMA CARE REAUTHORIZATION.**

2 (a) IN GENERAL.—Section 1201 of the Public Health
3 Service Act (42 U.S.C. 300d) is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (3)—

6 (i) by inserting “analyze,” after “com-
7 pile,”; and

8 (ii) by inserting “and medically under-
9 served areas” before the semicolon;

10 (B) in paragraph (4), by adding “and”
11 after the semicolon;

12 (C) by striking paragraph (5); and

13 (D) by redesignating paragraph (6) as
14 paragraph (5);

15 (2) by redesignating subsection (b) as sub-
16 section (c); and

17 (3) by inserting after subsection (a) the fol-
18 lowing:

19 “(b) TRAUMA CARE READINESS AND COORDINA-
20 TION.—The Secretary, acting through the Assistant Sec-
21 retary for Preparedness and Response, shall support the
22 efforts of States and consortia of States to coordinate and
23 improve emergency medical services and trauma care dur-
24 ing a public health emergency declared by the Secretary
25 pursuant to section 319 or a major disaster or emergency
26 declared by the President under section 401 or 501, re-

1 spectively, of the Robert T. Stafford Disaster Relief and
2 Emergency Assistance Act. Such support may include—

3 “(1) developing, issuing, and updating guid-
4 ance, as appropriate, to support the coordinated
5 medical triage and evacuation to appropriate medical
6 institutions based on patient medical need, taking
7 into account regionalized systems of care;

8 “(2) disseminating, as appropriate, information
9 on evidence-based or evidence-informed trauma care
10 practices, taking into consideration emergency med-
11 ical services and trauma care systems, including
12 such practices identified through activities conducted
13 under subsection (a) and which may include the
14 identification and dissemination of performance
15 metrics, as applicable and appropriate; and

16 “(3) other activities, as appropriate, to optimize
17 a coordinated and flexible approach to the emer-
18 gency response and medical surge capacity of hos-
19 pitals, other health care facilities, critical care, and
20 emergency medical systems.”.

21 (b) GRANTS TO IMPROVE TRAUMA CARE IN RURAL
22 AREAS.—Section 1202 of the Public Health Service Act
23 (42 U.S.C. 300d–3) is amended—

3242

1 (1) by amending the section heading to read as
2 follows: “**GRANTS TO IMPROVE TRAUMA CARE**
3 **IN RURAL AREAS**”;

4 (2) by amending subsections (a) and (b) to read
5 as follows:

6 “(a) **IN GENERAL.**—The Secretary shall award
7 grants to eligible entities for the purpose of carrying out
8 research and demonstration projects to support the im-
9 provement of emergency medical services and trauma care
10 in rural areas through the development of innovative uses
11 of technology, training and education, transportation of
12 seriously injured patients for the purposes of receiving
13 such emergency medical services, access to prehospital
14 care, evaluation of protocols for the purposes of improve-
15 ment of outcomes and dissemination of any related best
16 practices, activities to facilitate clinical research, as appli-
17 cable and appropriate, and increasing communication and
18 coordination with applicable State or Tribal trauma sys-
19 tems.

20 “(b) **ELIGIBLE ENTITIES.**—

21 “(1) **IN GENERAL.**—To be eligible to receive a
22 grant under this section, an entity shall be a public
23 or private entity that provides trauma care in a
24 rural area.

1 “(2) PRIORITY.—In awarding grants under this
2 section, the Secretary shall give priority to eligible
3 entities that will provide services under the grant in
4 any rural area identified by a State under section
5 1214(d)(1).”; and

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

7 “(d) REPORTS.—An entity that receives a grant
8 under this section shall submit to the Secretary such re-
9 ports as the Secretary may require to inform administra-
10 tion of the program under this section.”.

11 (c) COMPETITIVE GRANTS FOR TRAUMA CENTERS.—
12 Section 1204 of the Public Health Service Act (42 U.S.C.
13 300d–6) is amended—

14 (1) by amending the section heading to read as
15 follows: “**COMPETITIVE GRANTS FOR TRAUMA**
16 **CENTERS**”;

17 (2) in subsection (a)—

18 (A) by striking “that design, implement,
19 and evaluate” and inserting “to design, imple-
20 ment, and evaluate new or existing”;

21 (B) by striking “emergency care” and in-
22 serting “emergency medical”; and

23 (C) by inserting “, and improve access to
24 trauma care within such systems” before the
25 period;

1 (3) in subsection (b)(1), by striking subpara-
2 graphs (A) and (B) and inserting the following:

3 “(A) a State or consortia of States;

4 “(B) an Indian Tribe or Tribal organiza-
5 tion (as defined in section 4 of the Indian Self-
6 Determination and Education Assistance Act);

7 “(C) a consortium of level I, II, or III
8 trauma centers designated by applicable State
9 or local agencies within an applicable State or
10 region, and, as applicable, other emergency
11 services providers; or

12 “(D) a consortium or partnership of non-
13 profit Indian Health Service, Indian Tribal, and
14 urban Indian trauma centers.”;

15 (4) in subsection (c)—

16 (A) in the matter preceding paragraph
17 (1)—

18 (i) by striking “that proposes a pilot
19 project”;

20 (ii) by striking “an emergency medical
21 and trauma system that—” and inserting
22 “a new or existing emergency medical and
23 trauma system. Such eligible entity shall
24 use amounts awarded under this sub-

3245

1 section to carry out 2 or more of the fol-
2 lowing activities”;

3 (B) in paragraph (1) —

4 (i) by striking “coordinates” and in-
5 serting “Strengthening coordination and
6 communication”; and

7 (ii) by striking “an approach to emer-
8 gency medical and trauma system access
9 throughout the region, including 9–1–1
10 Public Safety Answering Points and emer-
11 gency medical dispatch;” and inserting
12 “approaches to improve situational aware-
13 ness and emergency medical and trauma
14 system access.”;

15 (C) in paragraph (2)—

16 (i) by striking “includes” and insert-
17 ing “Providing”;

18 (ii) by inserting “support patient
19 movement to” after “region to”; and

20 (iii) by striking the semicolon and in-
21 serting a period;

22 (D) in paragraph (3)—

23 (i) by striking “allows for” and insert-
24 ing “Improving”; and

1 (ii) by striking “; and” and inserting
2 a period;

3 (E) in paragraph (4), by striking “includes
4 a consistent” and inserting “Supporting a con-
5 sistent”; and

6 (F) by adding at the end the following:

7 “(5) Establishing, implementing, and dissemi-
8 nating, or utilizing existing, as applicable, evidence-
9 based or evidence-informed practices across facilities
10 within such emergency medical and trauma system
11 to improve health outcomes, including such practices
12 related to management of injuries, and the ability of
13 such facilities to surge.

14 “(6) Conducting activities to facilitate clinical
15 research, as applicable and appropriate.”;

16 (5) in subsection (d)(2)—

17 (A) in subparagraph (A)—

18 (i) in the matter preceding clause (i),
19 by striking “the proposed” and inserting
20 “the applicable emergency medical and
21 trauma system”;

22 (ii) in clause (i), by inserting “or
23 Tribal entity” after “equivalent State of-
24 fice”; and

3247

1 (iii) in clause (vi), by striking “; and”
2 and inserting a semicolon;

3 (B) by redesignating subparagraph (B) as
4 subparagraph (C); and

5 (C) by inserting after subparagraph (A)
6 the following:

7 “(B) for eligible entities described in sub-
8 paragraph (C) or (D) of subsection (b)(1), a de-
9 scription of, and evidence of, coordination with
10 the applicable State Office of Emergency Med-
11 ical Services (or equivalent State Office) or ap-
12 plicable such office for a Tribe or Tribal organi-
13 zation; and”;

14 (6) in subsection (e), by adding at the end the
15 following:

16 “(3) EFFECTIVE DATE.—The matching require-
17 ment described in paragraph (1) shall take effect on
18 October 1, 2025.”;

19 (7) in subsection (f), by striking “population in
20 a medically underserved area” and inserting “medi-
21 cally underserved population”;

22 (8) in subsection (g)—

23 (A) in the matter preceding paragraph (1),
24 by striking “described in”;

1 (B) in paragraph (2), by striking “the sys-
2 tem characteristics that contribute to” and in-
3 serting “opportunities for improvement, includ-
4 ing recommendations for how to improve”;

5 (C) by striking paragraph (4);

6 (D) by redesignating paragraphs (5) and
7 (6) as paragraphs (4) and (5), respectively;

8 (E) in paragraph (4), as so redesignated,
9 by striking “; and” and inserting a semicolon;

10 (F) in paragraph (5), as so redesignated,
11 by striking the period and inserting “; and”;
12 and

13 (G) by adding at the end the following:

14 “(6) any evidence-based or evidence-informed
15 strategies developed or utilized pursuant to sub-
16 section (c)(5).”; and

17 (9) by amending subsection (h) to read as fol-
18 lows:

19 “(h) DISSEMINATION OF FINDINGS.—Not later than
20 1 year after the completion of the final project under sub-
21 section (a), the Secretary shall submit to the Committee
22 on Health, Education, Labor, and Pensions of the Senate
23 and the Committee on Energy and Commerce of the
24 House of Representatives a report describing the informa-
25 tion contained in each report submitted pursuant to sub-

1 section (g) and any additional actions planned by the Sec-
2 retary related to regionalized emergency care and trauma
3 systems.”.

4 (d) PROGRAM FUNDING.—Section 1232(a) of the
5 Public Health Service Act (42 U.S.C. 300d–32(a)) is
6 amended by striking “2010 through 2014” and inserting
7 “2023 through 2027”.

8 **SEC. 2114. ASSESSMENT OF CONTAINMENT AND MITIGA-**
9 **TION OF INFECTIOUS DISEASES.**

10 (a) GAO STUDY.—The Comptroller General of the
11 United States shall conduct a study that reviews a geo-
12 graphically diverse sample of States and territories that,
13 in response to the COVID–19 pandemic, implemented pre-
14 paredness and response plans that included isolation and
15 quarantine recommendations or requirements. Such study
16 shall include—

17 (1) a review of such State and territorial pre-
18 paredness and response plans in place during the
19 COVID–19 pandemic, an assessment of the extent
20 to which such plans facilitated or presented chal-
21 lenges to State and territorial responses to such
22 public health emergency, including response activi-
23 ties relating to isolation and quarantine to prevent
24 the spread of COVID–19; and

1 with regard to addressing unique public health challenges
2 in such States and territories associated with such public
3 health emergency.

4 **Subtitle B—Improving Public**
5 **Health Preparedness and Re-**
6 **sponse Capacity**

7 **CHAPTER 1—IMPROVING PUBLIC HEALTH**
8 **EMERGENCY RESPONSES**

9 **SEC. 2201. ADDRESSING FACTORS RELATED TO IMPROVING**
10 **HEALTH OUTCOMES.**

11 (a) IN GENERAL.—Part B of title III of the Public
12 Health Service Act (42 U.S.C. 243 et seq.) is amended—

13 (1) by inserting after section 317U the fol-
14 lowing:

15 **“SEC. 317V. ADDRESSING FACTORS RELATED TO IMPROV-**
16 **ING HEALTH OUTCOMES.**

17 “(a) IN GENERAL.—The Secretary may, as appro-
18 priate, award grants, contracts, or cooperative agreements
19 to eligible entities for the conduct of evidence-based or evi-
20 dence-informed projects, which may include the develop-
21 ment of networks to improve health outcomes by improv-
22 ing the capacity of such entities to address factors that
23 contribute to negative health outcomes in communities.

24 “(b) ELIGIBLE ENTITIES.—To be eligible to receive
25 an award under this section, an entity shall—

1 “(1)(A) be a State, local, or Tribal health de-
2 partment, community-based organization, Indian
3 Tribe or Tribal organization (as such terms are de-
4 fined in section 4 of the Indian Self-Determination
5 and Education Assistance Act), urban Indian orga-
6 nization (as defined in section 4 of the Indian
7 Health Care Improvement Act), or other public or
8 private entity, as the Secretary determines appro-
9 priate; or

10 “(B) be a consortia of entities described in sub-
11 paragraph (A) or a public-private partnership, in-
12 cluding a community partnership;

13 “(2) submit to the Secretary an application at
14 such time, in such manner, and containing such in-
15 formation as the Secretary shall require;

16 “(3) in the case of an entity other than a com-
17 munity-based organization, demonstrate a history of
18 successfully working with an established community-
19 based organization to address health outcomes; and

20 “(4) submit a plan to conduct activities de-
21 scribed in subsection (a) based on a community
22 needs assessment that takes into account community
23 input.

24 “(c) USE OF FUNDS.—An entity described in sub-
25 section (b) shall use funds received under subsection (a),

1 in 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
9 professionals to address factors related to health
10 outcomes.

11 “(2) Establishing, maintaining, or improving, in
12 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.

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,
7 education, research, and other relevant activities.

8 “(d) BEST PRACTICES AND TECHNICAL ASSIST-
9 ANCE.—The Secretary, in consultation with the Director
10 of the Office of Minority Health, the National Coordinator
11 for Health Information Technology, and the Adminis-
12 trator of the Administration for Community Living, may
13 award grants, contracts, and cooperative agreements to
14 public or nonprofit private entities, including minority
15 serving institutions (defined, for purposes of this sub-
16 section, as institutions and programs described in section
17 326(e)(1) of the Higher Education Act of 1965 and insti-
18 tutions described in section 371(a) of such Act of 1965),
19 to—

20 “(1) identify or facilitate the development of
21 best practices to support improved health outcomes
22 for underserved populations;

23 “(2) provide technical assistance, training, and
24 evaluation assistance to award recipients under sub-
25 section (a);

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
10 5 years and may issue extensions of such award periods
11 for an additional period of up to 3 years.

12 “(f) REPORT.—Not later than September 30, 2026,
13 the Secretary shall submit to the Committee on Health,
14 Education, Labor, and Pensions of the Senate and the
15 Committee on Energy and Commerce of the House of
16 Representatives a report that includes information on ac-
17 tivities funded under this section. Such report shall in-
18 clude a description of—

19 “(1) changes in the capacity of public health
20 entities to address factors related to health outcomes
21 in communities, including any applicable platforms
22 or networks developed or utilized to coordinate
23 health and related social services and any changes in
24 workforce capacity or capabilities;

1 “(2) improvements in health outcomes and in
2 reducing 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
16 carry out this section, there are authorized to be appro-
17 priated \$35,000,000 for each of fiscal years 2023 through
18 2027. Of the amounts appropriated under this subsection
19 for a fiscal year, 5 percent shall be reserved for awards
20 under subsection (a) to Indian Tribes and Tribal organiza-
21 tions (as such terms are defined in section 4 of the Indian
22 Self-Determination and Education Assistance Act), urban
23 Indian organizations (as defined in section 4 of the Indian
24 Health Care Improvement Act), and Tribal health depart-
25 ments.”; and

1 (2) by striking section 330D (42 U.S.C. 254c–
2 4).

3 (b) GAO STUDY AND REPORT.—Not later than 4
4 years after the date of enactment of this Act, the Comp-
5 troller General of the United States shall submit to the
6 Committee on Health, Education, Labor, and Pensions of
7 the Senate and the Energy and Committee on Energy and
8 Commerce of the House of Representatives a report on
9 the program authorized under section 317V of the Public
10 Health Service Act, as added by subsection (a), including
11 a review of the outcomes and effectiveness of the program
12 and coordination with other programs in the Department
13 of Health and Human Services with similar goals to en-
14 sure that there was no unnecessary duplication of efforts.

15 **CHAPTER 2—IMPROVING STATE, LOCAL,**
16 **AND TRIBAL PUBLIC HEALTH DATA**

17 **SEC. 2211. MODERNIZING STATE, LOCAL, AND TRIBAL BIO-**
18 **SURVEILLANCE CAPABILITIES AND INFEC-**
19 **TIOUS DISEASE DATA.**

20 Section 319D of the Public Health Service Act (42
21 U.S.C. 247d–4) is amended—

22 (1) in subsection (a)(3)—

23 (A) in the matter that precedes subpara-
24 graph (A), by striking “. Activities” and all

1 that follows through “include” and inserting “,
2 by”; and

3 (B) in subparagraph (D), by inserting “,
4 infectious disease outbreaks,” after “bioterrorism”;
5

6 (2) in subsection (b)—

7 (A) in paragraph (1)—

8 (i) in subparagraph (A)—

9 (I) by striking “, and local” and
10 inserting “, local, and Tribal”; and

11 (II) by adding “and” after the
12 semicolon;

13 (ii) in subparagraph (B), by striking
14 “; and” and inserting “;”; and

15 (iii) by striking subparagraph (C);
16 and

17 (B) in paragraph (2)—

18 (i) by inserting “, deidentified” before
19 “information”; and

20 (ii) by adding at the end the fol-
21 lowing: “The Secretary shall ensure that
22 the activities carried out pursuant to the
23 previous sentence are conducted in a man-
24 ner that protects personal privacy, to the
25 extent required by applicable Federal and

1 State information privacy or security law,
2 at a minimum.”;

3 (3) in subsection (c)—

4 (A) in paragraph (1)—

5 (i) by inserting “modernize,” after
6 “establish,”;

7 (ii) by inserting “that is deidentified,
8 as applicable,” after “share data and infor-
9 mation”;

10 (iii) by inserting “, to the extent prac-
11 ticable” before the period of the second
12 sentence; and

13 (iv) by adding at the end the fol-
14 lowing: “The Secretary shall ensure that
15 the activities carried out pursuant to this
16 paragraph are conducted in a manner that
17 protects personal privacy, to the extent re-
18 quired by applicable Federal and State in-
19 formation privacy or security law, at a
20 minimum.”;

21 (B) in paragraph (3)—

22 (i) in subparagraph (A)—

23 (I) in clause (iii), by adding
24 “and” after the semicolon;

3260

1 (II) in clause (iv), by striking “;
2 and” and inserting a period; and

3 (III) by striking clause (v); and
4 (ii) in subparagraph (B), by inserting
5 “, and make recommendations to improve
6 the quality of data collected pursuant to
7 subparagraph (A) to ensure complete, ac-
8 curate, and timely sharing of such data, as
9 appropriate, across such elements as de-
10 scribed in subparagraph (A)” after “under
11 subparagraph (A)”;

12 (C) in paragraph (5)—

13 (i) in subparagraph (A)—

14 (I) in the matter preceding clause
15 (i), by striking “and operating” and
16 inserting “, operating, and updating,
17 as appropriate,”;

18 (II) in clause (iii)—

19 (aa) by inserting “that is
20 deidentified, as applicable,” after
21 “analyses”; and

22 (bb) by inserting “in accord-
23 ance with applicable Federal and
24 State privacy and security law”
25 before the semicolon at the end;

3261

1 (III) in clause (iv), by striking
2 “and” at the end;

3 (IV) in clause (v), by striking the
4 period and inserting “; and”; and

5 (V) by adding at the end the fol-
6 lowing:

7 “(vi) in collaboration with State, local,
8 and Tribal public health officials, integrate
9 and update applicable existing public
10 health data systems and networks of the
11 Department of Health and Human Serv-
12 ices to reflect technological advancements,
13 consistent with section 2823, as applica-
14 ble.”; and

15 (ii) in subparagraph (B)—

16 (I) in clause (i), by inserting
17 “and 180 days after the date of enact-
18 ment of the PREVENT Pandemics
19 Act,” after “Innovation Act of
20 2019.”;

21 (II) in clause (ii), by striking
22 “and other representatives as the Sec-
23 retary determines appropriate” and
24 inserting “experts in State-based pub-
25 lic health data systems; experts in

3262

1 standards and implementation speci-
2 fications, including transaction stand-
3 ards; and experts in privacy and data
4 security’; and

5 (III) in clause (iii)—

6 (aa) in subclause (IV), by
7 inserting “, including existing
8 public health data systems” be-
9 fore the semicolon;

10 (bb) in subclause (V), by
11 striking “and” at the end;

12 (cc) in subclause (VI), by
13 striking the period and inserting
14 a semicolon; and

15 (dd) by adding at the end
16 the following:

17 “(VII) strategies to integrate lab-
18 oratory and public health data sys-
19 tems and capabilities to support rapid
20 and accurate reporting of laboratory
21 test results and associated relevant
22 data;

23 “(VIII) strategies to improve the
24 collection, reporting, and dissemina-
25 tion of relevant, aggregated,

3263

1 deidentified demographic data to in-
2 form responses to public health emer-
3 gencies, including identification of at-
4 risk populations and to address poten-
5 tial health disparities; and

6 “(IX) strategies to improve the
7 electronic exchange of health informa-
8 tion, as appropriate, between State
9 and local health departments and
10 health care providers and facilities to
11 improve the detection of, and re-
12 sponses to, potentially catastrophic in-
13 fectious disease outbreaks.”;

14 (D) in paragraph (6)(A)—

15 (i) in the matter preceding clause (i),
16 by inserting “and every 5 years there-
17 after,” after “Innovation Act of 2019,”

18 (ii) in clause (iii)—

19 (I) in subclause (III), by striking
20 “and” at the end; and

21 (II) by adding at the end the fol-
22 lowing:

23 “(V) improve coordination and
24 collaboration, as appropriate, with
25 other Federal departments to improve

3264

1 the capabilities of the network and re-
2 duce administrative burden on State,
3 local, and Tribal entities; and

4 “(VI) implement applicable les-
5 sons learned from recent public health
6 emergencies to address gaps in situa-
7 tional awareness and biosurveillance
8 capabilities;”;

9 (iii) in clause (iv), by striking “and”
10 at the end;

11 (iv) in clause (v), by striking the pe-
12 riod and inserting “, including a descrip-
13 tion of how such steps will further the
14 goals of the network, consistent with para-
15 graph (1); and”;

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

17 “(vi) identifies and demonstrates
18 measurable steps the Secretary will take to
19 further develop and integrate infectious
20 disease detection, support rapid, accurate,
21 and secure sharing of laboratory test re-
22 sults, deidentified as appropriate, during a
23 public health emergency, and improve co-
24 ordination and collaboration with State,
25 local, and Tribal public health officials,

1 clinical laboratories, and other entities with
2 expertise in public health surveillance.”;
3 and

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

5 “(9) RULES OF CONSTRUCTION.—

6 “(A) Nothing in this subsection shall be
7 construed to supplant, in whole or in part,
8 State, local, or Tribal activities or responsibil-
9 ities related to public health surveillance.

10 “(B) Nothing in this subsection shall be
11 construed to alter the authority of the Secretary
12 with respect to the types of data the Secretary
13 may receive through systems supported or es-
14 tablished under this section.”;

15 (4) in subsection (d)—

16 (A) in paragraph (2)—

17 (i) in subparagraph (A)—

18 (I) by inserting “deidentified”
19 before “data, information”; and

20 (II) by inserting “, in consulta-
21 tion with such State or consortium of
22 States” before the semicolon;

23 (ii) in subparagraph (C), by inserting
24 “, including any public-private partner-
25 ships or other partnerships entered into to

1 improve such capacity” before the semi-
2 colon; and

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

4 “(6) NON-DUPLICATION OF EFFORT.—The Sec-
5 retary shall ensure that activities carried out under
6 an award under this subsection do not unnecessarily
7 duplicate efforts of other agencies and offices within
8 the Department of Health and Human Services.”;

9 (5) by striking subsection (e);

10 (6) by redesignating subsections (f), (g), (h),
11 (i), and (j), as subsections (e), (f), (g), (h), and (i),
12 respectively;

13 (7) by striking subsection (h), as redesignated
14 by paragraph (6), and inserting the following:

15 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated—

17 “(1) to carry out subsection (a), \$25,000,000
18 for each of fiscal years 2022 and 2023; and

19 “(2) to carry out subsections (b), (c), and (d),
20 \$136,800,000 for each of fiscal years 2022 and
21 2023.”; and

22 (8) by striking “tribal” each place it appears
23 and inserting “Tribal”.

1 **SEC. 2212. GENOMIC SEQUENCING, ANALYTICS, AND PUB-**
2 **LIC HEALTH SURVEILLANCE OF PATHOGENS.**

3 (a) GUIDANCE SUPPORTING GENOMIC SEQUENCING
4 OF PATHOGENS COLLABORATION.—The Secretary of
5 Health and Human Services (referred to in this section
6 as the “Secretary”), in consultation with the heads of
7 other Federal departments or agencies, as appropriate,
8 shall issue guidance to support collaboration relating to
9 genomic sequencing of pathogens, including the use of new
10 and innovative approaches and technology for the detec-
11 tion, characterization, and sequencing of pathogens, to im-
12 prove public health surveillance and preparedness and re-
13 sponse activities, consistent with section 2824 of the Pub-
14 lic Health Service Act, as added by subsection (b). Such
15 guidance shall address the secure sharing, for public
16 health surveillance purposes, of specimens of such patho-
17 gens, between appropriate entities and public health au-
18 thorities, consistent with the regulations promulgated
19 under section 264(c) of the Health Insurance Portability
20 and Accountability Act of 1996 (42 U.S.C. 1320d–2 note),
21 as applicable, and in a manner that protects personal pri-
22 vacy to the extent required by applicable privacy law, at
23 a minimum, and the appropriate use of sequence data de-
24 rived from such specimens.

25 (b) GENOMIC SEQUENCING PROGRAM.—Title
26 XXVIII of the Public Health Service Act (42 U.S.C.

1 300hh et seq.) is amended by adding at the end the fol-
2 lowing:

3 **“SEC. 2824. GENOMIC SEQUENCING, ANALYTICS, AND PUB-**
4 **LIC HEALTH SURVEILLANCE OF PATHOGENS**
5 **PROGRAM.**

6 “(a) GENOMIC SEQUENCING, ANALYTICS, AND PUB-
7 LIC HEALTH SURVEILLANCE OF PATHOGENS PRO-
8 GRAM.—The Secretary, acting through the Director of the
9 Centers for Disease Control and Prevention and in con-
10 sultation with the Director of the National Institutes of
11 Health and heads of other departments and agencies, as
12 appropriate, shall strengthen and expand activities related
13 to genomic sequencing of pathogens, including through
14 new and innovative approaches and technology for the de-
15 tection, characterization, and sequencing of pathogens,
16 analytics, and public health surveillance, including—

17 “(1) continuing and expanding activities, which
18 may include existing genomic sequencing activities
19 related to advanced molecular detection, to—

20 “(A) identify and respond to emerging in-
21 fectionous disease threats; and

22 “(B) identify the potential use of genomic
23 sequencing technologies, advanced computing,
24 and other advanced technology to inform sur-
25 veillance activities and incorporate the use of

1 such technologies, as appropriate, into related
2 activities;

3 “(2) providing technical assistance and guid-
4 ance to State, Tribal, local, and territorial public
5 health departments to increase the capacity of such
6 departments to perform genomic sequencing of
7 pathogens, including recipients of funding under sec-
8 tion 2821;

9 “(3) carrying out activities to enhance the capa-
10 bilities of the public health workforce with respect to
11 pathogen genomics, epidemiology, and
12 bioinformatics, including through training; and

13 “(4) continuing and expanding activities, as ap-
14 plicable, with public and private entities, including
15 relevant departments and agencies, laboratories, aca-
16 demic institutions, and industry.

17 “(b) PARTNERSHIPS.—For the purposes of carrying
18 out the activities described in subsection (a), the Sec-
19 retary, acting through the Director of the Centers for Dis-
20 ease Control and Prevention, may award grants, contracts,
21 or cooperative agreements to entities, including academic
22 and other laboratories, with expertise in genomic sequenc-
23 ing for public health purposes, including new and innova-
24 tive approaches to, and related technology for, the detec-
25 tion, characterization, and sequencing of pathogens.

3270

1 “(c) CENTERS OF EXCELLENCE.—

2 “(1) IN GENERAL.—The Secretary shall, as ap-
3 propriate, award grants, contracts, or cooperative
4 agreements to public health agencies for the estab-
5 lishment or operation of centers of excellence to pro-
6 mote innovation in pathogen genomics and molecular
7 epidemiology to improve the control of and response
8 to pathogens that may cause a public health emer-
9 gency. Such centers shall, as appropriate—

10 “(A) identify and evaluate the use of
11 genomics, or other related technologies that
12 may advance public health preparedness and re-
13 sponse;

14 “(B) improve the identification, develop-
15 ment, and use of tools for integrating and ana-
16 lyzing genomic and epidemiologic data;

17 “(C) assist with genomic surveillance of,
18 and response to, infectious diseases, including
19 analysis of pathogen genomic data;

20 “(D) conduct applied research to improve
21 public health surveillance of, and response to,
22 infectious diseases through innovation in patho-
23 gen genomics and molecular epidemiology; and

24 “(E) develop and provide training mate-
25 rials for experts in the fields of genomics,

3271

1 microbiology, bioinformatics, epidemiology, and
2 other fields, as appropriate.

3 “(2) REQUIREMENTS.—To be eligible for an
4 award under paragraph (1), an entity shall submit
5 to the Secretary an application containing such in-
6 formation as the Secretary may require, including a
7 description of how the entity will partner, as applica-
8 ble, with academic institutions or a consortium of
9 academic partners that have relevant expertise, such
10 as microbial genomics, molecular epidemiology, or
11 the application of bioinformatics or statistics.”.

12 (c) REPORT TO CONGRESS.—Not later than 90 days
13 after the date of enactment of the PREVENT Pandemics
14 Act, and 90 days following expenditure of all funds under
15 section 2402 of the American Rescue Plan Act of 2021
16 (Public Law 117–2), the Director of the Centers for Dis-
17 ease Control and Prevention shall submit a report to the
18 Committee on Health, Education, Labor, and Pensions of
19 the Senate and the Committee on Energy and Commerce
20 of the House of Representatives outlining how funds
21 awarded under such section 2402 were expended as of the
22 date of such report.

3272

1 **SEC. 2213. SUPPORTING STATE, LOCAL, AND TRIBAL PUB-**
2 **LIC HEALTH DATA.**

3 (a) DESIGNATION OF PUBLIC HEALTH DATA STAND-
4 ARDS.—Section 2823(a)(2) of the Public Health Service
5 Act (42 U.S.C. 300hh–33(a)(2)) is amended—

6 (1) by striking “In carrying out” and inserting
7 the following:

8 “(A) IN GENERAL.—In carrying out”; and

9 (2) by striking “shall, as appropriate and” and
10 inserting “shall, not later than 2 years after the date
11 of enactment of the PREVENT Pandemics Act,”;
12 and

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

14 “(B) NO DUPLICATIVE EFFORTS.—

15 “(i) IN GENERAL.—In carrying out
16 the requirements of this paragraph, the
17 Secretary, in consultation with the Office
18 of the National Coordinator for Health In-
19 formation Technology, may use input gath-
20 ered (including input and recommendations
21 gathered from the Health Information
22 Technology Advisory Committee), and ma-
23 terials developed, prior to the date of en-
24 actment of the PREVENT Pandemics Act.

25 “(ii) DESIGNATION OF STANDARDS.—
26 Consistent with sections 13111 and 13112

1 of the HITECH Act, the data and tech-
2 nology standards designated pursuant to
3 this paragraph shall align with the stand-
4 ards and implementation specifications
5 previously adopted by the Secretary pursu-
6 ant to section 3004, as applicable.

7 “(C) PRIVACY AND SECURITY.—Nothing in
8 this paragraph shall be construed as modifying
9 applicable Federal or State information privacy
10 or security law.”.

11 (b) STUDY ON LABORATORY INFORMATION STAND-
12 ARDS.—

13 (1) IN GENERAL.—Not later than 1 year after
14 the date of enactment of this Act, the Office of the
15 National Coordinator for Health Information Tech-
16 nology shall conduct a study to review the use of
17 standards for electronic ordering and reporting of
18 laboratory test results.

19 (2) AREAS OF CONCENTRATION.—In conducting
20 the study under paragraph (1), the Office of the Na-
21 tional Coordinator for Health Information Tech-
22 nology shall—

23 (A) determine the extent to which clinical
24 laboratories are using standards for electronic

1 ordering and reporting of laboratory test re-
2 sults;

3 (B) assess trends in laboratory compliance
4 with standards for ordering and reporting lab-
5 oratory test results and the effect of such
6 trends on the interoperability of laboratory data
7 with public health data systems;

8 (C) identify challenges related to collection
9 and reporting of demographic and other data
10 elements with respect to laboratory test results;

11 (D) identify any challenges associated with
12 using or complying with standards and report-
13 ing laboratory test results with data elements
14 identified in standards for electronic ordering
15 and reporting of such results; and

16 (E) review other relevant areas determined
17 appropriate by the Office of the National Coor-
18 dinator for Health Information Technology.

19 (3) REPORT.—Not later than 2 years after the
20 date of enactment of this Act, the Office of the Na-
21 tional Coordinator for Health Information Tech-
22 nology shall submit to the Committee on Health,
23 Education, Labor, and Pensions of the Senate and
24 the Committee on Energy and Commerce of the
25 House of Representatives a report concerning the

1 findings of the study conducted under paragraph
2 (1).

3 (c) DATA USE AGREEMENTS.—

4 (1) INTERAGENCY DATA USE AGREEMENTS
5 WITHIN THE DEPARTMENT OF HEALTH AND HUMAN
6 SERVICES FOR PUBLIC HEALTH EMERGENCIES.—

7 (A) IN GENERAL.—The Secretary of
8 Health and Human Services (referred to in this
9 subsection as the “Secretary”) shall, as appro-
10 priate, facilitate the development of, or updates
11 to, memoranda of understanding, data use
12 agreements, or other applicable interagency
13 agreements regarding appropriate access, ex-
14 change, and use of public health data between
15 the Centers for Disease Control and Prevention,
16 the Office of the Assistant Secretary for Pre-
17 paredness and Response, other relevant agen-
18 cies or offices within the Department of Health
19 and Human Services, and other relevant Fed-
20 eral agencies, in order to prepare for, identify,
21 monitor, and respond to declared or potential
22 public health emergencies.

23 (B) REQUIREMENTS.—In carrying out ac-
24 tivities pursuant to subparagraph (A), the Sec-
25 retary shall—

3276

1 (i) ensure that the agreements and
2 memoranda of understanding described in
3 such subparagraph—

4 (I) address the methods of grant-
5 ing access to data held by one agency
6 or office with another to support the
7 respective missions of such agencies
8 or offices;

9 (II) consider minimum necessary
10 principles of data sharing for appro-
11 priate use;

12 (III) include appropriate privacy
13 and cybersecurity protections; and

14 (IV) are subject to regular up-
15 dates, as appropriate;

16 (ii) collaborate with the Centers for
17 Disease Control and Prevention, the Office
18 of the Assistant Secretary for Prepared-
19 ness and Response, the Office of the Chief
20 Information Officer, and, as appropriate,
21 the Office of the National Coordinator for
22 Health Information Technology, and other
23 entities within the Department of Health
24 and Human Services; and

1 (iii) consider the terms and conditions
2 of any existing data use agreements with
3 other public or private entities and any
4 need for updates to such existing agree-
5 ments, consistent with paragraph (2).

6 (2) DATA USE AGREEMENTS WITH EXTERNAL
7 ENTITIES.—The Secretary, acting through the Di-
8 rector of the Centers for Disease Control and Pre-
9 vention and the Assistant Secretary for Prepared-
10 ness and Response, may update memoranda of un-
11 derstanding, data use agreements, or other applica-
12 ble agreements and contracts to improve appropriate
13 access, exchange, and use of public health data be-
14 tween the Centers for Disease Control and Preven-
15 tion and the Office of the Assistant Secretary for
16 Preparedness and Response and external entities, in-
17 cluding State, Tribal, and territorial health depart-
18 ments, laboratories, hospitals and other health care
19 providers, electronic health records vendors, and
20 other entities, as applicable and appropriate, in
21 order to prepare for, identify, monitor, and respond
22 to declared or potential public health emergencies.

23 (3) REPORT.—Not later than 90 days after the
24 date of enactment of this Act, the Secretary shall re-
25 port to the Committee on Health, Education, Labor,

1 and Pensions of the Senate and the Committee on
2 Energy and Commerce of the House of Representa-
3 tives on the status of the agreements under this sub-
4 section.

5 (d) IMPROVING INFORMATION SHARING AND AVAIL-
6 ABILITY OF PUBLIC HEALTH DATA.—Part A of title III
7 of the Public Health Service Act (42 U.S.C. 241 et seq.)
8 is amended by adding at the end the following:

9 **“SEC. 310B. IMPROVING STATE, LOCAL, AND TRIBAL INFOR-**
10 **MATION SHARING.**

11 “(a) IN GENERAL.—The Secretary may, in consulta-
12 tion with State, local, and Tribal public health officials,
13 carry out activities to improve the availability of appro-
14 priate and applicable public health data related to commu-
15 nicable diseases, and information sharing between, the Di-
16 rector of the Centers for Disease Control and Prevention,
17 the Assistant Secretary for Preparedness and Response,
18 and such State, local, and Tribal public health officials,
19 which may include such data from—

20 “(1) health care providers and facilities;

21 “(2) public health and clinical laboratories;

22 “(3) health information exchanges and health
23 information networks; and

24 “(4) State, local, and Tribal health depart-
25 ments.

1 “(b) CONTENT, FORM, AND MANNER.—The Sec-
2 retary shall, consistent with the requirements of this sec-
3 tion, work with such officials and relevant stakeholders to
4 provide information on the content, form, and manner in
5 which such data, deidentified as applicable, may most ef-
6 fectively support the ability of State, local, and Tribal
7 health departments to respond to such communicable dis-
8 eases, including related to the collection and reporting of
9 demographic and other relevant data elements. Such form
10 and manner requirements shall align with the standards
11 and implementation specifications adopted by the Sec-
12 retary under section 3004, as applicable.

13 “(c) DECREASED BURDEN.—In facilitating the co-
14 ordination of efforts under subsection (a), the Secretary
15 shall make reasonable efforts to limit reported public
16 health data to the minimum necessary information needed
17 to accomplish the intended public health purpose.

18 “(d) EXEMPTION OF CERTAIN PUBLIC HEALTH
19 DATA FROM DISCLOSURE.—The Secretary, acting
20 through the Director of the Centers for Disease Control
21 and Prevention, may exempt from disclosure under section
22 552(b)(3) of title 5, United States Code, public health
23 data that are gathered under this section if—

24 “(1) an individual is identified through such
25 data; or

1 “(2) there is at least a very small risk, as deter-
2 mined by current scientific practices or statistical
3 methods, that some combination of the information,
4 the request, and other available data sources or the
5 application of technology could be used to deduce
6 the identity of an individual.”.

7 (e) IMPROVING STATE, LOCAL, AND TRIBAL PUBLIC
8 HEALTH DATA.—

9 (1) IN GENERAL.—The Secretary of Health and
10 Human Services (referred to in this section as the
11 “Secretary”) shall award grants, contracts, or coop-
12 erative agreements to eligible entities for purposes of
13 identifying, developing, or disseminating best prac-
14 tices in electronic health information and the use of
15 designated data standards and implementation speci-
16 fications, including privacy standards, to improve the
17 quality and completeness of data, including demo-
18 graphic data used for public health purposes.

19 (2) ELIGIBLE ENTITIES.—To be eligible to re-
20 ceive an award under this subsection an entity
21 shall—

22 (A) be a health care provider, academic
23 medical center, community-based organization,
24 State, local governmental entity, Indian Tribe
25 or Tribal organization (as such terms are de-

1 fined in section 4 of the Indian Self Determina-
2 tion and Education Assistance Act (25 U.S.C.
3 5304)), urban Indian organization (as defined
4 in section 4 of the Indian Health Care Improve-
5 ment Act (25 U.S.C. 1603)), or other appro-
6 priate public or private nonprofit entity, or a
7 consortia of any such entities; and

8 (B) submit an application to the Secretary
9 at such time, in such manner, and containing
10 such information as the Secretary may require.

11 (3) **ACTIVITIES.**—Entities receiving awards
12 under this subsection shall use such award to de-
13 velop and test best practices for training health care
14 providers to use standards and implementation spec-
15 ifications that assist in the capture, access, ex-
16 change, and use of electronic health information,
17 deidentified as applicable, such as demographic in-
18 formation, disability status, veteran status, and
19 functional status. Such activities shall include, at a
20 minimum—

21 (A) improving, understanding, and using
22 data standards and implementation specifica-
23 tions;

24 (B) developing or identifying methods to
25 improve communication with patients in a

1 culturally- and linguistically-appropriate man-
2 ner, including to better capture information re-
3 lated to demographics of such individuals;

4 (C) developing methods for accurately cat-
5 egorizing and recording patient responses using
6 available data standards;

7 (D) educating providers regarding the util-
8 ity of such information for public health pur-
9 poses and the importance of accurate collection
10 and recording of such data; and

11 (E) providing information regarding how
12 data will be deidentified if used for such public
13 health purposes, as applicable and appropriate.

14 (4) REPORTING.—

15 (A) REPORTING BY AWARD RECIPIENTS.—
16 Each recipient of an award under this sub-
17 section shall submit to the Secretary a report
18 on the results of best practices identified, devel-
19 oped, or disseminated through such award.

20 (B) REPORT TO CONGRESS.—Not later
21 than 1 year after the completion of the program
22 under this subsection, the Secretary shall sub-
23 mit a report to Congress on the success of best
24 practices developed under such program, oppor-
25 tunities for further dissemination of such best

1 practices, and recommendations for improving
2 the capture, access, exchange, and use of infor-
3 mation to improve public health and reduce
4 health disparities.

5 (5) NON-DUPLICATION OF EFFORTS.—The Sec-
6 retary shall ensure that the activities and programs
7 carried out under this subsection are free of unnec-
8 essary duplication of effort.

9 (f) RULES OF CONSTRUCTION.—Nothing in this sec-
10 tion shall be construed to—

11 (1) supplant, in whole or in part, State, local,
12 or Tribal activities or responsibilities related to pub-
13 lic health surveillance, as applicable;

14 (2) alter the authority of the Secretary with re-
15 spect to the types of data the Secretary may receive
16 through systems supported or established in this sec-
17 tion or other laws; or

18 (3) modify applicable Federal or State informa-
19 tion privacy or security law.

20 **SEC. 2214. EPIDEMIC FORECASTING AND OUTBREAK ANA-**
21 **LYTICS.**

22 Title XXVIII of the Public Health Service Act (42
23 U.S.C. 300hh et seq.), as amended by section 2212, is fur-
24 ther amended by adding at the end the following:

1 **“SEC. 2825. EPIDEMIC FORECASTING AND OUTBREAK ANA-**
2 **LYTICS.**

3 “(a) IN GENERAL.—The Secretary, acting through
4 the Director of the Centers for Disease Control and Pre-
5 vention, shall continue activities related to the develop-
6 ment of infectious disease outbreak analysis capabilities
7 to enhance the prediction, modeling, and forecasting of po-
8 tential public health emergencies and other infectious dis-
9 ease outbreaks, which may include activities to support
10 preparedness for, and response to, such emergencies and
11 outbreaks. In carrying out this subsection, the Secretary
12 shall identify strategies to include and leverage, as appro-
13 priate, the capabilities to public and private entities, which
14 may include conducting such activities through collabo-
15 rative partnerships with public and private entities, includ-
16 ing academic institutions, and other Federal agencies, con-
17 sistent with section 319D, as applicable.

18 “(b) CONSIDERATIONS.—In carrying out subsection
19 (a), the Secretary, acting through the Director of the Cen-
20 ters for Disease Control and Prevention, may consider
21 public health data and, as appropriate, other data sources
22 related to preparedness for, or response to, public health
23 emergencies and infectious disease outbreaks.

24 “(c) ANNUAL REPORTS.—Not later than 1 year after
25 the date of enactment of this section, and annually there-
26 after for each of the subsequent 4 years, the Secretary

1 shall prepare and submit a report, to the Committee on
2 Health, Education, Labor, and Pensions of the Senate and
3 the Committee on Energy and Commerce of the House
4 of Representatives, regarding an update on progress on
5 activities conducted under this section to develop infec-
6 tious disease outbreak analysis capabilities and any addi-
7 tional information relevant to such efforts.”.

8 **SEC. 2215. PUBLIC HEALTH DATA TRANSPARENCY.**

9 (a) REPORT.—Not later than 1 year after the date
10 of enactment of this Act, the Secretary of Health and
11 Human Services shall issue a report assessing practices,
12 objectives, and associated progress and challenges in
13 achieving such objectives, of the Centers of Disease Con-
14 trol and Prevention with respect to the collection and dis-
15 semination of public health data related to a public health
16 emergency declared under section 319 of the Public
17 Health Service Act (42 U.S.C. 247d) or a potential public
18 health emergency.

19 (b) PLAN.—Not later than 180 days following the
20 issuance of the report pursuant to paragraph (1), the Di-
21 rector of the Centers for Disease Control and Prevention
22 shall submit to the Committee on Health, Education,
23 Labor, and Pensions of the Senate and the Committee on
24 Energy and Commerce of the House of Representatives
25 a plan that shall include—

1 (1) steps to improve the timely reporting and
2 dissemination of deidentified public health data re-
3 lated to a public health emergency declared under
4 section 319 of the Public Health Service Act (42
5 U.S.C. 247d) or a potential public health emergency
6 that is collected by the Centers for Disease Control
7 and Prevention, including any associated barriers;

8 (2) recommendations to Congress regarding
9 gaps in such practices and objectives described in
10 subsection (a); and

11 (3) considerations regarding the requirements
12 and limitations of data use agreements for such pur-
13 poses, as applicable, and any efforts undertaken to
14 address those requirements and limitations.

15 **SEC. 2216. GAO REPORT ON PUBLIC HEALTH PREPARED-**
16 **NESS, RESPONSE, AND RECOVERY DATA CA-**
17 **PABILITIES.**

18 (a) **STUDY.**—The Comptroller General of the United
19 States (referred to in this section as the “Comptroller
20 General”) shall conduct a study on the efforts of the De-
21 partment of Health and Human Services to ensure that
22 public health preparedness, response, and recovery data
23 capabilities related to pandemic and other biological
24 threats are not unnecessarily duplicative, overlapping, or
25 fragmented. Such study shall include—

1 (1) a comprehensive list of all public health pre-
2 paredness, response, and recovery data collection,
3 such as incidence and prevalence of disease tracking,
4 hospitalizations, critical care capacity, and testing
5 programs, at the Department of Health and Human
6 Services, as identified by the department and its
7 component agencies;

8 (2) an analysis of any duplication, overlap, or
9 fragmentation of the programs identified in para-
10 graph (1);

11 (3) identification of any efforts of the Depart-
12 ment of Health and Human Services to reduce un-
13 necessary duplication and improve coordination, effi-
14 ciency, and effectiveness of such programs and any
15 associated challenges;

16 (4) any practices that threaten individual pri-
17 vacy and recommendations to improve the protection
18 of individual, identifiable data; and

19 (5) a description of the funding and other re-
20 sources dedicated to the operation of each such pro-
21 gram identified in paragraph (1).

22 (b) REPORTING.—

23 (1) IN GENERAL.—Based on the study con-
24 ducted under subsection (a), the Comptroller Gen-
25 eral shall—

1 (A) not later than 6 months after the date
2 of enactment of this Act, provide a briefing to
3 the Committee on Health, Education, Labor,
4 and Pensions of the Senate and the Committee
5 on Energy and Commerce of the House of Rep-
6 resentatives; and

7 (B) not later than 18 months after the
8 date of enactment of this Act, submit to the
9 Committee on Health, Education, Labor, and
10 Pensions of the Senate and the Committee on
11 Energy and Commerce of the House of Rep-
12 resentatives a complete report on such study.

13 (2) RECOMMENDATIONS.—The report under
14 paragraph (1)(B) shall include recommendations, as
15 appropriate, with respect to public health prepared-
16 ness, response, and recovery data programs at the
17 Department of Health and Human Services, to—

18 (A) streamline data collection and reduce
19 fragmentation and address any associated chal-
20 lenges;

21 (B) reduce duplication in such programs;
22 and

23 (C) improve information-sharing across
24 programs.

1 **CHAPTER 3—REVITALIZING THE PUBLIC**
2 **HEALTH WORKFORCE**

3 **SEC. 2221. IMPROVING RECRUITMENT AND RETENTION OF**
4 **THE FRONTLINE PUBLIC HEALTH WORK-**
5 **FORCE.**

6 (a) IN GENERAL.—Section 776 of the Public Health
7 Service Act (42 U.S.C. 295f–1) is amended—

8 (1) in subsection (a)—

9 (A) by striking “supply of” and inserting
10 “supply of, and encourage recruitment and re-
11 tention of,”; and

12 (B) by striking “Federal,”;

13 (2) in subsection (b)—

14 (A) by amending paragraph (1)(A) to read
15 as follows:

16 “(1)(A)(i) be accepted for enrollment, or be en-
17 rolled, as a student in an accredited institution of
18 higher education or school of public health in the
19 final semester (or equivalent) of a program leading
20 to a certificate or degree, including a master’s or
21 doctoral degree, in public health, epidemiology, lab-
22 oratory sciences, data systems, data science, data
23 analytics, informatics, statistics, or another subject
24 matter related to public health; and

1 “(ii) be employed by, or have accepted employ-
2 ment with, a State, local, or Tribal public health
3 agency, or a related training fellowship at such
4 State, local, or Tribal public health agency, as recog-
5 nized by the Secretary, to commence upon gradua-
6 tion; or”; and

7 (B) in paragraph (1)(B)—

8 (i) in clause (i)—

9 (I) by striking “accredited edu-
10 cational institution in a State or terri-
11 tory” and inserting “accredited insti-
12 tution of higher education or school of
13 public health”; and

14 (II) by striking “a public health
15 or health professions degree or certifi-
16 cate” and inserting “a certificate or
17 degree, including a master’s or doc-
18 toral degree, in public health, epidemi-
19 ology, laboratory sciences, data sys-
20 tems, data science, data analytics,
21 informatics, statistics, or another sub-
22 ject matter related to public health”;
23 and

24 (ii) in clause (ii)—

25 (I) by striking “Federal,”; and

3291

1 (II) by striking “fellowship,” and
2 inserting “fellowship at such State,
3 local, or Tribal public health agency,”;

4 (3) in subsection (c)(2)—

5 (A) by striking “Federal,”; and

6 (B) by striking “equal to the greater of—
7 ” and all that follows through the end of sub-
8 paragraph (B) and inserting “of at least 3 con-
9 secutive years,”;

10 (4) in subsection (d)—

11 (A) by amending paragraph (1) to read as
12 follows:

13 “(1) IN GENERAL.—A loan repayment provided
14 for an individual under a written contract under the
15 Program shall consist of payment, in accordance
16 with paragraph (2), for the individual toward the
17 outstanding principal and interest on education
18 loans incurred by the individual in the pursuit of the
19 relevant degree or certificate described in subsection
20 (b)(1) in accordance with the terms of the con-
21 tract.”; and

22 (B) in paragraph (2)—

23 (i) by striking “For each year” and
24 inserting the following:

25 “(A) IN GENERAL.—For each year”;

3292

1 (ii) by striking “\$35,000” and insert-
2 ing “\$50,000”;

3 (iii) by striking “\$105,000” and in-
4 serting “\$150,000”; and

5 (iv) by adding at the end the fol-
6 lowing:

7 “(B) CONSIDERATIONS.—The Secretary
8 may take action in making awards under this
9 section to ensure that—

10 “(i) an appropriate proportion of con-
11 tracts are awarded to individuals who are
12 eligible to participate in the program pur-
13 suant to subsection (b)(1)(A); and

14 “(ii) contracts awarded under this
15 section are equitably distributed among—

16 “(I) the geographical regions of
17 the United States;

18 “(II) local, State, and Tribal
19 public health departments; and

20 “(III) such public health depart-
21 ments under subclause (II) serving
22 rural and urban areas.”;

23 (5) in subsection (e), by striking “receiving a
24 degree or certificate from a health professions or

1 other related school” and inserting “with a contract
2 to serve under subsection (c)”;

3 (6) in subsection (f), by adding at the end the
4 following: “In the event that a participant fails to ei-
5 ther begin or complete the obligated service require-
6 ment of the loan repayment contract under this sec-
7 tion, the Secretary may waive or suspend either the
8 unfulfilled service or the assessed damages as pro-
9 vided for under section 338E(d), as appropriate.”;

10 (7) by redesignating subsection (g) as sub-
11 section (i);

12 (8) by inserting after subsection (f) the fol-
13 lowing:

14 “(g) ELIGIBLE LOANS.—The loans eligible for repay-
15 ment under this section are each of the following:

16 “(1) Any loan for education or training for em-
17 ployment by a health department.

18 “(2) Any loan under part E of title VIII (relat-
19 ing to nursing student loans).

20 “(3) Any Federal Direct Stafford Loan, Fed-
21 eral Direct PLUS Loan, Federal Direct Unsub-
22 sidized Stafford Loan, or Federal Direct Consolida-
23 tion Loan (as such terms are used in section 455 of
24 the Higher Education Act of 1965).

1 “(4) Any Federal Perkins Loan under part E
2 of title I of the Higher Education Act of 1965.

3 “(5) Any other Federal loan, as the Secretary
4 determines appropriate.

5 “(h) PILOT PROGRAM.—

6 “(1) IN GENERAL.—The Secretary shall, as ap-
7 propriate, establish a pilot program, to be known as
8 the Bio-Preparedness Workforce Pilot Program, to
9 provide for loan repayment for health professionals
10 with expertise in infectious diseases and emergency
11 preparedness and response activities to ensure an
12 adequate supply of such professionals. Such program
13 shall be administered consistent with the require-
14 ments of this section, except that, to be eligible to
15 participate in the pilot program, an individual
16 shall—

17 “(A)(i) be accepted for enrollment, or be
18 enrolled, as a student in an accredited institu-
19 tion of higher education in the final semester
20 (or equivalent) of a program leading to a health
21 professions degree or certificate program rel-
22 evant to such program; or

23 “(ii) have graduated, during the preceding
24 10-year period, from an accredited institution
25 of higher education with a health professions

3295

1 degree or certificate program relevant to such
2 program; and

3 “(B) be employed by, or have accepted em-
4 ployment with—

5 “(i) a Federal health care facility;

6 “(ii) a nonprofit health care facility
7 that is located in a health professional
8 shortage area (as defined in section 332),
9 a frontier health professional shortage area
10 (as defined in section 799B), or a medi-
11 cally underserved community (as defined in
12 section 799B);

13 “(iii) an entity receiving assistance
14 under title XXVI for the provision of clin-
15 ical services;

16 “(iv) a health program, or a facility,
17 operated by an Indian Tribe or Tribal or-
18 ganization (as those terms are defined in
19 section 4 of the Indian Self-Determination
20 and Education Assistance Act) or by an
21 urban Indian organization (as defined in
22 section 4 of the Indian Health Care Im-
23 provement Act); or

24 “(v) another relevant entity deter-
25 mined appropriate by the Secretary, as a

1 health professional with expertise in infec-
2 tious diseases or emergency preparedness
3 and response.

4 “(2) NON-DUPLICATION OF EFFORT.—The Sec-
5 retary shall ensure that the pilot program estab-
6 lished under paragraph (1) does not unnecessarily
7 duplicate the National Health Service Corps Loan
8 Repayment Program, or any other loan repayment
9 program operated by the Department of Health and
10 Human Services.

11 “(3) EVALUATION AND REPORT TO CON-
12 GRESS.—

13 “(A) IN GENERAL.—The Secretary shall
14 evaluate the pilot program at the conclusion of
15 the first cycle of recipients funded by the pilot
16 program.

17 “(B) REPORT.—

18 “(i) IN GENERAL.—The Secretary
19 shall submit to the Committee on Health,
20 Education, Labor, and Pensions of the
21 Senate and the Committee on Energy and
22 Commerce of the House of Representatives
23 a report on the evaluation under subpara-
24 graph (A). The report shall include, at a
25 minimum, outcomes information from the

1 pilot program, including any impact on re-
2 cruitment and retention of health profes-
3 sionals with expertise in infectious diseases
4 and emergency preparedness and response
5 activities.

6 “(ii) RECOMMENDATION.—The report
7 under this subparagraph shall include a
8 recommendation by the Secretary as to
9 whether the pilot program under this sub-
10 section should be extended.”;

11 (9) in subsection (i), as so redesignated, by
12 striking “\$195,000,000 for fiscal year 2010, and
13 such sums as may be necessary for each of fiscal
14 years 2011 through 2015” and inserting
15 “\$100,000,000 for each of fiscal years 2023 through
16 2025”; and

17 (10) by striking “tribal” each place such term
18 appears and inserting “Tribal”.

19 (b) GAO STUDY ON PUBLIC HEALTH WORK-
20 FORCE.—Not later than 2 years after the date of enact-
21 ment of this Act, the Comptroller General of the United
22 States shall—

23 (1) conduct an evaluation of what is known
24 about the public health workforce in the United
25 States, which shall address—

1 (A) existing gaps in the Federal, State,
2 local, Tribal, and territorial public health work-
3 force, including positions that may be required
4 to prepare for, and respond to, a public health
5 emergency such as COVID–19;

6 (B) challenges associated with the hiring,
7 recruitment, and retention of the Federal,
8 State, local, Tribal, and territorial public health
9 workforce; and

10 (C) Federal efforts to improve hiring, re-
11 cruitment, and retention of the public health
12 workforce; and

13 (2) submit to the Committee on Health, Edu-
14 cation, Labor, and Pensions of the Senate and the
15 Committee on Energy and Commerce of the House
16 of Representatives a report on such review.

17 **SEC. 2222. AWARDS TO SUPPORT COMMUNITY HEALTH**
18 **WORKERS AND COMMUNITY HEALTH.**

19 (a) IN GENERAL.—Section 399V of the Public
20 Health Service Act (42 U.S.C. 280g–11) is amended—

21 (1) by amending the section heading to read as
22 follows: “**AWARDS TO SUPPORT COMMUNITY**
23 **HEALTH WORKERS AND COMMUNITY HEALTH**”;

24 (2) by amending subsection (a) to read as fol-
25 lows:

3299

1 “(a) IN GENERAL.—The Secretary shall award
2 grants, contracts, or cooperative agreements to eligible en-
3 tities to promote positive health behaviors and outcomes
4 for populations in medically underserved communities by
5 leveraging community health workers, including by ad-
6 dressing ongoing and longer-term community health
7 needs, and by building the capacity of the community
8 health worker workforce. Such grants, contracts, and co-
9 operative agreements shall be awarded in alignment and
10 coordination with existing funding arrangements sup-
11 porting community health workers.”;

12 (3) in subsection (b)—

13 (A) in the matter preceding paragraph

14 (1)—

15 (i) by striking “Grants awarded” and
16 inserting “Subject to any requirements for
17 the scope of licensure, registration, or cer-
18 tification of a community health worker
19 under applicable State law, grants, con-
20 tracts, and cooperative agreements award-
21 ed”; and

22 (ii) by striking “support community
23 health workers”;

3300

1 (B) by redesignating paragraphs (3)
2 through (5) as paragraphs (4) through (6), re-
3 spectively;

4 (C) by striking paragraphs (1) and (2) and
5 inserting the following:

6 “(1) recruit, hire, train, and retain community
7 health workers that reflect the needs of the commu-
8 nity;

9 “(2) support community health workers in pro-
10 viding education and outreach, in a community set-
11 ting, regarding—

12 “(A) health conditions prevalent in—

13 “(i) medically underserved commu-
14 nities (as defined in section 799B), par-
15 ticularly racial and ethnic minority popu-
16 lations; and

17 “(ii) other such at-risk populations or
18 geographic areas that may require addi-
19 tional support during public health emer-
20 gencies, which may include counties identi-
21 fied by the Secretary using applicable
22 measures developed by the Centers for Dis-
23 ease Control and Prevention or other Fed-
24 eral agencies; and

3301

1 “(B) addressing health disparities, includ-
2 ing by—

3 “(i) promoting awareness of services
4 and resources to increase access to health
5 care, mental health and substance use dis-
6 order services, child services, technology,
7 housing services, educational services, nu-
8 trition services, employment services, and
9 other services; and

10 “(ii) assisting in conducting individual
11 and community needs assessments;

12 “(3) educate community members, including re-
13 garding effective strategies to promote healthy be-
14 haviors;”;

15 (D) in paragraph (4), as so redesignated,
16 by striking “to educate” and inserting “edu-
17 cate”;

18 (E) in paragraph (5), as so redesignated—

19 (i) by striking “to identify” and in-
20 serting “identify”;

21 (ii) by striking “healthcare agencies”
22 and inserting “health care agencies”; and

23 (iii) by striking “healthcare services
24 and to eliminate duplicative care; or” and
25 inserting “health care services and to

1 streamline care, including serving as a liai-
2 son between communities and health care
3 agencies; and”;

4 (F) in paragraph (6), as so redesignated—

5 (i) by striking “to educate, guide, and
6 provide” and inserting “support commu-
7 nity health workers in educating, guiding,
8 or providing”;

9 (ii) by striking “maternal health and
10 prenatal care” and inserting “chronic dis-
11 eases, maternal health, prenatal, and
12 postpartum care in order to improve ma-
13 ternal and infant health outcomes”;

14 (4) in subsection (c), by striking “Each eligible
15 entity” and all that follows through “accompanied
16 by” and inserting “To be eligible to receive an
17 award under subsection (a), an entity shall prepare
18 and submit to the Secretary an application at such
19 time, in such manner, and containing”;

20 (5) in subsection (d)—

21 (A) in the matter preceding paragraph (1),
22 by striking “awarding grants” and inserting
23 “making awards”;

24 (B) by amending paragraph (1) to read as
25 follows:

3303

1 “(1) propose to serve—

2 “(A) areas with populations that have a
3 high rate of chronic disease, infant mortality, or
4 maternal morbidity and mortality;

5 “(B) low-income populations, including
6 medically underserved populations (as defined
7 in section 330(b)(3));

8 “(C) populations residing in health profes-
9 sional shortage areas (as defined in section
10 332(a));

11 “(D) populations residing in maternity
12 care health professional target areas identified
13 under section 332(k); or

14 “(E) rural or traditionally underserved
15 populations, including racial and ethnic minor-
16 ity populations or low-income populations;”;

17 (C) in paragraph (2), by striking “; and”
18 and inserting “, including rural populations and
19 racial and ethnic minority populations;”;

20 (D) in paragraph (3), by striking “with
21 community health workers.” and inserting “and
22 established relationships with community health
23 workers in the communities expected to be
24 served by the program;” and

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

1 “(4) develop a plan for providing services to the
2 extent practicable, in the language and cultural con-
3 text most appropriate to individuals expected to be
4 served by the program; and

5 “(5) propose to use evidence-informed or evi-
6 dence-based practices, as applicable and appro-
7 priate.”;

8 (6) in subsection (e)—

9 (A) by striking “community health worker
10 programs” and inserting “eligible entities”; and

11 (B) by striking “and one-stop delivery sys-
12 tems under section 121(e)” and inserting “,
13 health professions schools, minority-serving in-
14 stitutions (defined, for purposes of this sub-
15 section, as institutions and programs described
16 in section 326(e)(1) of the Higher Education
17 Act of 1965 and institutions described in sec-
18 tion 371(a) of such Act), area health education
19 centers under section 751 of this Act, and one-
20 stop delivery systems under section 121”;

21 (7) by striking subsections (f), (g), (h), (i), and
22 (j) and inserting the following:

23 “(f) TECHNICAL ASSISTANCE.—The Secretary may
24 provide to eligible entities that receive awards under sub-
25 section (a) technical assistance with respect to planning,

1 development, and operation of community health worker
2 programs authorized or supported under this section.

3 “(g) DISSEMINATION OF BEST PRACTICES.—Not
4 later than 4 years after the date of enactment of the PRE-
5 VENT Pandemics Act, the Secretary shall, based on ac-
6 tivities carried out under this section and in consultation
7 with relevant stakeholders, identify and disseminate evi-
8 dence-based or evidence-informed practices regarding re-
9 cruitment and retention of community health workers and
10 paraprofessionals to address ongoing public health and
11 community health needs, and to prepare for, and respond
12 to, future public health emergencies.

13 “(h) REPORT TO CONGRESS.—Not later than 4 years
14 after the date of enactment of the PREVENT Pandemics
15 Act, the Secretary shall submit to the Committee on
16 Health, Education, Labor, and Pensions and the Com-
17 mittee on Appropriations of the Senate and the Committee
18 on Energy and Commerce and the Committee on Appro-
19 priations of the House of Representatives a report con-
20 cerning the effectiveness of the program under this section
21 in addressing ongoing public health and community health
22 needs. Such report shall include recommendations regard-
23 ing any improvements to such program, including rec-
24 ommendations for how to improve recruitment, training,
25 and retention of the community health workforce.

3306

1 “(i) AUTHORIZATION OF APPROPRIATIONS.—For
2 purposes of carrying out this section, there are authorized
3 to be appropriated \$50,000,000 for each of fiscal years
4 2023 through 2027.”;

5 (8) by redesignating subsection (k) as sub-
6 section (j); and

7 (9) in subsection (j), as so redesignated—

8 (A) by striking paragraphs (1), (2), and
9 (4);

10 (B) by redesignating paragraph (3) as
11 paragraph (1);

12 (C) in paragraph (1), as so redesignated—

13 (i) by striking “entity (including a
14 State or public subdivision of a State” and
15 inserting “entity, including a State or po-
16 litical subdivision of a State, an Indian
17 Tribe or Tribal organization, an urban In-
18 dian organization, a community-based or-
19 ganization”; and

20 (ii) by striking “as defined in section
21 1861(aa) of the Social Security Act))” and
22 inserting “(as defined in section
23 1861(aa)(4) of the Social Security Act)”;
24 and

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

1 “(2) INDIAN TRIBE; TRIBAL ORGANIZATION.—
2 The terms ‘Indian Tribe’ and ‘Tribal organization’
3 have the meanings given the terms ‘Indian tribe’ and
4 ‘tribal organization’, respectively, in section 4 of the
5 Indian Self-Determination and Education Assistance
6 Act.

7 “(3) URBAN INDIAN ORGANIZATION.—The term
8 ‘urban Indian organization’ has the meaning given
9 such term in section 4 of the Indian Health Care
10 Improvement Act.”.

11 (b) GAO STUDY AND REPORT.—Not later than 1
12 year after the date of submission of the report under sub-
13 section (h) of section 399V of the Public Health Service
14 Act (42 U.S.C. 280g–11), as amended by subsection (a),
15 the Comptroller General of the United States shall submit
16 to the Committee on Health, Education, Labor, and Pen-
17 sions of the Senate and the Committee on Energy and
18 Commerce of the House of Representatives a report on
19 the program authorized under such section 399V, includ-
20 ing a review of the efforts of the Secretary of Health and
21 Human Services to coordinate such program with applica-
22 ble programs of the Health Resources and Services Ad-
23 ministration to ensure there is no unnecessary duplication
24 of efforts among such programs, and identification of any
25 areas of duplication.

3308

1 **SEC. 2223. IMPROVING PUBLIC HEALTH EMERGENCY RE-**
2 **SPONSE CAPACITY.**

3 (a) CERTAIN APPOINTMENTS TO SUPPORT PUBLIC
4 HEALTH EMERGENCY RESPONSES.—Section 319 of the
5 Public Health Service Act (42 U.S.C. 247d) is amended
6 by adding at the end the following:

7 “(g) CERTAIN APPOINTMENTS TO SUPPORT PUBLIC
8 HEALTH EMERGENCY RESPONSES.—

9 “(1) IN GENERAL.—In order to support the ini-
10 tial response to a public health emergency declared
11 by the Secretary under this section, the Secretary
12 may, subject to paragraph (2) and without regard to
13 sections 3309 through 3318 of title 5, United States
14 Code, appoint individuals directly to positions in the
15 Department of Health and Human Services for
16 which the Secretary has provided public notice in
17 order to—

18 “(A) address a critical hiring need directly
19 related to responding to a public health emer-
20 gency declared by the Secretary under this sec-
21 tion; or

22 “(B) address a severe shortage of can-
23 didates that impacts the operational capacity of
24 the Department of Health and Human Services
25 to respond in the event of a public health emer-

1 agency declared by the Secretary under this sec-
2 tion.

3 “(2) NUMBER OF APPOINTMENTS.—Each fiscal
4 year in which the Secretary makes a determination
5 of a public health emergency under subsection (a)
6 (not including a renewal), the Secretary may directly
7 appoint 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
13 basic pay of an individual appointed under this sub-
14 section shall be determined in accordance with chap-
15 ter 51 and subchapter III of chapter 53 of title 5,
16 United States Code.

17 “(4) REPORTING.—The Secretary shall estab-
18 lish and maintain records regarding the use of the
19 authority under this subsection, including—

20 “(A) the number of positions filled through
21 such authority;

22 “(B) the types of appointments of such po-
23 sitions;

24 “(C) the titles, occupational series, and
25 grades of such positions;

3310

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 po-
6 sitions; and

7 “(G) the demographic information of indi-
8 viduals appointed to such positions.

9 “(5) NOTIFICATION TO CONGRESS.—In the
10 event the Secretary, within a single fiscal year, di-
11 rectly appoints more than 50 percent of the individ-
12 uals allowable under either subparagraph (A) or (B)
13 of paragraph (2), the Secretary shall, not later than
14 15 days after the date of such action, notify the
15 Committee on Health, Education, Labor, and Pen-
16 sions of the Senate and the Committee on Energy
17 and Commerce of the House of Representatives.
18 Such notification shall, in a manner that protects
19 personal privacy, to the extent required by applicable
20 Federal and State privacy law, at a minimum, in-
21 clude—

22 “(A) information on each such appoint-
23 ment within such fiscal year;

1 “(B) a description of how each such posi-
2 tion relates to the requirements of subpara-
3 graph (A) or (B) of paragraph (1); and

4 “(C) the additional number of personnel, if
5 any, the Secretary anticipates to be necessary
6 to adequately support a response to a public
7 health emergency declared under this section
8 using the authorities described in paragraph (1)
9 within such fiscal year.

10 “(6) REPORTS TO CONGRESS.—Not later than
11 September 30, 2023, and annually thereafter for
12 each fiscal year in which the authority under this
13 subsection is used, the Secretary shall submit to the
14 Committee on Health, Education, Labor, and Pen-
15 sions of the Senate and the Committee on Energy
16 and Commerce of the House of Representatives a re-
17 port describing the total number of appointments
18 filled under this subsection within the fiscal year and
19 a description of how the positions relate to the re-
20 quirements of subparagraph (A) or (B) of paragraph
21 (1).

22 “(7) SUNSET.—The authority under this sub-
23 section shall expire on September 30, 2028.”.

24 (b) GAO REPORT.—Not later than 1 year after the
25 issuance of the initial report under subsection (g)(6) of

1 section 319 of the Public Health Service Act (42 U.S.C.
2 247d), as added by subsection (a), and again 180 days
3 after the date on which the authority provided under sec-
4 tion 319(g) of such Act expires pursuant to paragraph (7)
5 of such section, the Comptroller General of the United
6 States shall submit to the Committee on Health, Edu-
7 cation, Labor, and Pensions of the Senate and the Com-
8 mittee on Energy and Commerce of the House of Rep-
9 resentatives a report on the use of the authority provided
10 under such section. Such report shall, in a manner that
11 protects personal privacy, at a minimum, include informa-
12 tion on—

13 (1) the number of positions publicly noticed and
14 filled under the authority of each of subparagraphs
15 (A) and (B) of such section 319(g)(1);

16 (2) the occupational series, grades, and types of
17 appointments of such positions;

18 (3) how such positions related to addressing a
19 need or shortage described in subparagraph (A) or
20 (B) of such section;

21 (4) how the Secretary of Health and Human
22 Services made appointment decisions under each of
23 subparagraphs (A) and (B) of such section;

24 (5) sources used to identify candidates for fill-
25 ing such positions;

1 (6) the number of individuals appointed under
2 each such subparagraph;

3 (7) aggregated demographic information related
4 to individuals appointed under each such subpara-
5 graph; and

6 (8) any challenges, limitations, or gaps related
7 to the use of the authority under each such subpara-
8 graph and any related recommendations to address
9 such challenges, limitations, or gaps.

10 **SEC. 2224. INCREASING EDUCATIONAL OPPORTUNITIES**

11 **FOR ALLIED HEALTH PROFESSIONS.**

12 Section 755(b) of the Public Health Service Act (42
13 U.S.C. 294e(b)) is amended by adding at the end the fol-
14 lowing:

15 “(4) Increasing educational opportunities in
16 physical therapy, occupational therapy, respiratory
17 therapy, audiology, and speech-language pathology
18 professions, which may include offering scholarships
19 or stipends and carrying out other activities to im-
20 prove retention, for individuals from disadvantaged
21 backgrounds or individuals who are underrep-
22 resented in such professions.”.

3314

1 **SEC. 2225. PUBLIC HEALTH SERVICE CORPS ANNUAL AND**
2 **SICK LEAVE.**

3 (a) IN GENERAL.—Section 219 of the Public Health
4 Service Act (42 U.S.C. 210–1) is amended—

5 (1) in subsection (a)—

6 (A) by striking “Reserve Corps” and in-
7 serting “Ready Reserve Corps”; and

8 (B) by striking “: *Provided*, That such reg-
9 ulations shall not authorize annual leave to be
10 accumulated in excess of sixty days”;

11 (2) by inserting after subsection (a) the fol-
12 lowing:

13 “(b) The regulations described in subsection (a) may
14 authorize accumulated annual leave of not more than 120
15 days for any commissioned officer of the Regular Corps
16 or officer of the Ready Reserve Corps on active duty.”;
17 and

18 (3) by redesignating subsection (d) as sub-
19 section (c).

20 (b) APPLICATION.—The amendments made by sub-
21 section (a) shall apply with respect to accumulated annual
22 leave (as defined in section 219 of the Public Health Serv-
23 ice Act (42 U.S.C. 210–1)) that a commissioned officer
24 of the Regular Corps or officer of the Ready Reserve
25 Corps on active duty would, but for the regulations de-

1 scribed in such section, lose at the end of fiscal year 2022
2 or a subsequent fiscal year.

3 **SEC. 2226. LEADERSHIP EXCHANGE PILOT FOR PUBLIC**
4 **HEALTH AND MEDICAL PREPAREDNESS AND**
5 **RESPONSE POSITIONS AT THE DEPARTMENT**
6 **OF HEALTH AND HUMAN SERVICES.**

7 Title XXVIII of the Public Health Service Act (42
8 U.S.C. 300hh et seq.), as amended by section 2214, is fur-
9 ther amended by adding at the end the following:

10 **“SEC. 2826. LEADERSHIP EXCHANGE PILOT FOR PUBLIC**
11 **HEALTH AND MEDICAL PREPAREDNESS AND**
12 **RESPONSE POSITIONS AT THE DEPARTMENT**
13 **OF HEALTH AND HUMAN SERVICES.**

14 “(a) IN GENERAL.—The Secretary may, not later
15 than 1 year after the date of enactment of the PREVENT
16 Pandemics Act, establish a voluntary program to provide
17 additional training to individuals in eligible positions, as
18 described in subsection (c), to support the continuous pro-
19 fessional development of such individuals.

20 “(b) CRITERIA.—

21 “(1) DURATION.—The program under sub-
22 section (a) shall provide for fellowships, details, or
23 other relevant placements with Federal agencies or
24 departments, or State or local health departments,

1 pursuant to the guidance issued under paragraph
2 (2), for a maximum period of 2 years.

3 “(2) GUIDANCE.—The Secretary shall issue
4 guidance establishing criteria for identifying place-
5 ments that demonstrate ongoing sufficient mastery
6 of knowledge, skills, and abilities to satisfy the field
7 experience criteria under the program established
8 under subsection (a), including assignments and ex-
9 periences that develop public health and medical pre-
10 paredness and response expertise.

11 “(c) ELIGIBLE POSITION.—For purposes of sub-
12 section (a), the term ‘eligible position’ means any position
13 at the Department of Health and Human Services at or
14 above grade GS–13 of the General Schedule, or the equiv-
15 alent, for which not less than 50 percent of the time of
16 such position is spent on activities related to public health
17 preparedness or response.

18 “(d) PILOT PERIOD AND FINAL REPORT.—The pilot
19 program authorized under this section shall not exceed 5
20 years. Not later than 90 days after the end of the pro-
21 gram, the Secretary shall issue a report to the Committee
22 on Health, Education, Labor, and Pensions of the Senate
23 and the Committee on Energy and Commerce of the
24 House of Representatives that includes—

1 “(1) the number of individuals who participated
2 in such pilot, as applicable;

3 “(2) a description of the professional growth ex-
4 perience in which individuals participated; and

5 “(3) an assessment of the outcomes of such
6 program, including a recommendation on whether
7 such program should be continued.”.

8 **SEC. 2227. CONTINUING EDUCATIONAL SUPPORT FOR**
9 **HEALTH PROFESSIONALS SERVING IN RURAL**
10 **AND UNDERSERVED COMMUNITIES.**

11 Section 752 of the Public Health Service Act (42
12 U.S.C. 294b) is amended—

13 (1) in the section heading, by inserting
14 “**RURAL AND**” after “**SERVING IN**”;

15 (2) in subsection (a)—

16 (A) by striking “shall make grants to, and
17 enter into contracts with, eligible entities” and
18 inserting “, as appropriate, shall make grants
19 to, and enter into contracts with, eligible enti-
20 ties to support access to accredited continuing
21 medical education for primary care physicians
22 and health care providers at community health
23 centers or rural health clinics to improve and
24 increase access to care for patients in rural and

1 medically underserved areas. Such grants or
2 contracts may be used”;

3 (B) by striking “faculty members” and in-
4 serting “health care providers”; and

5 (C) by inserting “increase primary care
6 physician and health care provider knowledge,”
7 after “practice environment,”;

8 (3) in subsection (b), by inserting “, such as a
9 community health center or rural health clinic” be-
10 fore the period;

11 (4) in subsection (c), by striking “by require.”
12 and inserting the following: “may require, includ-
13 ing—

14 “(1) a description of how participation in activi-
15 ties funded under this section will help improve ac-
16 cess to, and quality of, health care services and
17 training needs of primary care physicians and health
18 care providers; and

19 “(2) a plan for providing peer-to-peer training,
20 as appropriate.”;

21 (5) by amending subsection (d) to read as fol-
22 lows:

23 “(d) USE OF FUNDS.—

24 “(1) IN GENERAL.—An eligible entity shall use
25 amounts awarded under a grant or contract under

1 this section to provide innovative supportive activi-
2 ties to enhance education for primary care physi-
3 cians and health care providers described in sub-
4 section (a) through distance learning, continuing
5 educational activities, collaborative conferences, and
6 electronic and telelearning activities, with priority
7 for primary care providers who are seeking addi-
8 tional education in specialty fields such as infectious
9 disease, endocrinology, pediatrics, mental health and
10 substance use disorders, pain management, geri-
11 atrics, and other areas, as appropriate, in order to—

12 “(A) improve retention of primary care
13 physicians and health care providers and in-
14 crease access to specialty health care services
15 for patients; and

16 “(B) support access to the integration of
17 specialty care through existing service delivery
18 locations and care across settings.

19 “(2) CLARIFICATION.—Entities may use
20 amounts awarded under a grant or contract under
21 this section for continuing educational activities that
22 include a clinical training component, including in-
23 person patient care, in the respective community
24 health center or rural health clinic, with the primary
25 care physician or health care provider at such site

1 and the clinical specialist from whom such additional
2 training is being provided.”;

3 (6) by redesignating subsection (e) as sub-
4 section (g);

5 (7) by inserting after subsection (d) the fol-
6 lowing:

7 “(e) ADMINISTRATIVE EXPENSES.—An entity that
8 revives a grant or contract under this section shall use
9 not more than 5 percent of the amounts received under
10 the grant or contract under this section for administrative
11 expenses.

12 “(f) NON-DUPLICATION OF EFFORT.—The Secretary
13 shall ensure that activities under this section do not un-
14 necessarily duplicate efforts of other programs overseen
15 by the Health Resources and Services Administration, in-
16 cluding activities described in section 330N.”; and

17 (8) in subsection (g), as so redesignated, by
18 striking “the fiscal years 2010 through 2014, and
19 such sums as may be necessary for each subsequent
20 fiscal year” and inserting “fiscal years 2023 through
21 2025”.

3321

1 **CHAPTER 4—ENHANCING PUBLIC HEALTH**
2 **PREPAREDNESS AND RESPONSE**

3 **SEC. 2231. CENTERS FOR PUBLIC HEALTH PREPAREDNESS**
4 **AND RESPONSE.**

5 (a) IN GENERAL.—Section 319F of the Public
6 Health Service Act (42 U.S.C. 247d–6) is amended—

7 (1) by striking subsection (d) and inserting the
8 following:

9 “(d) CENTERS FOR PUBLIC HEALTH PREPAREDNESS
10 AND RESPONSE.—

11 “(1) IN GENERAL.—The Secretary, acting
12 through the Director of the Centers for Disease
13 Control and Prevention, may award grants, con-
14 tracts, or cooperative agreements to institutions of
15 higher education, including accredited schools of
16 public health, or other nonprofit private entities to
17 establish or maintain a network of Centers for Pub-
18 lic Health Preparedness and Response (referred to
19 in this subsection as ‘Centers’).

20 “(2) ELIGIBILITY.—To be eligible to receive an
21 award under this subsection, an entity shall submit
22 to the Secretary an application containing such in-
23 formation as the Secretary may require, including a
24 description of how the entity will—

1 “(A) coordinate relevant activities with ap-
2 plicable State, local, and Tribal health depart-
3 ments and officials, health care facilities, and
4 health care coalitions to improve public health
5 preparedness and response, as informed by the
6 public health preparedness and response needs
7 of the community, or communities, involved;

8 “(B) prioritize efforts to implement evi-
9 dence-informed or evidence-based practices to
10 improve public health preparedness and re-
11 sponse, including by helping to reduce the
12 transmission of emerging infectious diseases;
13 and

14 “(C) use funds awarded under this sub-
15 section, including by carrying out any activities
16 described in paragraph (3).

17 “(3) USE OF FUNDS.—The Centers established
18 or maintained under this subsection shall use funds
19 awarded under this subsection to carry out activities
20 to advance public health preparedness and response
21 capabilities, which may include—

22 “(A) identifying, translating, and dissemi-
23 nating promising research findings or strategies
24 into evidence-informed or evidence-based prac-
25 tices to inform preparedness for, and responses

1 to, chemical, biological, radiological, or nuclear
2 threats, including emerging infectious diseases,
3 and other public health emergencies, which may
4 include conducting research related to public
5 health preparedness and response systems;

6 “(B) improving awareness of such evi-
7 dence-informed or evidence-based practices and
8 other relevant scientific or public health infor-
9 mation among health care professionals, public
10 health professionals, other stakeholders, and the
11 public, including through the development, eval-
12 uation, and dissemination of trainings and
13 training materials, consistent with section
14 2802(b)(2), as applicable and appropriate, and
15 with consideration given to existing training
16 materials, to support preparedness for, and re-
17 sponses to, such threats;

18 “(C) utilizing and expanding relevant tech-
19 nological and analytical capabilities to inform
20 public health and medical preparedness and re-
21 sponse efforts;

22 “(D) expanding activities, including
23 through public-private partnerships, related to
24 public health preparedness and response, in-
25 cluding participation in drills and exercises and

1 training public health experts, as appropriate;
2 and

3 “(E) providing technical assistance and ex-
4 pertise that relies on evidence-based practices,
5 as applicable, related to responses to public
6 health emergencies, as appropriate, to State,
7 local, and Tribal health departments and other
8 entities pursuant to paragraph (2)(A).

9 “(4) DISTRIBUTION OF AWARDS.—In awarding
10 grants, contracts, or cooperative agreements under
11 this subsection, the Secretary shall support not
12 fewer than 10 Centers, subject to the availability of
13 appropriations, and ensure that such awards are eq-
14 uitably distributed among the geographical regions
15 of the United States.”; and

16 (2) in subsection (f)(1)(C), by striking “, of
17 which \$5,000,000 shall be used to carry out para-
18 graphs (3) through (5) of such subsection”.

19 (b) REPEAL.—Section 319G of the Public Health
20 Service Act (42 U.S.C. 247d–7) is repealed.

21 **SEC. 2232. VACCINE DISTRIBUTION PLANS.**

22 Section 319A of the Public Health Service Act (42
23 U.S.C. 247d–1) is amended—

24 (1) in subsection (a)—

3325

1 (A) by inserting “, or other federally pur-
2 chased vaccine to address another pandemic”
3 before the period at the end of the first sen-
4 tence; and

5 (B) by inserting “or other pandemic” be-
6 fore the period at the end of the second sen-
7 tence; and

8 (2) in subsection (d), by inserting “or other
9 pandemics” after “influenza pandemics”.

10 **SEC. 2233. COORDINATION AND COLLABORATION REGARD-**
11 **ING BLOOD SUPPLY.**

12 The Secretary of Health and Human Services, or the
13 Secretary’s designee, shall—

14 (1) ensure coordination and collaboration be-
15 tween relevant Federal departments and agencies re-
16 lated to the safety and availability of the blood sup-
17 ply, including—

18 (A) the Department of Health and Human
19 Services, including the Office of the Assistant
20 Secretary for Health, the Centers for Disease
21 Control and Prevention, the Food and Drug
22 Administration, the Office of the Assistant Sec-
23 retary for Preparedness and Response, the Na-
24 tional Institutes of Health, the Centers for

1 Medicare & Medicaid Services, and the Health
2 Resources and Services Administration;

3 (B) the Department of Defense; and

4 (C) the Department of Veterans Affairs;

5 and

6 (2) consult and communicate with private
7 stakeholders, including blood collection establish-
8 ments, health care providers, accreditation organiza-
9 tions, researchers, and patients, regarding issues re-
10 lated to the safety and availability of the blood sup-
11 ply.

12 **SEC. 2234. SUPPORTING LABORATORY CAPACITY AND**
13 **INTERNATIONAL COLLABORATION TO AD-**
14 **DRESS ANTIMICROBIAL RESISTANCE.**

15 Section 319E of the Public Health Service Act (42
16 U.S.C. 247d–5) is amended—

17 (1) by redesignating subsections (k), (l), and
18 (m) as subsections (m), (n), and (o), respectively;

19 and

20 (2) by inserting after subsection (j), the fol-
21 lowing:

22 “(k) NETWORK OF ANTIBIOTIC RESISTANCE RE-
23 GIONAL LABORATORIES.—

24 “(1) IN GENERAL.—The Secretary, acting
25 through the Director of the Centers for Disease

1 Control and Prevention, shall, as appropriate, main-
2 tain a network of antibiotic resistance laboratory
3 sites to ensure the maintenance of appropriate capa-
4 bilities, within existing laboratory capacity main-
5 tained or supported by the Centers for Disease Con-
6 trol and Prevention, to—

7 “(A) identify and monitor the emergence
8 and changes in the patterns of antimicrobial-re-
9 sistant pathogens;

10 “(B) detect, identify, confirm, and isolate
11 such resistant pathogens, including, as appro-
12 priate, performing such activities upon the re-
13 quest of another laboratory and providing re-
14 lated technical assistance, and, as applicable,
15 support efforts to respond to local or regional
16 outbreaks of such resistant pathogens; and

17 “(C) perform activities to support the diag-
18 nosis of such resistant pathogens and determine
19 the susceptibility of relevant pathogen samples
20 to applicable treatments.

21 “(2) GEOGRAPHIC DISTRIBUTION.—The Sec-
22 retary shall ensure that such capacity and capabili-
23 ties are appropriately distributed among the geo-
24 graphical regions of the United States.

1 “(3) PARTNERSHIPS AND NONDUPLICATION OF
2 CURRENT DOMESTIC CAPACITY.—Activities sup-
3 ported under this subsection may be based in an
4 academic center, a State health department, or other
5 facility operated by a public or private entity that
6 carries out relevant laboratory or public health sur-
7 veillance activities.

8 “(1) INTERNATIONAL COLLABORATION.—

9 “(1) IN GENERAL.—The Secretary, in coordina-
10 tion with heads of other relevant Federal depart-
11 ments and agencies, shall support activities related
12 to addressing antimicrobial resistance internation-
13 ally, including by—

14 “(A) supporting basic, translational, epide-
15 miological, and clinical research related to anti-
16 microbial-resistant pathogens, including such
17 pathogens that have not yet been detected in
18 the United States, and improving related public
19 health surveillance systems, and laboratory and
20 other response capacity; and

21 “(B) providing technical assistance related
22 to antimicrobial resistant infection and control
23 activities.

24 “(2) AWARDS.—In carrying out paragraph (1),
25 the Secretary may award grants, contracts, or coop-

1 erative agreements to public and private entities, in-
2 cluding nongovernmental organizations, with appli-
3 cable expertise, for purposes of supporting new and
4 innovative approaches to the prevention, detection,
5 and mitigation of antimicrobial-resistant patho-
6 gens.”.

7 **SEC. 2235. ONE HEALTH FRAMEWORK.**

8 (a) ONE HEALTH FRAMEWORK.—The Secretary of
9 Health and Human Services (referred to in this section
10 as the “Secretary”), acting through the Director of the
11 Centers for Disease Control and Prevention, shall develop,
12 or update as appropriate, in coordination with other Fed-
13 eral departments and agencies, as appropriate, a One
14 Health framework to address zoonotic diseases and ad-
15 vance public health preparedness.

16 (b) ONE HEALTH COORDINATION.—The Secretary,
17 acting through the Director of the Centers for Disease
18 Control and Prevention, shall coordinate with the Sec-
19 retary of Agriculture and the Secretary of the Interior to
20 develop a One Health coordination mechanism at the Fed-
21 eral level to strengthen One Health collaboration related
22 to prevention, detection, control, and response for zoonotic
23 diseases and related One Health work across the Federal
24 Government.

1 (c) REPORTING.—Not later than 1 year after the date
2 of enactment of this Act, the Secretary shall submit to
3 the Committee on Health, Education, Labor, and Pen-
4 sions of the Senate and the Committee on Energy and
5 Commerce of the House of Representatives a report pro-
6 viding an update on the activities under subsections (a)
7 and (b).

8 **SEC. 2236. SUPPORTING CHILDREN DURING PUBLIC**
9 **HEALTH EMERGENCIES.**

10 Section 2811A of the Public Health Service Act (42
11 U.S.C. 300hh–10b) is amended—

12 (1) in subsection (b)—

13 (A) in paragraph (2)—

14 (i) by striking “and behavioral” and
15 inserting “, behavioral, developmental”;
16 and

17 (ii) by striking “; and” and inserting
18 a semicolon;

19 (B) in paragraph (3), by striking the pe-
20 riod and inserting “; and”; and

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

22 “(4) provide advice and consultation with re-
23 spect to continuity of care and education for all chil-
24 dren and supporting parents and caregivers during
25 all-hazards emergencies.”;

3331

1 (2) in subsection (d)(2)—

2 (A) in subparagraph (C), by striking
3 “care; and” and inserting “care;”;

4 (B) by redesignating subparagraph (D) as
5 subparagraph (E);

6 (C) by inserting after subparagraph (C)
7 the following:

8 “(D) at least 4 non-Federal members rep-
9 resenting child care settings, State or local edu-
10 cational agencies, individuals with expertise in
11 children with disabilities, and parents; and”;
12 and

13 (D) in subparagraph (E), as so redesi-
14 gnated—

15 (i) by striking clause (ii); and

16 (ii) by redesignating clauses (iii) and
17 (iv) as clauses (ii) and (iii), respectively.

3332

1 **Subtitle C—Accelerating Research**
2 **and Countermeasure Discovery**
3 **CHAPTER 1—FOSTERING RESEARCH AND**
4 **DEVELOPMENT AND IMPROVING CO-**
5 **ORDINATION**

6 **SEC. 2301. RESEARCH CENTERS FOR PATHOGENS OF PAN-**
7 **DEMIC CONCERN.**

8 Subpart 6 of part C of title IV of the Public Health
9 Service Act is amended by inserting after section 447C
10 (42 U.S.C. 285f–4) the following:

11 **“SEC. 447D. RESEARCH CENTERS FOR PATHOGENS OF PAN-**
12 **DEMIC CONCERN.**

13 “(a) **IN GENERAL.**—The Director of the Institute, in
14 collaboration, as appropriate, with the directors of applica-
15 ble institutes, centers, and divisions of the National Insti-
16 tutes of Health, the Assistant Secretary for Preparedness
17 and Response, and the Director of the Biomedical Ad-
18 vanced Research and Development Authority, shall estab-
19 lish or continue a multidisciplinary research program to
20 advance the discovery and preclinical development of med-
21 ical products for priority virus families and other viral
22 pathogens with a significant potential to cause a pan-
23 demic, through support for research centers.

24 “(b) **USES OF FUNDS.**—The Director of the Institute
25 shall award funding through grants, contracts, or coopera-

3333

1 tive agreements to public or private entities to provide
2 support for research centers described in subsection (a)
3 for the purpose of—

4 “(1) conducting basic research through pre-
5 clinical development of new medical products or
6 technologies, including platform technologies, to ad-
7 dress pathogens of pandemic concern;

8 “(2) identifying potential targets for thera-
9 peutic candidates, including antivirals, to treat such
10 pathogens;

11 “(3) identifying existing medical products with
12 the potential to address such pathogens, including
13 candidates that could be used in outpatient settings;
14 and

15 “(4) carrying out or supporting other research
16 related to medical products to address such patho-
17 gens, as determined appropriate by the Director.

18 “(c) COORDINATION.—The Director of the Institute
19 shall, as appropriate, provide for the coordination of ac-
20 tivities among the centers described in subsection (a), in-
21 cluding through—

22 “(1) facilitating the exchange of information
23 and regular communication among the centers, as
24 appropriate; and

1 “(2) requiring the periodic preparation and sub-
2 mission to the Director of reports on the activities
3 of each center.

4 “(d) PRIORITY.—In awarding funding through
5 grants, contracts, or cooperative agreements under sub-
6 section (a), the Director of the Institute shall, as appro-
7 priate, give priority to applicants with existing frameworks
8 and partnerships, as applicable, to support the advance-
9 ment of such research.

10 “(e) COLLABORATION.—The Director of the Institute
11 shall—

12 “(1) collaborate with the heads of other appro-
13 priate Federal departments, agencies, and offices
14 with respect to the identification of additional pri-
15 ority virus families and other viral pathogens with a
16 significant potential to cause a pandemic; and

17 “(2) collaborate with the Director of the Bio-
18 medical Advanced Research and Development Au-
19 thority with respect to the research conducted by
20 centers described in subsection (a), including, as ap-
21 propriate, providing any updates on the research ad-
22 vancements made by such centers, identifying any
23 advanced research and development needs for such
24 countermeasures, consistent with section
25 319L(a)(6), and taking into consideration existing

1 manufacturing capacity and future capacity needs
2 for such medical products or technologies, including
3 platform technologies, supported by the centers de-
4 scribed in subsection (a).

5 “(f) SUPPLEMENT, NOT SUPPLANT.—Any support
6 received by a center described in subsection (a) under this
7 section shall be used to supplement, and not supplant,
8 other public or private support for activities authorized to
9 be supported.”.

10 **SEC. 2302. IMPROVING MEDICAL COUNTERMEASURE RE-**
11 **SEARCH COORDINATION.**

12 Section 402(b) in the Public Health Service Act (42
13 U.S.C. 282(b)) is amended—

14 (1) in paragraph (24), by striking “and” at the
15 end;

16 (2) in paragraph (25), by striking the period
17 and inserting a semicolon; and

18 (3) by inserting after paragraph (25) the fol-
19 lowing:

20 “(26) shall consult with the Assistant Secretary
21 for Preparedness and Response, the Director of the
22 Biomedical Advanced Research and Development
23 Authority, the Director of the Centers for Disease
24 Control and Prevention, and the heads of other Fed-
25 eral agencies and offices, as appropriate, regarding

1 research needs to advance medical countermeasures
2 to diagnose, mitigate, prevent, or treat harm from
3 any biological agent or toxin, including emerging in-
4 fectionous diseases, chemical, radiological, or nuclear
5 agent that may cause a public health emergency or
6 other research needs related to emerging public
7 health threats;”.

8 **SEC. 2303. ACCESSING SPECIMEN SAMPLES AND DIAG-**
9 **NOSTIC TESTS.**

10 (a) IMPROVING RESEARCH AND DEVELOPMENT OF
11 MEDICAL COUNTERMEASURES FOR NOVEL PATHO-
12 GENS.—

13 (1) SAMPLE ACCESS.—Not later than 1 year
14 after the date of enactment of this Act, the Sec-
15 retary of Health and Human Services (referred to in
16 this subsection as the “Secretary”) shall make pub-
17 licly available policies and procedures related to pub-
18 lic and private entities accessing specimens of, or
19 specimens containing, pathogens or suitable surro-
20 gates for, or alternatives to, such pathogens as the
21 Secretary determines appropriate to support public
22 health preparedness and response activities or bio-
23 medical research for purposes of the development
24 and validation, as applicable, of medical products to
25 address emerging infectious diseases and for use to

3337

1 otherwise respond to emerging infectious diseases.
2 Such policies and procedures shall take into account,
3 as appropriate, any applicable existing Federal re-
4 sources.

5 (2) GUIDANCE.—The Secretary shall issue
6 guidance regarding the procedures for carrying out
7 paragraph (1), including—

8 (A) the method for requesting such sam-
9 ples;

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
18 TESTS.—Title III of the Public Health Service Act is
19 amended by inserting after section 319A (42 U.S.C.
20 247d–1) the following:

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

1 of diagnostic tests, as appropriate, to State, local, and
2 Tribal health departments and other appropriate entities
3 for immediate public health response activities to address
4 an emerging infectious disease with respect to which a
5 public health emergency is declared under section 319, or
6 that has significant potential to cause such a public health
7 emergency.”.

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
16 Medicine (referred to in this section as the “National
17 Academies”) to conduct a study related to the current sci-
18 entific evidence on the durability of immunity to COVID-
19 19.

20 (b) INCLUSIONS.—The study pursuant to the con-
21 tract under subsection (a) shall include—

22 (1) an assessment of scientific evidence related
23 to the durability of immunity resulting from SARS-
24 CoV-2 infection, COVID-19 vaccination, or both,
25 including any differences between population groups;

1 (2) an assessment of the extent to which the
2 Federal Government makes publicly available the
3 scientific evidence used by relevant Federal depart-
4 ments and agencies to inform public health rec-
5 ommendations related to immunity resulting from
6 SARS-CoV-2 infection and COVID-19 vaccination;
7 and

8 (3) a summary of scientific studies and evidence
9 related to SARS-CoV-2 infection-acquired immunity
10 from a sample of other countries or multilateral or-
11 ganizations.

12 (c) REPORT.—Not later than 18 months after the
13 date of enactment of this Act, the National Academies
14 shall submit to the Committee on Health, Education,
15 Labor, and Pensions of the Senate and the Committee on
16 Energy and Commerce of the House of Representatives
17 a report on the study pursuant to subsection (a).

18 **CHAPTER 2—IMPROVING BIOSAFETY AND**
19 **BIOSECURITY**

20 **SEC. 2311. IMPROVING CONTROL AND OVERSIGHT OF SE-**
21 **LECT BIOLOGICAL AGENTS AND TOXINS.**

22 Section 351A of the Public Health Service Act (42
23 U.S.C. 262a) is amended—

24 (1) in subsection (b)(1), by amending subpara-
25 graph (A) to read as follows:

1 “(A) proper training, including with re-
2 spect to notification requirements under this
3 section, 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, pos-
12 sessed, 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
16 use of such agents and toxins on behalf of
17 registered 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
21 the release, theft, or loss of such agent or toxin, or
22 use in domestic or international terrorism)”;

23 (3) in subsection (k)—

24 (A) by redesignating paragraphs (1) and
25 (2) as paragraphs (2) and (3), respectively;

1 (B) by inserting before paragraph (2), as
2 so redesignated, the following:

3 “(1) NOTIFICATION WITH RESPECT TO FED-
4 ERAL FACILITIES.—In the event of the release, loss,
5 or theft of an agent or toxin listed by the Secretary
6 pursuant to subsection (a)(1), or by the Secretary of
7 Agriculture pursuant to section 212(a)(1) of the Ag-
8 ricultural Bioterrorism Protection Act of 2002, from
9 or within a laboratory facility owned or operated by
10 the Department of Health and Human Services, or
11 other Federal laboratory facility subject to the re-
12 quirements of this section, the Secretary, in a man-
13 ner that does not compromise national security,
14 shall—

15 “(A) not later than 72 hours after such
16 event is reported to the Secretary, notify the
17 Committee on Health, Education, Labor, and
18 Pensions of the Senate and the Committee on
19 Energy and Commerce of the House of Rep-
20 resentatives of such event, including—

21 “(i) the Federal laboratory facility in
22 which such release, loss, or theft occurred;
23 and

24 “(ii) the circumstances of such re-
25 lease, loss, or theft; and

1 “(B) not later than 14 days after such no-
2 tification, 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
9 of such release, loss, or theft, and prevent
10 similar events.”; and

11 (C) by amending paragraph (2), as so re-
12 designated, to read as follows:

13 “(2) ANNUAL REPORT.—The Secretary shall
14 submit to the Committee on Health, Education,
15 Labor, and Pensions of the Senate and the Com-
16 mittee on Energy and Commerce of the House of
17 Representatives 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

3343

1 to promote adherence to, and compliance with,
2 safety and security best practices, standards,
3 and regulations; and

4 “(C) describing any gaps, challenges, or
5 limitations with respect to ensuring that such
6 safety and security practices are consistently
7 applied and adhered to, and actions taken to
8 address such gaps, challenges, or limitations.”;
9 and

10 (4) in subsection (m), by striking “fiscal years
11 2002 through 2007” and inserting “fiscal years
12 2023 through 2027”.

13 **SEC. 2312. STRATEGY FOR FEDERAL HIGH-CONTAINMENT**
14 **LABORATORIES.**

15 (a) STRATEGY FOR FEDERAL HIGH-CONTAINMENT
16 LABORATORIES.—Not later than 1 year after the date of
17 enactment of this Act, the Director of the Office of Science
18 and Technology Policy, in consultation with relevant Fed-
19 eral departments and agencies, shall establish a strategy
20 for the management, maintenance, and oversight of feder-
21 ally-owned laboratory facilities operating at Biosafety
22 Level 3 or 4, including equivalent classification levels and
23 facilities with Biosafety Level 4 capabilities. Such strategy
24 shall include—

3344

1 (1) a description of the roles and responsibil-
2 ities of relevant Federal departments and agencies
3 with respect to the management, maintenance, and
4 oversight of Biosafety Level 3 or 4 laboratory facili-
5 ties;

6 (2) an assessment of the needs of the Federal
7 Government with respect to Biosafety Level 3 or 4
8 laboratory facilities;

9 (3) a summary of existing federally-owned Bio-
10 safety Level 3 or 4 laboratory facility capacity;

11 (4) a summary of other Biosafety Level 3 or 4
12 laboratory facility capacity established through Fed-
13 eral funds;

14 (5) a description of how the capacity described
15 in paragraphs (3) and (4) addresses the needs of the
16 Federal Government, including—

17 (A) how relevant Federal departments and
18 agencies coordinate to provide access to appro-
19 priate laboratory facilities to reduce unneces-
20 sary duplication; and

21 (B) any gaps in such capacity related to
22 such needs;

23 (6) a summary of plans that are in place for
24 the maintenance of such capacity within each rel-
25 evant Federal department or agency, as applicable

1 and appropriate, including processes for determining
2 whether to maintain or expand such capacity, and a
3 description of how the Federal Government will ad-
4 dress rapid changes in the need for such capacity
5 within each relevant Federal department or agency
6 during a public health emergency; and

7 (7) a description of how the heads of relevant
8 Federal departments and agencies will coordinate to
9 ensure appropriate oversight of federally-owned lab-
10 oratory facility capacity and leverage such capacity
11 within each relevant Federal department, as appro-
12 priate, to fulfill the needs of each Federal depart-
13 ment and agency in order to reduce unnecessary du-
14 plication and improve collaboration within the Fed-
15 eral Government.

16 (b) CLARIFICATION.—The strategy under subsection
17 (a) shall not be construed to supersede the authorities of
18 each relevant Federal department or agency with respect
19 to the management, maintenance, and oversight of the
20 Federally-owned laboratory facilities operated by any such
21 Federal department or agency.

3346

1 **SEC. 2313. NATIONAL SCIENCE ADVISORY BOARD FOR BIO-**
2 **SECURITY.**

3 (a) IN GENERAL.—Part A of title IV of the Public
4 Health Service Act (42 U.S.C. 281 et seq.) is amended
5 by adding at the end the following:

6 **“SEC. 4040. NATIONAL SCIENCE ADVISORY BOARD FOR**
7 **BIOSECURITY.**

8 “(a) ESTABLISHMENT.—The Secretary, acting
9 through the Director of NIH, shall establish an advisory
10 committee, to be known as the ‘National Science Advisory
11 Board for Biosecurity’ (referred to in this section as the
12 ‘Board’).

13 “(b) DUTIES.—

14 “(1) IN GENERAL.—The National Science Advi-
15 sory Board for Biosecurity referred to in section 205
16 of the Pandemic and All-Hazards Preparedness Act
17 (Public Law 109–417) (referred to in this section as
18 the ‘Board’) shall provide technical advice, guidance,
19 or recommendations, to relevant Federal depart-
20 ments and agencies related to biosafety and biosecu-
21 rity oversight of biomedical research, including—

22 “(A) oversight of federally-conducted or
23 federally-supported dual use biomedical re-
24 search, such as the review of policies or frame-
25 works used to assess and appropriately manage
26 safety and security risks associated with such

1 research, taking into consideration national se-
2 curity concerns, the potential benefits of such
3 research, considerations related to the research
4 community, transparency, and public avail-
5 ability of information, and international re-
6 search collaboration; and

7 “(B) continuing to carry out the activities
8 required under section 205 of the Pandemic
9 and All-Hazards Preparedness Act (Public Law
10 109–417).

11 “(c) CONSIDERATIONS.—In carrying out the duties
12 under subsection (b), the Board may consider strategies
13 to improve the safety and security of biomedical research,
14 including through—

15 “(1) leveraging or using new technologies and
16 scientific advancements to reduce safety and security
17 risks associated with such research and improve con-
18 tainment of pathogens; and

19 “(2) outreach to, and education and training of,
20 researchers, laboratory personnel, and other appro-
21 priate individuals with respect to safety and security
22 risks associated with such research and mitigation of
23 such risks.

24 “(d) MEMBERSHIP.—The Board shall be composed of
25 the following:

3348

1 “(1) Non-voting, ex officio members, including
2 the following:

3 “(A) At least one representative of each of
4 the following:

5 “(i) The Department of Health and
6 Human Services.

7 “(ii) The Department of Defense.

8 “(iii) The Department of Agriculture.

9 “(iv) The Department of Homeland
10 Security.

11 “(v) The Department of Energy.

12 “(vi) The Department of State.

13 “(vii) The Office of Science and Tech-
14 nology Policy.

15 “(viii) The Office of the Director of
16 National Intelligence.

17 “(B) Representatives of such other Federal
18 departments or agencies as the Secretary deter-
19 mines appropriate to carry out the requirements
20 of this section.

21 “(2) Individuals, appointed by the Secretary,
22 with expertise in biology, infectious diseases, public
23 health, ethics, national security, and other fields, as
24 the Secretary determines appropriate, who shall
25 serve as voting members.”.

1 (b) ORDERLY TRANSITION.—The Secretary of
2 Health and Human Services shall take such steps as are
3 necessary to provide for the orderly transition to the au-
4 thority of the National Science Advisory Board for Bio-
5 security established under section 404O of the Public
6 Health Service Act, as added by subsection (a), from any
7 authority of the Board described in section 205 of the
8 Pandemic and All-Hazards Preparedness Act (Public Law
9 109–417), as in effect on the day before the date of enact-
10 ment of this Act.

11 (c) APPLICATION.—The requirements under section
12 404O of the Public Health Service Act, as added by sub-
13 section (a), related to the mission, activities, or functions
14 of the National Science Advisory Board for Biosecurity
15 shall not apply until the completion of any work under-
16 taken by such Board before the date of enactment of this
17 Act.

18 **SEC. 2314. RESEARCH TO IMPROVE BIOSAFETY.**

19 (a) IN GENERAL.—The Secretary of Health and
20 Human Services (referred to in this section as the “Sec-
21 retary”) shall, as appropriate, conduct or support research
22 to improve the safe conduct of biomedical research activi-
23 ties involving pathogens of pandemic potential or biologi-
24 cal agents or toxins listed pursuant to section 351A(a)(1)
25 of the Public Health Service Act (42 U.S.C. 262a(a)(1)).

1 (b) REPORT.—Not later than 5 years after the date
2 of enactment of this Act, the Secretary shall prepare and
3 submit a report to the Committee on Health, Education,
4 Labor, and Pensions of the Senate and the Committee on
5 Energy and Commerce of the House of Representatives
6 regarding an overview of any research conducted or sup-
7 ported under this section, any relevant findings, and steps
8 the Secretary is taking to disseminate any such findings
9 to support the reduction of risks associated with bio-
10 medical research involving pathogens of pandemic poten-
11 tial or biological agents or toxins listed pursuant to section
12 351A(a)(1) of the Public Health Service Act (42 U.S.C.
13 262a(a)(1)).

14 **SEC. 2315. FEDERALLY-FUNDED RESEARCH WITH EN-**
15 **HANCED PATHOGENS OF PANDEMIC POTEN-**
16 **TIAL.**

17 (a) REVIEW AND OVERSIGHT OF ENHANCED PATHO-
18 GENS OF PANDEMIC POTENTIAL.—

19 (1) IN GENERAL.—The Director of the Office of
20 Science and Technology Policy (referred to in this
21 section as the “Director”), in consultation with the
22 heads of relevant Federal departments and agencies,
23 shall—

24 (A) not later than 1 year after the date of
25 enactment of this Act—

1 (i) continue or conduct a review of ex-
2 isting Federal policies related to research
3 proposed for Federal funding that may be
4 reasonably anticipated to involve the cre-
5 ation, transfer, or use of enhanced patho-
6 gens of pandemic potential; and

7 (ii) establish or update a Federal pol-
8 icy for the consistent review and oversight
9 of such proposed research that appro-
10 priately considers the risks associated with,
11 and potential benefits of, such research;
12 and

13 (B) not less than every 4 years thereafter,
14 review and update such policy, as necessary and
15 appropriate, to ensure that such policy fully ac-
16 counts for relevant research that may be rea-
17 sonably anticipated to involve the creation,
18 transfer, or use of enhanced pathogens of pan-
19 demic potential, takes into consideration the
20 benefits of such research, and supports the
21 mitigation of related risks.

22 (2) REQUIREMENTS.—The policy established
23 pursuant to paragraph (1) shall include—

24 (A) a clear scope to support the consistent
25 identification of research proposals subject to

1 such policy by relevant Federal departments
2 and agencies;

3 (B) a framework for such reviews that ac-
4 counts for safety, security, and ethical consider-
5 ations related to the creation, transfer, or use
6 of enhanced pathogens of pandemic potential;

7 (C) measures to enhance the transparency
8 and public availability of information related to
9 such research activities in a manner that does
10 not compromise national security, the safety
11 and security of such research activities, or any
12 identifiable, sensitive information of relevant in-
13 dividuals; and

14 (D) consistent procedures across relevant
15 Federal department and agencies to ensure
16 that—

17 (i) proposed research that has been
18 determined to have scientific and technical
19 merit and may be subject to such policy is
20 identified and referred for review;

21 (ii) subjected research activities con-
22 ducted under an award, including activities
23 undertaken by any subrecipients of such
24 award, are monitored regularly throughout
25 the project period to ensure compliance

1 with such policy and the terms and condi-
2 tions of such award; and

3 (iii) in the event that federally-funded
4 research activities not subject to such pol-
5 icy produce unanticipated results related to
6 the creation, transfer, or use of enhanced
7 pathogens of pandemic potential, such re-
8 search activities are identified and appro-
9 priately reviewed under such policy.

10 (3) CLARIFICATION.—Reviews required pursu-
11 ant to this section shall be in addition to any appli-
12 cable requirements for research project applications
13 required under the Public Health Service Act, in-
14 cluding reviews required under section 492 of such
15 Act (42 U.S.C. 289a), as applicable, or other appli-
16 cable laws.

17 (b) IMPLEMENTATION.—

18 (1) IN GENERAL.—The Director shall direct all
19 heads of relevant Federal departments and agencies
20 to update, modernize, or promulgate applicable im-
21 plementing guidance to implement the requirements
22 of this section.

23 (2) UPDATES.—Consistent with the require-
24 ments under subsection (a)(1)(B), the Director shall
25 require all heads of relevant Federal departments

1 and agencies to update such policies consistent with
2 any changes to the policy established pursuant to
3 subsection (a)(1).

4 (c) LIMITATIONS ON COUNTRIES OF CONCERN CON-
5 DUCTING CERTAIN RESEARCH.—

6 (1) IN GENERAL.—Beginning not later than 60
7 days after the date of the enactment of this Act, the
8 Secretary of Health and Human Services shall not
9 fund research conducted by a foreign entity at a fa-
10 cility located in a country of concern, in the esti-
11 mation of the Director of National Intelligence or
12 the head of another relevant Federal department or
13 agency, as appropriate, in consultation with the Sec-
14 retary of Health and Human Services, involving
15 pathogens of pandemic potential or biological agents
16 or toxins listed pursuant to section 351A(a)(1) of
17 the Public Health Service Act (42 U.S.C.
18 262a(a)(1)).

19 (2) CONDITIONS FOR LIFTING OR SUSPENDING
20 PROHIBITION.—The Secretary of Health and
21 Human Services may lift or suspend the prohibition
22 of funding under paragraph (1)—

23 (A) only after the review required under
24 subsection (a)(1)(A)(i) is complete; and

1 (B) only if the Secretary notifies Congress
2 not less than 15 days before such prohibition is
3 lifted or suspended.

4 **CHAPTER 3—PREVENTING UNDUE FOR-**
5 **EIGN INFLUENCE IN BIOMEDICAL RE-**
6 **SEARCH**

7 **SEC. 2321. FOREIGN TALENT RECRUITMENT PROGRAMS.**

8 (a) INTRAMURAL RESEARCH.—

9 (1) IN GENERAL.—Not later than 60 days after
10 the date of enactment of this Act, the Secretary of
11 Health and Human Services (referred to in this
12 chapter as the “Secretary”) shall prohibit personnel
13 of the National Institutes of Health engaged in in-
14 tramural research from participation in foreign tal-
15 ent recruitment programs.

16 (2) EXEMPTION.—Paragraph (1) shall not
17 apply to participation in international conferences or
18 other international exchanges, partnerships, or pro-
19 grams, for which such participation has been ap-
20 proved by the National Institutes of Health. In such
21 circumstances, the National Institutes of Health
22 shall ensure appropriate training is provided to the
23 participant on how to respond to overtures from in-
24 dividuals associated with foreign talent recruitment
25 programs.

1 (b) **EXTRAMURAL RESEARCH.**—The Secretary shall
2 require disclosure of participation in foreign talent recruit-
3 ment programs, including the provision of copies of all
4 grants, contracts, or other agreements related to such pro-
5 grams, and other supporting documentation related to
6 such programs, as a condition of receipt of Federal extra-
7 mural biomedical research funding awarded through the
8 Department of Health and Human Services.

9 (c) **CONSISTENCY.**—The Secretary shall ensure that
10 the policies developed, updated, or issued pursuant to sub-
11 sections (a) and (b) are, to the greatest extent practicable,
12 consistent with the requirements of subtitle D of title VI
13 of division B of Public Law 117–167 (42 U.S.C. 19231
14 et seq.) related to foreign talent recruitment programs.

15 **SEC. 2322. SECURING IDENTIFIABLE, SENSITIVE INFORMA-**
16 **TION AND ADDRESSING OTHER NATIONAL**
17 **SECURITY RISKS RELATED TO RESEARCH.**

18 (a) **IN GENERAL.**—The Secretary of Health and
19 Human Services, in consultation with the Director of Na-
20 tional Intelligence, the Secretary of State, the Secretary
21 of Defense, and other national security experts, as appro-
22 priate, shall ensure that biomedical research conducted or
23 supported by the National Institutes of Health and other
24 relevant agencies and offices within the Department of
25 Health and Human Services is conducted or supported in

1 a manner that appropriately considers national security
2 risks, including national security implications related to
3 research involving the sequencing of human genomic infor-
4 mation, and collection, analysis, or storage of identifiable,
5 sensitive information, as defined in section 301(d)(4) of
6 the Public Health Service Act (42 U.S.C. 241(d)(4)), and
7 the potential misuse of such data. Not later than 2 years
8 after the date of enactment of this Act, the Secretary shall
9 ensure that the National Institutes of Health and other
10 relevant agencies and offices within the Department of
11 Health and Human Services, in consultation with the
12 heads of agencies and national security experts, including
13 the Office of the National Security within the Department
14 of Health and Human Services—

15 (1) develop a comprehensive framework and
16 policies for assessing and managing such national
17 security risks that includes, or review and update, as
18 appropriate, the current (as of the date of review)
19 such framework and policies to include—

20 (A) criteria for how and when to conduct
21 risk assessments for projects that may have na-
22 tional security implications;

23 (B) security controls and training for re-
24 searchers or entities, including peer reviewers,

1 that manage or have access to such data that
2 may present national security risks; and

3 (C) methods to incorporate risk mitigation
4 in the process for funding such projects that
5 may have national security implications and
6 monitor associated research activities following
7 issuance of an award, including changes in the
8 terms and conditions related to the use of such
9 funds, as appropriate;

10 (2) not later than 1 year after the framework
11 and policies are developed or reviewed and updated,
12 as applicable, under paragraph (1), develop and im-
13 plement controls to ensure that—

14 (A) researchers or entities involved in
15 projects reviewed under the framework and rel-
16 evant policies, including such projects that
17 manage or have access to sensitive, identifiable
18 information, have complied with the require-
19 ments of paragraph (1) and ongoing require-
20 ments with such paragraph;

21 (B) consideration of funding for projects
22 that may have national security implications
23 takes into account the extent to which the coun-
24 try in which the proposed research will be con-
25 ducted or supported poses a risk to the integ-

1 rity of the United States biomedical research
2 enterprise; and

3 (C) data access committees reviewing data
4 access requests for projects that may have na-
5 tional security risks, as appropriate, include
6 members with expertise in current and emerg-
7 ing national security threats, in order to make
8 appropriate decisions, including related to ac-
9 cess to such identifiable, sensitive information;
10 and

11 (3) not later than 2 years after the framework
12 and relevant policies are developed or reviewed and
13 updated, as applicable, under paragraph (1), update
14 data access and sharing policies related to human
15 genomic data, as applicable, based on current and
16 emerging national security threats.

17 (b) CONGRESSIONAL BRIEFING.—Not later than 1
18 year after the date of enactment of this Act, the Secretary
19 shall provide a briefing to the Committee on Health, Edu-
20 cation, Labor, and Pensions and the Select Committee on
21 Intelligence of the Senate and the Committee on Energy
22 and Commerce and the Permanent Select Committee on
23 Intelligence of the House of Representatives on the activi-
24 ties required under subsection (a).

1 **SEC. 2323. DUTIES OF THE DIRECTOR.**

2 Section 402(b) in the Public Health Service Act (42
3 U.S.C. 282(b)), as amended by section 2302, is further
4 amended by inserting after paragraph (26) (as added by
5 section 2302) the following:

6 “(27) shall consult with the Director of the Of-
7 fice of National Security within the Department of
8 Health and Human Services, the Assistant Secretary
9 for Preparedness and Response, the Director of Na-
10 tional Intelligence, the Director of the Federal Bu-
11 reau of Investigation, and the heads of other appro-
12 priate agencies on a regular basis, regarding bio-
13 medical research conducted or supported by the Na-
14 tional Institutes of Health that may affect or be af-
15 fected by matters of national security;

16 “(28) shall ensure that recipients of awards
17 from the National Institutes of Health, and, as ap-
18 propriate and practicable, entities collaborating with
19 such recipients, have in place and are adhering to
20 appropriate technology practices and policies for the
21 security of identifiable, sensitive information, includ-
22 ing information collected, stored, managed, or ana-
23 lyzed by domestic and non-domestic entities; and

24 “(29) shall ensure that recipients of awards
25 from the National Institutes of Health are in compli-
26 ance with the terms and conditions of such award,

1 which may include activities to support awareness of,
2 and compliance with, such terms and conditions by
3 any subrecipients of the award.”.

4 **SEC. 2324. PROTECTING AMERICA’S BIOMEDICAL RE-**
5 **SEARCH ENTERPRISE.**

6 (a) IN GENERAL.—The Secretary, in consultation
7 with the Assistant to the President for National Security
8 Affairs, the Director of National Intelligence, the Director
9 of the Federal Bureau of Investigation, and the heads of
10 other relevant departments and agencies, and in consulta-
11 tion with research institutions and research advocacy or-
12 ganizations or other relevant experts, as appropriate,
13 shall—

14 (1) identify ways to improve the protection of
15 intellectual property and other proprietary informa-
16 tion, as well as identifiable, sensitive information of
17 participants in biomedical research and development,
18 from national security risks and other applicable
19 threats, including the identification of gaps in poli-
20 cies and procedures in such areas related to bio-
21 medical research and development supported by the
22 Department of Health and Human Services, and
23 make recommendations to institutions of higher edu-
24 cation or other entities that have traditionally re-

1 received Federal funding for biomedical research to
2 protect such information;

3 (2) identify or develop strategies to prevent,
4 mitigate, and address national security risks and
5 threats in biomedical research and development sup-
6 ported by the Federal Government, including such
7 threats associated with foreign talent programs, by
8 countries seeking to exploit United States technology
9 and other proprietary information as it relates to
10 such biomedical research and development, and
11 make recommendations for additional policies and
12 procedures to protect such information;

13 (3) identify national security risks and potential
14 misuse of proprietary information, and identifiable,
15 sensitive information of biomedical research partici-
16 pants and other applicable risks, including with re-
17 spect to peer review, and make recommendations for
18 additional policies and procedures to protect such in-
19 formation;

20 (4) develop a framework to identify areas of
21 biomedical research and development supported by
22 the Federal Government that are emerging areas of
23 interest for state actors and would compromise na-
24 tional security if they were to be subjected to undue
25 foreign influence; and

1 (5) regularly review recommendations or poli-
2 cies developed under this section and make addi-
3 tional recommendations or updates, as appropriate.

4 (b) REPORT TO PRESIDENT AND TO CONGRESS.—
5 Not later than 1 year after the date of enactment of this
6 Act, the Secretary shall prepare and submit, in a manner
7 that does not compromise national security, to the Presi-
8 dent and the Committee on Health, Education, Labor, and
9 Pensions and the Select Committee on Intelligence of the
10 Senate, the Committee on Energy and Commerce and the
11 Permanent Select Committee on Intelligence of the House
12 of Representatives, and other congressional committees as
13 appropriate, a report on the findings and recommenda-
14 tions pursuant to subsection (a).

15 **SEC. 2325. GAO STUDY.**

16 (a) IN GENERAL.—The Comptroller General of the
17 United States (referred to in this section as the “Comp-
18 troller General”) shall conduct a study to assess the extent
19 to which the Department of Health and Human Services
20 (referred to in this section as the “Department”) utilizes
21 or provides funding to entities that utilize such funds for
22 human genomic sequencing services or genetic services (as
23 such term is defined in section 201(6) of the Genetic In-
24 formation Nondiscrimination Act of 2008 (42 U.S.C.
25 2000ff(6))) provided by entities, or subsidiaries of such

1 entities, organized under the laws of a country or coun-
2 tries of concern, in the estimation of the Director of Na-
3 tional Intelligence or the head of another Federal depart-
4 ment or agency, as appropriate.

5 (b) CONSIDERATIONS.—In carrying out the study
6 under this section, the Comptroller General shall—

7 (1) consider—

8 (A) the extent to which the country or
9 countries of concern could obtain human
10 genomic information of citizens and residents of
11 the United States from such entities that se-
12 quence, analyze, collect, or store human
13 genomic information and which the Director of
14 National Intelligence or the head of another
15 Federal department or agency reasonably an-
16 ticipates may use such information in a manner
17 inconsistent with the national security interests
18 of the United States;

19 (B) whether the Department or recipient
20 of such funds from the Department sought to
21 provide funding to, or to use, domestic entities
22 with no such ties to the country or countries of
23 concern for such purposes and any barriers to
24 the use of domestic entities; and

3365

1 (C) whether data use agreements, data se-
2 curity measures, and other such measures taken
3 by the Department or recipient of such funds
4 from the Department are sufficient to protect
5 the identifiable, sensitive information of the
6 people of the United States and the national se-
7 curity interests of the United States; and

8 (2) make recommendations to address any
9 vulnerabilities to the United States national security
10 identified, as appropriate.

11 (c) ESTIMATION.—In conducting the study under this
12 section, the Comptroller General may, as appropriate and
13 necessary to complete such study, investigate specific in-
14 stances of such utilization of genetic sequencing services
15 or genetic services, as described in subsection (a), to
16 produce estimates of the potential prevalence of such utili-
17 zation among entities in receipt of Departmental funds.

18 (d) REPORT.—Not later than 2 years after the date
19 of enactment of this Act, the Comptroller General shall
20 submit a report on the study under this section, in a man-
21 ner that does not compromise national security, to the
22 Committee on Health, Education, Labor, and Pensions
23 and the Select Committee on Intelligence of the Senate,
24 and the Committee on Energy and Commerce and the Per-
25 manent Select Committee on Intelligence of the House of

1 Representatives. The report shall be submitted in unclassi-
2 fied form, to the extent practicable, but may include a
3 classified annex.

4 **SEC. 2326. REPORT ON PROGRESS TO ADDRESS UNDUE**
5 **FOREIGN INFLUENCE.**

6 Not later than 1 year after the date of enactment
7 of this Act and annually thereafter, the Secretary shall
8 prepare and submit to the Committee on Health, Edu-
9 cation, Labor, and Pensions of the Senate and the Com-
10 mittee on Energy and Commerce in the House of Rep-
11 resentatives, in a manner that does not compromise na-
12 tional security, a report on actions taken by the Sec-
13 retary—

14 (1) to address cases of noncompliance with dis-
15 closure requirements or research misconduct related
16 to foreign influence, including—

17 (A) the number of potential noncompliance
18 cases investigated by the National Institutes of
19 Health or reported to the National Institutes of
20 Health by a research institution, including re-
21 lating to undisclosed research support, undis-
22 closed conflicts of interest or other conflicts of
23 commitment, and peer review violations;

24 (B) the number of cases referred to the
25 Office of Inspector General of the Department

1 of Health and Human Services, the Office of
2 National Security of the Department of Health
3 and Human Services, the Federal Bureau of In-
4 vestigation, or other law enforcement agencies;

5 (C) a description of enforcement actions
6 taken for noncompliance related to undue for-
7 eign influence; and

8 (D) any other relevant information; and

9 (2) to prevent, address, and mitigate instances
10 of noncompliance with disclosure requirements or re-
11 search misconduct related to foreign influence.

12 **CHAPTER 4—ADVANCED RESEARCH**

13 **PROJECTS AGENCY–HEALTH**

14 **SEC. 2331. ADVANCED RESEARCH PROJECTS AGENCY–** 15 **HEALTH.**

16 (a) IN GENERAL.—Title IV of the Public Health
17 Service Act is amended by adding at the end the following:

18 **“PART J—ADVANCED RESEARCH PROJECTS**

19 **AGENCY–HEALTH.**

20 **“SEC. 499A. ADVANCED RESEARCH PROJECTS AGENCY–** 21 **HEALTH.**

22 “(a) ESTABLISHMENT.—

23 “(1) IN GENERAL.—There is established within
24 the National Institutes of Health the Advanced Re-
25 search Projects Agency–Health (referred to in this

1 section as ‘ARPA–H’). Not later than 180 days
2 after the date of enactment of this section, the Sec-
3 retary shall transfer all functions, personnel, mis-
4 sions, activities, authorities, and funds of the Ad-
5 vanced Research Projects Agency for Health as in
6 existence on the date of enactment of this section,
7 to ARPA–H established by the preceding sentence.

8 “(2) ORGANIZATION.—

9 “(A) IN GENERAL.—There shall be within
10 ARPA–H—

11 “(i) an Office of the Director;

12 “(ii) not more than 8 program offices;

13 and

14 “(iii) such special project offices as
15 the Director may establish.

16 “(B) REQUIREMENT.—Not fewer than
17 two-thirds of the program offices of ARPA–H
18 shall be exclusively dedicated to supporting re-
19 search and development activities, consistent
20 with the goals and functions described in sub-
21 section (b).

22 “(C) NOTIFICATION.—The Director shall
23 submit a notification to the Committee on
24 Health, Education, Labor, and Pensions and
25 the Committee on Appropriations of the Senate

1 and the Committee on Energy and Commerce
2 and the Committee on Appropriations of the
3 House of Representatives if the Director deter-
4 mines that additional program offices are re-
5 quired to carry out this section.

6 “(3) EXEMPTION FROM CERTAIN POLICIES OF
7 NIH.—

8 “(A) IN GENERAL.—Except as otherwise
9 provided for in this section, and subject to sub-
10 paragraph (B), in establishing ARPA–H pursu-
11 ant to paragraph (1), the Secretary may exempt
12 ARPA–H from policies and requirements of the
13 National Institutes of Health that are in effect
14 on the day before the date of enactment of this
15 section as necessary and appropriate to ensure
16 ARPA–H can most effectively achieve the goals
17 described in subsection (b)(1).

18 “(B) NOTICE.—Not later than 90 days
19 after the date of enactment of this section, the
20 Secretary shall publish a notice in the Federal
21 Register describing the specific policies and re-
22 quirements of the National Institutes of Health
23 from which the Secretary intends to exempt
24 ARPA–H, including a rationale for such exemp-
25 tions.

1 “(b) GOALS AND FUNCTIONS.—

2 “(1) GOALS.—The goals of ARPA–H shall be
3 to—

4 “(A) foster the development of novel,
5 breakthrough, and broadly applicable capabili-
6 ties and technologies to accelerate trans-
7 formative innovation in biomedical science and
8 medicine in a manner that cannot be readily ac-
9 complished through traditional Federal bio-
10 medical research and development programs or
11 commercial activity;

12 “(B) revolutionize the detection, diagnosis,
13 mitigation, prevention, treatment, and cure of
14 diseases and health conditions by overcoming
15 long-term and significant technological and sci-
16 entific barriers to developing transformative
17 health technologies;

18 “(C) promote high-risk, high-reward inno-
19 vation to enable the advancement of trans-
20 formative health technologies; and

21 “(D) contribute to ensuring the United
22 States—

23 “(i) pursues initiatives that aim to
24 maintain global leadership in science and
25 innovation; and

3371

1 “(ii) improves the health and
2 wellbeing of its citizens by supporting the
3 advancement of biomedical science and in-
4 novation.

5 “(2) FUNCTIONS.—ARPA–H shall achieve the
6 goals specified in paragraph (1) by addressing spe-
7 cific scientific or technical questions by involving
8 high-impact transformative, translational, applied,
9 and advanced research in relevant areas of science,
10 by supporting—

11 “(A) discovery, identification, and pro-
12 motion of revolutionary advancements in
13 science;

14 “(B) translation of scientific discoveries
15 into transformative health technologies with po-
16 tential application for biomedical science and
17 medicine;

18 “(C) creation of platform capabilities that
19 draw on multiple disciplines;

20 “(D) delivery of proofs of concept that
21 demonstrate meaningful advances with potential
22 clinical application;

23 “(E) development of new capabilities and
24 methods to identify potential targets and tech-
25 nological strategies for early disease detection

1 and intervention, such as advanced computa-
2 tional tools and predictive models; and

3 “(F) acceleration of transformational
4 health technological advances in areas with lim-
5 ited technical certainty.

6 “(c) DIRECTOR.—

7 “(1) IN GENERAL.—The President shall ap-
8 point a director of ARPA–H (in this section referred
9 to as the ‘Director’).

10 “(2) QUALIFICATIONS.—The Director shall be
11 an individual who, by reason of professional back-
12 ground and experience—

13 “(A) is especially qualified to advise the
14 Secretary on, and manage—

15 “(i) research and development pro-
16 grams; and

17 “(ii) large-scale, high-risk initiatives
18 with respect to health research and tech-
19 nology development across multiple sectors,
20 including identifying and supporting poten-
21 tially transformative health technologies;
22 and

23 “(B) has a demonstrated ability to identify
24 and develop partnerships to address strategic

1 needs in meeting the goals described in sub-
2 section (b)(1).

3 “(3) REPORTING.—The Director shall report to
4 the Secretary of Health and Human Services.

5 “(4) DUTIES.—The duties of the Director shall
6 include the following:

7 “(A) Establish strategic goals, objectives,
8 and priorities for ARPA–H to advance the
9 goals described in subsection (b)(1).

10 “(B) Approve the projects and programs of
11 ARPA–H and restructure, expand, or terminate
12 any project or program within ARPA–H that is
13 not achieving its goals.

14 “(C) Develop funding criteria and assess
15 the success of programs through the establish-
16 ment of technical milestones.

17 “(D) Request that applications for funding
18 disclose current and previous research and de-
19 velopment efforts related to such applications,
20 as appropriate, and identify any challenges as-
21 sociated with such efforts, including any sci-
22 entific or technical barriers encountered in the
23 course of such efforts or challenges in securing
24 sources of funding, as applicable.

1 “(E) Coordinate with the heads of relevant
2 Federal departments and agencies to facilitate
3 sharing of data and information, as applicable
4 and appropriate, and ensure that research sup-
5 ported by ARPA–H is informed by and supple-
6 ments, not supplants, the activities of such de-
7 partments and agencies and is free of unneces-
8 sary duplication of effort.

9 “(F) Ensure ARPA–H does not provide
10 funding for a project unless the program man-
11 ager determines that the project aligns with the
12 goals described in subsection (b)(1).

13 “(G) Prioritize investments based on con-
14 siderations such as—

15 “(i) scientific opportunity and poten-
16 tial impact, especially in areas that fit
17 within the strategies and operating prac-
18 tices of ARPA–H and require public-pri-
19 vate partnerships to effectively advance re-
20 search and development activities; and

21 “(ii) the potential applications that an
22 innovation may have to address areas of
23 currently unmet need in medicine and
24 health, including health disparities and the

3375

1 potential to prevent progression to serious
2 disease.

3 “(H) Encourage strategic collaboration
4 and partnerships with a broad range of entities,
5 which may include institutions of higher edu-
6 cation, minority-serving institutions (defined,
7 for the purposes of this section, as institutions
8 and programs described in section 326(e)(1) of
9 the Higher Education Act of 1965 and institu-
10 tions described in section 371(a) of such Act),
11 industry, nonprofit organizations, Federally
12 funded research and development centers, or
13 consortia of such entities.

14 “(5) TERM.—Notwithstanding section
15 405(a)(2), the Director—

16 “(A) shall be appointed for a 4-year term;
17 and

18 “(B) may be reappointed for 1 consecutive
19 4-year term.

20 “(6) AUTONOMY OF AGENCY REGARDING REC-
21 OMMENDATIONS AND TESTIMONY.—No office or
22 agency of the United States shall have authority to
23 require the Director to submit legislative rec-
24 ommendations, or testimony or comments on legisla-
25 tion, to any officer or agency of the United States

1 for approval, comments, or review prior to the sub-
2 mission of such recommendations, testimony or com-
3 ments to Congress, if such recommendations, testi-
4 mony, or comments to Congress include a statement
5 indicating that the views expressed therein are those
6 of the Director and do not necessarily reflect the
7 views of the President or another Federal depart-
8 ment, agency, or office.

9 “(7) DEPUTY DIRECTOR.—The Director shall
10 appoint a Deputy Director to serve as the principal
11 assistant to the Director.

12 “(8) NONAPPLICATION OF CERTAIN PROVI-
13 SION.—The restrictions contained in section 202 of
14 the Departments of Labor, Health and Human
15 Services, and Education, and Related Agencies Ap-
16 propriations Act, 1993 (Public Law 102–394; 42
17 U.S.C. 238f note) related to consultants and indi-
18 vidual scientists appointed for limited periods of
19 time shall not apply to the Director appointed under
20 this subsection.

21 “(d) APPLICATION OF CERTAIN FLEXIBILITIES.—
22 The flexibilities provided to the National Institutes of
23 Health under section 301(g) shall apply to ARPA–H with
24 respect to the functions described in subsection (b)(2).

25 “(e) PROTECTION OF INFORMATION.—

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 in-
5 formation subject to section 552(b)(4) of title 5,
6 United States Code, or section 1905 of title 18,
7 United States 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
11 information within the preceding year, not later than
12 1 year after the date of enactment of this section,
13 and annually thereafter, the Director shall report to
14 the Committee on Health, Education, Labor, and
15 Pensions of the Senate and the Committee on En-
16 ergy and Commerce of the House of Representatives
17 on—

18 “(A) the number of instances in which the
19 Secretary has used the authority under this
20 subsection to withhold information from disclo-
21 sure; and

22 “(B) the nature of any request under sec-
23 tion 552 of title 5, United States Code, or sec-
24 tion 1905 of title 18, United States Code, that
25 was denied using such authority.

1 “(3) CLARIFICATION.—The protections for
2 trade secrets or other privileged or confidential in-
3 formation described in paragraph (1) shall not be
4 construed to limit the availability or disclosure of in-
5 formation necessary to inform and facilitate the
6 evaluation required under subsection (k)(2). Any
7 such information made available to members of the
8 National Academies of Sciences, Engineering, and
9 Medicine (referred to in this section as the ‘National
10 Academies’) for such evaluation shall be kept con-
11 fidential by such members and shall not be used for
12 any purposes other than informing and facilitating
13 the evaluation required under subsection (k)(2).

14 “(f) COOPERATION WITH THE FOOD AND DRUG AD-
15 MINISTRATION.—

16 “(1) IN GENERAL.—In order to facilitate the
17 enhanced collaboration and communication with re-
18 spect to the most current priorities of ARPA–H, the
19 Food and Drug Administration may meet with
20 ARPA–H and any other Federal partners at appro-
21 priate intervals to discuss the development status,
22 and actions that may be taken to facilitate the devel-
23 opment, of medical products and projects that are
24 the highest priorities to ARPA–H.

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 sec-
12 tion, 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, admin-
17 istrative 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 sec-
23 tion 24 of the Stevenson-Wydler Technology In-
24 novation Act of 1980; and

1 “(D) enter into other transactions, as de-
2 fined by section 319L(a)(3), subject to para-
3 graph (2).

4 “(2) LIMITATIONS ON ENTERING INTO OTHER
5 TRANSACTIONS.—

6 “(A) USE OF COMPETITIVE PROCE-
7 DURES.—To the maximum extent practicable,
8 competitive procedures shall be used when en-
9 tering into other transactions under this sec-
10 tion.

11 “(B) WRITTEN DETERMINATION RE-
12 QUIRED.—The authority of paragraph (1)(D)
13 may be exercised for a project if the program
14 manager—

15 “(i) submits a request to the Director
16 for each individual use of such authority
17 before conducting or supporting a pro-
18 gram, including an explanation of why the
19 use of such authority is essential to pro-
20 moting the success of the project;

21 “(ii) receives approval for the use of
22 such authority from the Director; and

23 “(iii) for each year in which the pro-
24 gram manager has used such authority in
25 accordance with this paragraph, submits a

1 report to the Director on the activities of
2 the 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
6 406(a)(3)(A)(ii) 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, con-
11 demnation or otherwise), construct, improve, re-
12 pair, operate, and maintain such real and per-
13 sonal property as are necessary to carry out
14 this section; 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
20 its headquarters, shall not be located on any
21 part of the existing National Institutes of
22 Health campuses.

23 “(B) NUMBER OF LOCATIONS.—ARPA–H
24 shall have offices or facilities in not less than
25 3 geographic areas.

1 “(C) CONSIDERATIONS.—In determining
2 the location of each office or facility, the Direc-
3 tor shall make a fair and open consideration
4 of—

5 “(i) the characteristics of the intended
6 location; and

7 “(ii) the extent to which such location
8 will facilitate advancement of the goals and
9 functions specified in subsection (b).

10 “(i) PERSONNEL.—

11 “(1) IN GENERAL.—The Director may—

12 “(A) appoint and remove scientific, engi-
13 neering, medical, and professional personnel,
14 which may include temporary or term-limited
15 appointments as determined by the Director to
16 fulfill the mission of ARPA-H, without regard
17 to any provision in title 5, United States Code,
18 governing appointments and removals under the
19 civil service laws;

20 “(B) notwithstanding any other provision
21 of law, including any requirement with respect
22 to General Schedule pay rates under subchapter
23 III of chapter 53 of title 5, United States Code,
24 fix the base pay compensation of such personnel
25 at a rate to be determined by the Director, up

1 to the amount of annual compensation (exclud-
2 ing expenses) specified in section 102 of title 3,
3 United States Code; and

4 “(C) contract with private recruiting firms
5 for assistance in identifying highly qualified
6 candidates for technical positions needed to
7 carry out this section.

8 “(2) SUPPORT STAFF.—The Director may use
9 authorities in existence on the date of enactment of
10 this section that are provided to the Secretary to
11 hire administrative, financial, clerical, and other
12 staff necessary to carry out functions that support
13 the goals and functions described in subsection (b).

14 “(3) NUMBER OF PERSONNEL.—The Director
15 may appoint not more than 210 personnel under this
16 section. The Director shall submit a notification to
17 the Committee on Health, Education, Labor, and
18 Pensions and the Committee on Appropriations of
19 the Senate and the Committee on Energy and Com-
20 merce and the Committee on Appropriations of the
21 House of Representatives if the Director determines
22 that additional personnel are required to carry out
23 this section.

24 “(4) CLARIFICATION ON PREVIOUS POSI-
25 TIONS.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), the Director shall ensure
3 that the personnel who are appointed to staff or
4 support ARPA–H are individuals who, at the
5 time of appointment and for 3 years prior to
6 such appointment, were not employed by the
7 National Institutes of Health. The Director
8 may grant an exemption only for individuals
9 who are uniquely qualified, by way of profes-
10 sional background and expertise, to advance the
11 goals and functions specified in subsection (b).

12 “(B) NONAPPLICATION OF PROVISION.—
13 The restriction provided under subparagraph
14 (A) shall not apply to any individuals who are
15 employed by ARPA–H on the date of enact-
16 ment of this section.

17 “(5) ADDITIONAL CONSIDERATIONS.—In ap-
18 pointing personnel under this subsection, the Direc-
19 tor—

20 “(A) may contract with private entities for
21 the purposes of recruitment services;

22 “(B) shall make efforts to recruit a diverse
23 workforce, including individuals underrep-
24 resented in science, engineering, and medicine,
25 including racial and ethnic minorities, provided

3385

1 such efforts do not conflict with applicable Fed-
2 eral civil rights law, and individuals with a vari-
3 ety of professional experiences or backgrounds;
4 and

5 “(C) shall recruit program managers with
6 demonstrated expertise in a wide range of sci-
7 entific disciplines and management skills.

8 “(6) USE OF INTERGOVERNMENTAL PER-
9 SONNEL ACT.—To the extent needed to carry out
10 the authorities under paragraph (1) and the goals
11 and functions specified in subsection (b), the Direc-
12 tor may utilize hiring authorities under sections
13 3371 through 3376 of title 5, United States Code.

14 “(7) AUTHORITY TO ACCEPT FEDERAL
15 DETAILEES.—The Director may accept officers or
16 employees of the United States or members of the
17 uniformed service on a detail from an element of the
18 Federal Government, on a reimbursable or a nonre-
19 imbursable basis, as jointly agreed to by the heads
20 of the receiving and detailing elements, for a period
21 not to exceed 3 years.

22 “(j) PROGRAM MANAGERS.—

23 “(1) IN GENERAL.—The Director shall appoint
24 program managers for 3-year terms (and may re-
25 appoint such program managers for 1 additional

3386

1 consecutive 3-year term) for the programs carried
2 out by ARPA–H.

3 “(2) DUTIES.—A program manager shall—

4 “(A) establish, in consultation with the Di-
5 rector, research and development goals for pro-
6 grams, including timelines and milestones, and
7 make such goals available to the public;

8 “(B) manage applications and proposals,
9 through the appropriate officials, for making
10 awards as described in subsection (g) for activi-
11 ties consistent with the goals and functions de-
12 scribed in subsection (b);

13 “(C) issue funding opportunity announce-
14 ments, using uniform administrative processes,
15 as appropriate;

16 “(D) select, on the basis of merit, each of
17 the projects to be supported under a program
18 carried out by ARPA–H, and taking into con-
19 sideration—

20 “(i) the scientific, technical merit, and
21 novelty of the proposed project;

22 “(ii) the ability of the applicant to
23 successfully carry out the proposed project;

24 “(iii) the potential future commercial
25 applications of the project proposed by the

3387

1 applicant, including whether such applica-
2 tions may have the potential to address
3 areas of currently unmet need within bio-
4 medicine and improve health outcomes;

5 “(iv) the degree to which the proposed
6 project has the potential to transform bio-
7 medicine and addresses a scientific or tech-
8 nical question pursuant to subsection (b);

9 “(v) the potential for the project to
10 take an interdisciplinary approach; and

11 “(vi) such other criteria as established
12 by the Director;

13 “(E) provide project oversight and man-
14 agement of strategic initiatives to advance the
15 program, including by conducting project re-
16 views not later than 18 months after the date
17 of funding awards to identify and monitor
18 progress of milestones with respect to each
19 project and prior to disbursement of additional
20 funds;

21 “(F) provide recommendations to the Di-
22 rector with respect to advancing the goals and
23 functions specified in subsection (b);

24 “(G) encourage research collaborations and
25 cultivate opportunities for the application or

1 utilization of successful projects, including
2 through identifying and supporting applicable
3 public-private partnerships or partnerships be-
4 tween or among award recipients;

5 “(H) provide recommendations to the Di-
6 rector to establish, expand, restructure, or ter-
7 minate partnerships or projects; and

8 “(I) communicate and collaborate with
9 leaders and experts within the health care and
10 biomedical research and development fields, in-
11 cluding from both the public and private sectors
12 and, as necessary, through the convening of
13 workshops and meetings, to identify research
14 and development gaps and opportunities and so-
15 licit stakeholder input on programs and goals.

16 “(k) REPORTS AND EVALUATION.—

17 “(1) ANNUAL REPORT.—

18 “(A) IN GENERAL.—Beginning not later
19 than 1 year after the date of enactment of this
20 section, as part of the annual budget request
21 submitted for each fiscal year, the Director
22 shall submit a report on the actions under-
23 taken, and the results generated, by ARPA-H,
24 including—

3389

1 “(i) a description of projects sup-
2 ported by ARPA–H in the previous fiscal
3 year and whether such projects are meet-
4 ing the goals developed by the Director
5 pursuant to subsection (c)(4)(A);

6 “(ii) a description of projects termi-
7 nated in the previous fiscal year, and the
8 reason for such termination;

9 “(iii) a description of planned pro-
10 grams starting in the next fiscal year,
11 pending the availability of funding;

12 “(iv) activities conducted in coordina-
13 tion with other Federal departments and
14 agencies;

15 “(v) a description of any successes
16 with, or barriers to, coordinating with
17 other Federal departments and agencies to
18 achieve the goals and functions under sub-
19 section (b);

20 “(vi) aggregated demographic infor-
21 mation, if available, of direct recipients
22 and performers in funded projects and of
23 the ARPA–H workforce (consistent with
24 the reporting requirements under para-
25 graph (3)); and

3390

1 “(vii) a summary of award recipient
2 compliance with section 2321 of the PRE-
3 VENT Pandemics Act.

4 “(B) SUBMISSION TO CONGRESS.—The re-
5 port under subparagraph (A) shall be submitted
6 to—

7 “(i) the Committee on Energy and
8 Commerce and the Committee on Appro-
9 priations of the House of Representatives;
10 and

11 “(ii) the Committee on Health, Edu-
12 cation, Labor, and Pensions and the Com-
13 mittee on Appropriations of the Senate.

14 “(2) EVALUATION.—

15 “(A) IN GENERAL.—Not later than 5 years
16 after the date of the enactment of this section,
17 the Director shall seek to enter into an agree-
18 ment with the National Academies under which
19 the National Academies conducts an evaluation
20 of whether ARPA–H is meeting the goals and
21 functions specified in subsection (b).

22 “(B) SUBMISSION OF RESULTS.—The
23 agreement entered into under subparagraph (A)
24 shall require the National Academies to submit
25 the evaluation conducted under such agreement

1 to the Director, the Committee on Health, Edu-
2 cation, Labor, and Pensions of the Senate, and
3 the Committee on Energy and Commerce of the
4 House of Representatives, and make the report
5 publicly available.

6 “(3) REPORTING RELATED TO ARPA-H PER-
7 SONNEL.—

8 “(A) IN GENERAL.—The Director shall es-
9 tablish and maintain records regarding the use
10 of the authority under subsection (i)(1)(A), in-
11 cluding—

12 “(i) the number of positions filled
13 through such authority;

14 “(ii) the types of appointments of
15 such positions;

16 “(iii) the titles, occupational series,
17 and grades of such positions;

18 “(iv) the number of positions publicly
19 noticed to be filled under such authority;

20 “(v) the number of qualified appli-
21 cants who apply for such positions;

22 “(vi) the qualification criteria for such
23 positions; and

24 “(vii) the demographic information of
25 individuals appointed to such positions.

1 “(B) REPORTS TO CONGRESS.—Not later
2 than 2 years after the date of enactment of this
3 section, and annually thereafter for each fiscal
4 year in which such authority is used, the Direc-
5 tor shall submit to the Committee on Health,
6 Education, Labor, and Pensions of the Senate
7 and the Committee on Energy and Commerce
8 of the House of Representatives a report de-
9 scribing the total number of appointments filled
10 under subsection (i) within the fiscal year and
11 how the positions relate to the goals and func-
12 tions of ARPA–H.

13 “(C) GAO REPORT.—Not later than 2
14 years after the date of enactment of this sec-
15 tion, the Comptroller General of the United
16 States shall submit to the Committee on
17 Health, Education, Labor, and Pensions of the
18 Senate and the Committee on Energy and Com-
19 merce of the House of Representatives a report
20 on the use of the authority provided under sub-
21 section (i)(1)(A). Such report shall, in a man-
22 ner that protects personal privacy, to the extent
23 required by applicable Federal and State pri-
24 vacy law, at a minimum, include information
25 on—

3393

1 “(i) the number of positions publicly
2 noticed and filled under the authority
3 under subsection (i);

4 “(ii) the occupational series, grades,
5 and types of appointments of such posi-
6 tions;

7 “(iii) how such positions related to ad-
8 vancing the goals and functions of ARPA-
9 H;

10 “(iv) how the Director made appoint-
11 ment decisions under subsection (i);

12 “(v) a summary of sources used to
13 identify candidates for filling such posi-
14 tions, as applicable;

15 “(vi) the number of individuals ap-
16 pointed;

17 “(vii) aggregated demographic infor-
18 mation related to individuals appointed;
19 and

20 “(viii) any challenges, limitations, or
21 gaps related to the use of the authority
22 under subsection (i) and any related rec-
23 ommendations to address such challenges,
24 limitations, or gaps.

1 “(l) STRATEGIC PLAN.—Not later than 1 year after
2 the date of the enactment of this section, and every 3
3 years thereafter, the Director shall provide to the Com-
4 mittee on Health, Education, Labor, and Pensions and the
5 Committee on Appropriations of the Senate and the Com-
6 mittee on Energy and Commerce and the Committee on
7 Appropriations of the House of Representatives a strategic
8 plan describing how ARPA–H will carry out investments
9 each fiscal year in the following 3-year period. The re-
10 quirements regarding individual institute and center stra-
11 tegic plans under section 402(m), including paragraph (3)
12 of such subsection, shall not apply to ARPA–H.

13 “(m) INDEPENDENT REVIEW.—Not later than 1 year
14 after the date of the enactment of this section, and every
15 4 years thereafter, the Comptroller General of the United
16 States shall conduct, and submit to the Committee on
17 Health, Education, Labor, and Pensions of the Senate and
18 the Committee on Energy and Commerce of the House
19 of Representatives, an independent review of the bio-
20 medical research and development portfolio of the Depart-
21 ment of Health and Human Services, including ARPA–
22 H, the National Institutes of Health, the Food and Drug
23 Administration, and the Biomedical Advanced Research
24 and Development Authority—

1 “(1) to assess the degree of any potential dupli-
2 cation of existing Federal programs and projects;
3 and

4 “(2) to make any recommendations regarding
5 any potential reorganization, consolidation, or termi-
6 nation of such programs and projects.

7 “(n) PRIORITIZATION.—

8 “(1) IN GENERAL.—The Director shall—

9 “(A) prioritize awarding grants, coopera-
10 tive agreements, contracts, prizes, and other
11 transaction awards to entities that will conduct
12 funded work in the United States;

13 “(B) as appropriate and practicable, en-
14 courage nondomestic recipients of any grants,
15 cooperative agreements, contracts, prizes, and
16 other transactions under this section to collabo-
17 rate with a domestic entity;

18 “(C) not make awards under this section
19 to nondomestic entities organized under the
20 laws of a covered foreign country (as defined in
21 section 119C of the National Security Act of
22 1947 (50 U.S.C. 3059)); and

23 “(D) in accordance with the requirements
24 of chapter 33 of title 41, United States Code,
25 and the Federal Acquisition Regulation, not

1 make awards under this section to entities that
2 have more than 3 ongoing concurrent awards
3 under this section.

4 “(2) CLARIFICATION.—In making an award
5 under this section, the Director may waive the re-
6 quirements of subparagraphs (A), (B), and (D) of
7 paragraph (1) if such requirements cannot reason-
8 ably be met, and the proposed project has the poten-
9 tial to advance the goals described in subsection
10 (b)(1). The Director shall provide notice to Congress
11 not later than 30 days after waiving such require-
12 ments.

13 “(o) ADDITIONAL CONSULTATION.—In carrying out
14 this section, the Director may consult with—

15 “(1) the President’s Council of Advisors on
16 Science and Technology;

17 “(2) representatives of professional or scientific
18 organizations, including academia and industry, with
19 expertise in specific technologies under consideration
20 or development by ARPA-H;

21 “(3) an existing advisory committee providing
22 advice to the Secretary or the head of any operating
23 or staff division of the Department;

24 “(4) the advisory committee established under
25 subsection (p); and

1 “(5) any other entity the Director may deem
2 appropriate.

3 “(p) ADVISORY COMMITTEE.—

4 “(1) IN GENERAL.—There is established an
5 ARPA–H Interagency Advisory Committee (referred
6 to in this subsection as the ‘Advisory Committee’) to
7 coordinate efforts and provide advice and assistance
8 on specific program or project tasks and the overall
9 direction of ARPA–H.

10 “(2) MEMBERS.—The Advisory Committee es-
11 tablished under paragraph (1) shall consist of the
12 heads of the following agencies or their designees:

13 “(A) The National Institutes of Health.

14 “(B) The Centers for Disease Control and
15 Prevention.

16 “(C) The Food and Drug Administration.

17 “(D) The Office of the Assistant Secretary
18 for Preparedness and Response.

19 “(E) The Office of the Assistant Secretary
20 of Health.

21 “(F) The Defense Advanced Research
22 Projects Agency.

23 “(G) The Office of Science of the Depart-
24 ment of Energy.

25 “(H) The National Science Foundation.

1 “(I) Any other agency or office with sub-
2 ject matter expertise that the Director of
3 ARPA–H determines appropriate to advance
4 programs or projects under this section.

5 “(3) NONAPPLICABILITY OF FACA.—The Fed-
6 eral Advisory Committee Act (5 U.S.C. App.) shall
7 not apply to the Advisory Committee.

8 “(4) ADVISORY NATURE.—The functions of the
9 Advisory Committee shall be advisory in nature, and
10 nothing in this subsection shall be construed as
11 granting such Committee authority over the activi-
12 ties authorized under this section.

13 “(5) PERFORMANCE MEASURES FRAMEWORK.—

14 “(A) IN GENERAL.—The Director, in con-
15 sultation with the Advisory Committee, shall de-
16 velop a performance measures framework for
17 programs or projects supported by ARPA–H in
18 order to inform and facilitate the evaluation re-
19 quired under subsection (k)(2), including identi-
20 fication of any data needed to perform such
21 evaluation,

22 “(B) AVAILABILITY OF PERFORMANCE
23 MEASURES.—The Director shall provide to the
24 National Academies such performance measures

1 and data necessary to perform the evaluation
2 required under subsection (k)(2).

3 “(q) RULE OF CONSTRUCTION.—The authorities
4 under this section, with respect to the Director, are addi-
5 tional authorities that do not supersede or modify any ex-
6 isting authorities.

7 “(r) TRANSFORMATIVE HEALTH TECHNOLOGY DE-
8 FINED.—In this section, the term ‘transformative health
9 technology’ means a novel, broadly applicable capability or
10 technology—

11 “(1) that has potential to revolutionize the de-
12 tection, diagnosis, mitigation, prevention, cure, or
13 treatment of a disease or health condition that can
14 cause severe health outcomes and which is an area
15 of currently unmet need; and

16 “(2) for which—

17 “(A) significant scientific or technical chal-
18 lenges exist; or

19 “(B) incentives in the commercial market
20 are unlikely to result in the adequate or timely
21 development of such capability or technology.

22 “(s) AUTHORIZATION OF APPROPRIATIONS.—To
23 carry out this section, there is authorized to be appro-
24 priated \$500,000,000 for each of the fiscal years 2024
25 through 2028, to remain available until expended.

1 “(t) ADDITIONAL BUDGET CLARIFICATION.—Any
2 budget request for ARPA–H shall propose a separate ap-
3 propriation from the other accounts of the National Insti-
4 tutes of Health.”.

5 (b) GAO REPORT ON CERTAIN RESEARCH REQUIRE-
6 MENTS.—The Comptroller General of the United States
7 shall conduct a review to assess the extent to which rel-
8 evant research conducted or supported by the National In-
9 stitutes of Health meets Federal animal research require-
10 ments pursuant of the Public Health Service Policy on
11 Humane Care and Use of Laboratory Animals. Such re-
12 view shall also consider whether, for research conducted
13 or supported by the National Institutes of Health that in-
14 volves the use of animals, the processes of the National
15 Institutes of Health for reviewing initial research pro-
16 posals and monitoring funded research include a review
17 of project protocols and methods to ensure that results
18 generated by such project may be reasonably anticipated
19 to be reproducible and replicable and achieve similar re-
20 sults, as applicable, in clinical trials. Not later than 2
21 years after the date of enactment of this Act, the Comp-
22 troller General shall submit a report on the review re-
23 quired under this subsection to the Committee on Health,
24 Education, Labor, and Pensions of the Senate and the

3401

1 Committee on Energy and Commerce of the House of
2 Representatives.

3 **Subtitle D—Modernizing and**
4 **Strengthening the Supply Chain**
5 **for Vital Medical Products**

6 **SEC. 2401. WARM BASE MANUFACTURING CAPACITY FOR**
7 **MEDICAL COUNTERMEASURES.**

8 (a) IN GENERAL.—Section 319L of the Public
9 Health Service Act (42 U.S.C. 247d–7e) is amended—

10 (1) in subsection (a)(6)(B)—

11 (A) by redesignating clauses (iv) and (v) as
12 clauses (v) and (vi), respectively;

13 (B) by inserting after clause (iii), the fol-
14 lowing:

15 “(iv) activities to support, maintain,
16 and improve domestic manufacturing surge
17 capacity and capabilities, as appropriate,
18 including through the utilization of ad-
19 vanced manufacturing and platform tech-
20 nologies, to increase the availability of
21 products that are or may become qualified
22 countermeasures or qualified pandemic or
23 epidemic products;” and

1 (C) in clause (vi) (as so redesignated), by
2 inserting “manufacturing,” after “improve-
3 ment,”;

4 (2) in subsection (b)—

5 (A) in the first sentence of paragraph (1),
6 by inserting “support for domestic manufac-
7 turing surge capacity and capabilities,” after
8 “initiatives for innovation,”; and

9 (B) in paragraph (2)—

10 (i) in subparagraph (B), by striking
11 “and” at the end;

12 (ii) by redesignating subparagraph
13 (C) as subparagraph (D); and

14 (iii) by inserting after subparagraph
15 (B), the following:

16 “(C) activities to support, maintain, and
17 improve domestic manufacturing surge capacity
18 and capabilities, as appropriate, including
19 through the utilization of advanced manufac-
20 turing and platform technologies, to increase
21 the availability of products that are or may be-
22 come qualified countermeasures or qualified
23 pandemic or epidemic products; and”;

24 (3) in subsection (c)—

3403

1 (A) in paragraph (2)(B), by inserting be-
2 fore the semicolon “, including through the es-
3 tablishment and maintenance of domestic man-
4 ufacturing surge capacity and capabilities, con-
5 sistent with subsection (a)(6)(B)(iv)”;

6 (B) in paragraph (4)—

7 (i) in subparagraph (A)—

8 (I) in clause (i)—

9 (aa) in subclause (I), by
10 striking “and” at the end; and

11 (bb) by adding at the end
12 the following:

13 “(III) facilitating such commu-
14 nication, as appropriate, regarding
15 manufacturing surge capacity and ca-
16 pabilities with respect to qualified
17 countermeasures and qualified pan-
18 demic or epidemic products to prepare
19 for, or respond to, a public health
20 emergency or potential public health
21 emergency; and

22 “(IV) facilitating such commu-
23 nication, as appropriate and in a man-
24 ner that does not compromise national
25 security, with respect to potential eli-

3404

1 gibility for the material threat medical
2 countermeasure priority review vouch-
3 er program under section 565A of the
4 Federal Food, Drug, and Cosmetic
5 Act;”;

6 (II) in clause (ii)(III), by striking
7 “and” at the end;

8 (III) by redesignating clause (iii)
9 as clause (iv); and

10 (IV) by inserting after clause (ii),
11 the following:

12 “(iii) communicate regularly with enti-
13 ties in receipt of an award pursuant to
14 subparagraph (B)(v), and facilitate com-
15 munication between such entities and other
16 entities in receipt of an award pursuant to
17 subparagraph (B)(iv), as appropriate, for
18 purposes of planning and response regard-
19 ing the availability of countermeasures and
20 the maintenance of domestic manufac-
21 turing surge capacity and capabilities, in-
22 cluding any planned uses of such capacity
23 and capabilities in the near- and mid-term,
24 and identification of any significant chal-
25 lenges related to the long-term mainte-

3405

1 nance of such capacity and capabilities;
2 and”;

3 (ii) in subparagraph (B)—

4 (I) in clause (iii), by striking
5 “and” at the end;

6 (II) in clause (iv), by striking the
7 period and inserting “; and”; and

8 (III) by adding at the end the
9 following:

10 “(v) award contracts, grants, and co-
11 operative agreements and enter into other
12 transactions to support, maintain, and im-
13 prove domestic manufacturing surge capac-
14 ity and capabilities, including through sup-
15 porting flexible or advanced manufac-
16 turing, to ensure that additional capacity
17 is available to rapidly manufacture prod-
18 ucts that are or may become qualified
19 countermeasures or qualified pandemic or
20 epidemic products in the event of a public
21 health emergency declaration or significant
22 potential for a public health emergency.”;

23 (iii) in subparagraph (C)—

24 (I) in clause (i), by striking
25 “and” at the end;

3406

1 (II) in clause (ii), by striking the
2 period at the end and inserting “;
3 and”; and

4 (III) by adding at the end the
5 following:

6 “(iii) consult with the Commissioner
7 of Food and Drugs, pursuant to section
8 565(b)(2) of the Federal Food, Drug, and
9 Cosmetic Act, to ensure that facilities per-
10 forming manufacturing, pursuant to an
11 award under subparagraph (B)(v), are in
12 compliance with applicable requirements
13 under such Act and this Act, as appro-
14 priate, including current good manufac-
15 turing practice pursuant to section
16 501(a)(2)(B) of the Food, Drug, and Cos-
17 metic Act; and”;

18 (iv) in subparagraph (D)(i), by insert-
19 ing “, including to improve manufacturing
20 capacities and capabilities for medical
21 countermeasures” before the semicolon;

22 (v) in subparagraph (E)(ix), by strik-
23 ing “2023” and inserting “2028”; and

24 (vi) by adding at the end the fol-
25 lowing:

1 “(G) ANNUAL REPORTS BY AWARD RECIPI-
2 ENTS.—As a condition of receiving an award
3 under subparagraph (B)(v), a recipient shall de-
4 velop and submit to the Secretary annual re-
5 ports related to the maintenance of such capac-
6 ity and capabilities, including ensuring that
7 such capacity and capabilities are able to sup-
8 port the rapid manufacture of countermeasures
9 as required by the Secretary.”; and

10 (C) in paragraph (5), by adding at the end
11 the following:

12 “(H) SUPPORTING WARM-BASE AND SURGE
13 CAPACITY AND CAPABILITIES.—Pursuant to an
14 award under subparagraph (B)(v), the Sec-
15 retary may make payments for activities nec-
16 essary to maintain domestic manufacturing
17 surge capacity and capabilities supported under
18 such award to ensure that such capacity and
19 capabilities are able to support the rapid manu-
20 facture of countermeasures as required by the
21 Secretary to prepare for, or respond to, an ex-
22 isting or potential public health emergency or
23 otherwise address threats that pose a signifi-
24 cant level of risk to national security. The Sec-
25 retary may support the utilization of such ca-

1 capacity and capabilities under awards for coun-
2 termeasure and product advanced research and
3 development, as appropriate, to provide for the
4 maintenance of such capacity and capabilities.”;
5 and

6 (4) in subsection (f)—

7 (A) in paragraph (1), by striking “Not
8 later than 180 days after the date of enactment
9 of this subsection” and inserting “Not later
10 than 180 days after the date of enactment of
11 the PREVENT Pandemics Act”;

12 (B) in paragraph (2)—

13 (i) in the matter preceding subpara-
14 graph (A), by striking “this subsection”
15 and inserting “the PREVENT Pandemics
16 Act”;

17 (ii) in subparagraph (B), by striking
18 “and” at the end; and

19 (iii) in subparagraph (C), by striking
20 the period and inserting “; and”; and

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

22 “(D) plans for the near-, mid-, and long-
23 term sustainment of manufacturing activities
24 carried out under this section, including such
25 activities pursuant to subsection (c)(5)(H), spe-

3409

1 cific actions to regularly assess the ability of re-
2 cipients of an award under subsection
3 (c)(4)(B)(v) to rapidly manufacture counter-
4 measures as required by the Secretary, and rec-
5 ommendations to address challenges, if any, re-
6 lated to such activities.”.

7 **SEC. 2402. SUPPLY CHAIN CONSIDERATIONS FOR THE**
8 **STRATEGIC NATIONAL STOCKPILE.**

9 Subclause (II) of section 319F–2(a)(2)(B)(i) of the
10 Public Health Service Act (42 U.S.C. 247d–
11 6b(a)(2)(B)(i)) is amended to read as follows:

12 “(II) planning considerations for
13 appropriate manufacturing capacity
14 and capability to meet the goals of
15 such additions or modifications (with-
16 out disclosing proprietary informa-
17 tion), including—

18 “(aa) consideration of the
19 effect such additions or modifica-
20 tions may have on the availability
21 of such products and ancillary
22 medical supplies on the health
23 care system; and

24 “(bb) an assessment of the
25 current supply chain for such

3410

1 products, including information
2 on supply chain redundancies,
3 any known domestic manufac-
4 turing capacity for such prod-
5 ucts, and any related
6 vulnerabilities;”.

7 **SEC. 2403. STRATEGIC NATIONAL STOCKPILE EQUIPMENT**
8 **MAINTENANCE.**

9 Section 319F–2(a)(3) of the Public Health Service
10 Act (42 U.S.C. 247d–6b(a)(3)) is amended—

11 (1) in subparagraph (B), by inserting “, regu-
12 larly reviewed, and updated” after “followed”; and

13 (2) by amending subparagraph (D) to read as
14 follows:

15 “(D) review and revise, as appropriate, the
16 contents of the stockpile on a regular basis to
17 ensure that—

18 “(i) emerging threats, advanced tech-
19 nologies, and new countermeasures are
20 adequately considered;

21 “(ii) the potential depletion of coun-
22 termeasures currently in the stockpile is
23 identified and appropriately addressed, in-
24 cluding through necessary replenishment;
25 and

3411

1 “(iii) such contents are in working
2 condition or usable, as applicable, and are
3 ready for deployment, which may include
4 conducting maintenance services on such
5 contents of the stockpile and disposing of
6 such contents that are no longer in work-
7 ing condition, or usable, as applicable;”.

8 **SEC. 2404. IMPROVING TRANSPARENCY AND PREDICT-**
9 **ABILITY OF PROCESSES OF THE STRATEGIC**
10 **NATIONAL STOCKPILE.**

11 (a) **GUIDANCE.**—Not later than 60 days after the
12 date of enactment of this Act, the Secretary of Health and
13 Human Services (referred to in this section as the “Sec-
14 retary”) shall issue guidance describing the processes by
15 which the Secretary deploys the contents of the Strategic
16 National Stockpile under section 319F–2(a) of the Public
17 Health Service Act (42 U.S.C. 247d–6b(a)), or otherwise
18 distributes medical countermeasures, as applicable, to
19 States, territories, Indian Tribes and Tribal organizations
20 (as such terms are defined under section 4 of the Indian
21 Self-Determination and Education Assistance Act), and
22 other applicable entities. Such guidance shall include in-
23 formation related to processes by which to request access
24 to the contents of the Strategic National Stockpile, factors
25 considered by the Secretary when making deployment or

1 distribution decisions, and processes and points of contact
2 through which entities may contact the Secretary to ad-
3 dress any issues related to products requested or received
4 by such entity from the stockpile, and on other relevant
5 topics.

6 (b) ANNUAL MEETINGS.—Section 319F–2(a)(3) of
7 the Public Health Service Act (42 U.S.C. 247d–6b(a)(3))
8 is amended—

9 (1) in subparagraph (I), by striking “and” at
10 the end;

11 (2) in subparagraph (J), by striking the period
12 at the end and inserting “; and”; and

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

14 “(K) convene meetings, not less than once
15 per year, with representatives from State, local,
16 and Tribal health departments or officials, rel-
17 evant industries, other Federal agencies, and
18 other appropriate stakeholders, in a manner
19 that does not compromise national security, to
20 coordinate and share information related to
21 maintenance and use of the stockpile, including
22 a description of future countermeasure needs
23 and additions, modifications, and replenish-
24 ments of the contents of the stockpile, and con-
25 siderations related to the manufacturing and

3413

1 procurement of products consistent with the re-
2 quirements of the with the requirements of
3 chapter 83 of title 41, United States Code
4 (commonly referred to as the ‘Buy American
5 Act’), as appropriate.”.

6 **SEC. 2405. IMPROVING SUPPLY CHAIN FLEXIBILITY FOR**
7 **THE STRATEGIC NATIONAL STOCKPILE.**

8 (a) IN GENERAL.—Section 319F–2 of the Public
9 Health Service Act (42 U.S.C. 247d–6b) is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (3)(F), by striking “as
12 required by the Secretary of Homeland Secu-
13 rity” and inserting “at the discretion of the
14 Secretary, in consultation with, or at the re-
15 quest of, the Secretary of Homeland Security,”;

16 (B) by redesignating paragraphs (5) and
17 (6) as paragraphs (6) and (7), respectively;

18 (C) by inserting after paragraph (4) the
19 following:

20 “(5) VENDOR-MANAGED INVENTORY AND
21 WARM-BASE SURGE CAPACITY.—

22 “(A) IN GENERAL.—For the purposes of
23 maintaining the stockpile under paragraph (1)
24 and carrying out procedures under paragraph
25 (3), the Secretary may enter into contracts or

3414

1 cooperative agreements with vendors, which
2 may include manufacturers or distributors of
3 medical products, with respect to medical prod-
4 ucts intended to be delivered to the ownership
5 of the Federal Government. Each such contract
6 or cooperative agreement shall be subject to
7 such terms and conditions as the Secretary may
8 specify, including terms and conditions with re-
9 spect to—

10 “(i) procurement, maintenance, stor-
11 age, and delivery of products, in alignment
12 with inventory management and other ap-
13 plicable best practices, under such contract
14 or cooperative agreement, which may con-
15 sider, as appropriate, costs of transporting
16 and handling such products; or

17 “(ii) maintenance of domestic manu-
18 facturing capacity and capabilities of such
19 products to ensure additional reserved pro-
20 duction capacity and capabilities are avail-
21 able, and that such capacity and capabili-
22 ties are able to support the rapid manufac-
23 ture, purchase, storage, and delivery of
24 such products, as required by the Sec-

3415

1 retary to prepare for, or respond to, an ex-
2 isting or potential public health emergency.

3 “(B) REPORT.—Not later than 2 years
4 after the date of enactment of the PREVENT
5 Pandemics Act, and annually thereafter, the
6 Secretary shall submit to the Committee on
7 Health, Education, Labor, and Pensions and
8 the Committee on Appropriations of the Senate
9 and the Committee on Energy and Commerce
10 and the Committee on Appropriations of the
11 House of Representatives a report on any con-
12 tracts or cooperative agreements entered into
13 under subparagraph (A) for purposes of estab-
14 lishing and maintaining vendor-managed inven-
15 tory or reserve manufacturing capacity and ca-
16 pabilities for products intended for the stock-
17 pile, including a description of—

18 “(i) the amount of each award;

19 “(ii) the recipient of each award;

20 “(iii) the product or products covered
21 through each award; and

22 “(iv) how the Secretary works with
23 each recipient to ensure situational aware-
24 ness related to the manufacturing capacity
25 for, or inventory of, such products and co-

3416

1 ordinates the distribution and deployment
2 of such products, as appropriate and appli-
3 cable.”; and

4 (D) in subparagraph (A) of paragraph (6),
5 as so redesignated—

6 (i) in clause (viii), by striking “; and”
7 and inserting a semicolon;

8 (ii) in clause (ix), by striking the pe-
9 riod and inserting “; and”; and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(x) with respect to reports issued in
13 2027 or any subsequent year, an assess-
14 ment of selected contracts or cooperative
15 agreements entered into pursuant to para-
16 graph (5).”; and

17 (2) in subsection (c)(2)(C), by striking “on an
18 annual basis” and inserting “not later than March
19 15 of each year”.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
21 319F–2(f)(1) of the Public Health Service Act (42 U.S.C.
22 247d–6b(f)(1)) is amended by striking “\$610,000,000 for
23 each of fiscal years 2019 through 2023” and inserting
24 “\$610,000,000 for each of fiscal years 2019 through

1 2021, and \$750,000,000 for each of fiscal years 2022 and
2 2023”.

3 **SEC. 2406. REIMBURSEMENT FOR CERTAIN SUPPLIES.**

4 Paragraph (7) of section 319F–2(a) of the Public
5 Health Service Act (42 U.S.C. 247d–6b(a)), as so redesign-
6 nated by section 405(a)(1)(B), is amended to read as fol-
7 lows:

8 “(7) REIMBURSEMENT FOR CERTAIN SUP-
9 PLIES.—

10 “(A) IN GENERAL.—The Secretary may, at
11 appropriate intervals, make available for pur-
12 chase excess contents procured for, and main-
13 tained within, the stockpile under paragraph (1)
14 to any Federal agency or State, local, or Tribal
15 government. The Secretary shall make such
16 contents available for purchase only if—

17 “(i) such contents are in excess of
18 what is required for appropriate mainte-
19 nance of such stockpile;

20 “(ii) the Secretary determines that
21 the costs for maintaining such excess con-
22 tents are not appropriate to expend to
23 meet the needs of the stockpile; and

3418

1 “(iii) the Secretary determines that
2 such action does not compromise national
3 security and is in the national interest.

4 “(B) REIMBURSEMENT AND COLLEC-
5 TION.—The Secretary may require reimburse-
6 ment for contents that are made available
7 under subparagraph (A), in an amount that re-
8 flects the cost of acquiring and maintaining
9 such contents and the costs incurred to make
10 available such contents in the time and manner
11 specified by the Secretary. Amounts collected
12 under this subsection shall be credited to the
13 appropriations account or fund that incurred
14 the costs to procure such contents, and shall re-
15 main available, without further appropriation,
16 until expended, for the purposes of the appro-
17 priation account or fund so credited.

18 “(C) RULE OF CONSTRUCTION.—This
19 paragraph shall not be construed to preclude
20 transfers of contents in the stockpile under
21 other authorities.

22 “(D) REPORT.—Not later than 2 years
23 after the date of enactment of the PREVENT
24 Pandemics Act, and annually thereafter, the
25 Secretary shall submit to the Committee on

1 Health, Education, Labor, and Pensions and
2 the Committee on Appropriations of the Senate
3 and the Committee on Energy and Commerce
4 and the Committee on Appropriations of the
5 House of Representatives a report on the use of
6 the authority provided under this paragraph, in-
7 cluding details of each action taken pursuant to
8 this paragraph, the account or fund to which
9 any collected amounts have been credited, and
10 how the Secretary has used such amounts.

11 “(E) SUNSET.—The authority under this
12 paragraph shall terminate on September 30,
13 2028.”.

14 **SEC. 2407. ACTION REPORTING ON STOCKPILE DEPLETION.**

15 Section 319 of the Public Health Service Act (42
16 U.S.C. 247d), as amended by section 2223, is further
17 amended by adding at the end the following:

18 “(h) STOCKPILE DEPLETION REPORTING.—The Sec-
19 retary shall, not later than 30 days after the deployment
20 of contents of the Strategic National Stockpile under sec-
21 tion 319F–2(a) to respond to a public health emergency
22 declared by the Secretary under this section or an emer-
23 gency or major disaster declared by the President under
24 the Robert T. Stafford Disaster Relief and Emergency As-
25 sistance Act, and every 30 days thereafter until the expira-

1 tion or termination of such public health emergency, emer-
2 gency, or major disaster, submit a report to the Com-
3 mittee on Health, Education, Labor, and Pensions and the
4 Committee on Appropriations of the Senate and the Com-
5 mittee on Energy and Commerce and the Committee on
6 Appropriations of the House of Representatives on—

7 “(1) the deployment of the contents of the
8 stockpile in response to State, local, and Tribal re-
9 quests;

10 “(2) the amount of such products that remain
11 within the stockpile following such deployment; and

12 “(3) plans to replenish such products, as appro-
13 priate, including related timeframes and any barriers
14 or limitations to replenishment.”.

15 **SEC. 2408. PROVISION OF MEDICAL COUNTERMEASURES**
16 **TO INDIAN PROGRAMS AND FACILITIES.**

17 (a) CLARIFICATION.—Section 319F–2(a)(3) of the
18 Public Health Service Act (42 U.S.C. 247d–6b(a)(3)) is
19 amended—

20 (1) in subparagraph (C), by striking “and
21 local” and inserting “local, and Tribal”; and

22 (2) in subparagraph (J), by striking “and
23 local” and inserting “local, and Tribal”.

24 (b) DISTRIBUTION OF MEDICAL COUNTERMEASURES
25 TO INDIAN TRIBES.—Title III of the Public Health Serv-

3421

1 ice Act (42 U.S.C. 241 et seq.) is amended by inserting
2 after section 319F–4 the following:

3 **“SEC. 319F-5. PROVISION OF MEDICAL COUNTERMEASURES**
4 **TO INDIAN PROGRAMS AND FACILITIES.**

5 “In the event that the Secretary deploys the contents
6 of the Strategic National Stockpile under section 319F–
7 2(a), or otherwise distributes medical countermeasures to
8 States to respond to a public health emergency declared
9 by the Secretary under section 319, the Secretary shall,
10 in consultation with the applicable States, make such con-
11 tents or countermeasures directly available to Indian
12 Tribes and Tribal organizations (as such terms are de-
13 fined in section 4 of the Indian Self-Determination and
14 Education Assistance Act (25 U.S.C. 5304), which may
15 include through health programs or facilities operated by
16 the Indian Health Service, that are affected by such public
17 health emergency.”.

18 **SEC. 2409. GRANTS FOR STATE STRATEGIC STOCKPILES.**

19 (a) Section 319F–2 of the Public Health Service Act
20 (42 U.S.C. 247d–6b) is amended by adding at the end
21 the following:

22 “(i) **PILOT PROGRAM TO SUPPORT STATE MEDICAL**
23 **STOCKPILES.—**

24 “(1) **IN GENERAL.—**The Secretary, in consulta-
25 tion with the Assistant Secretary for Preparedness

1 and Response and the Director of the Centers for
2 Disease Control and Prevention, shall award grants
3 or cooperative agreements to not fewer than 5
4 States, or consortia of States, with consideration
5 given to distribution among the geographical regions
6 of the United States, to establish, expand, or main-
7 tain a stockpile of appropriate drugs, vaccines and
8 other biological products, medical devices, and other
9 medical supplies determined by the State to be nec-
10 essary to respond to a public health emergency de-
11 clared by the Governor of a State or by the Sec-
12 retary under section 319, or a major disaster or
13 emergency declared by the President under section
14 401 or 501, respectively, of the Robert T. Stafford
15 Disaster Relief and Emergency Assistance Act, in
16 order to support the preparedness goals described in
17 paragraphs (2) through (6) and (8) of section
18 2802(b). A recipient of such an award may not use
19 award funds to support the stockpiling of security
20 countermeasures (as defined in subsection (c)(1),
21 unless the eligible entity provides justification for
22 maintaining such countermeasures and the Secretary
23 determines such justification is appropriate and ap-
24 plicable.

25 “(2) REQUIREMENTS.—

1 “(A) APPLICATION.—To be eligible to re-
2 ceive an award under paragraph (1), an entity
3 shall prepare, in consultation with appropriate
4 health care entities and health officials within
5 the jurisdiction of such State or States, and
6 submit to the Secretary an application that con-
7 tains such information as the Secretary may re-
8 quire, including—

9 “(i) a plan for such stockpile, con-
10 sistent with paragraph (4), including—

11 “(I) a description of the activities
12 such entity will carry out under the
13 agreement;

14 “(II) an assurance that such en-
15 tity will use funds under such award
16 in alignment with the requirements of
17 chapter 83 of title 41, United States
18 Code (commonly referred to as the
19 ‘Buy American Act’); and

20 “(III) an outline of proposed ex-
21 penses; and

22 “(ii) a description of how such entity
23 will coordinate with relevant entities in re-
24 ceipt of an award under section 319C–1 or
25 319C–2 pursuant to paragraph (4), includ-

3424

1 ing through promoting alignment between
2 the stockpile plan established pursuant to
3 clause (i) and applicable plans that are es-
4 tablished by such entity pursuant to sec-
5 tion 319C-1 or 319C-2.

6 “(B) MATCHING FUNDS.—

7 “(i) Subject to clause (ii), the Sec-
8 retary may not make an award under this
9 subsection unless the applicant agrees,
10 with respect to the costs to be incurred by
11 the applicant in carrying out the purpose
12 described in this subsection, to make avail-
13 able non-Federal contributions toward such
14 costs in an amount equal to—

15 “(I) for each of fiscal years 2023
16 and 2024, not less than \$1 for each
17 \$20 of Federal funds provided in the
18 award; and

19 “(II) for fiscal year 2025 and
20 each fiscal year thereafter, not less
21 than \$1 for each \$10 of Federal funds
22 provided in the award.

23 “(ii) WAIVER.—The Secretary may,
24 upon the request of a State, waive the re-
25 quirement under clause (i), in whole or in

1 part, if the Secretary determines that ex-
2 traordinary economic conditions in the
3 State in the fiscal year involved or in the
4 previous fiscal year justify the waiver. A
5 waiver provided by the Secretary under
6 this subparagraph shall apply only to the
7 fiscal year involved.

8 “(C) ADMINISTRATIVE EXPENSES.—Not
9 more than 10 percent of amounts received by
10 an entity pursuant to an award under this sub-
11 section may be used for administrative ex-
12 penses.

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
19 an award under paragraph (1) shall use such funds
20 to—

21 “(A) purchase, store, and maintain a
22 stockpile of appropriate drugs, vaccines and
23 other biological products, medical devices, and
24 other medical supplies to be used during a pub-
25 lic health emergency, major disaster, or emer-

1 agency described in paragraph (1), in such num-
2 bers, types, and amounts as the entity deter-
3 mines necessary, consistent with such entity's
4 stockpile plan established pursuant to para-
5 graph (2)(A)(i);

6 “(B) deploy the stockpile as required by
7 the entity to respond to an actual or potential
8 public health emergency, major disaster, or
9 other emergency described in paragraph (1);

10 “(C) replenish and make necessary addi-
11 tions or modifications to the contents of such
12 stockpile, including to address potential deple-
13 tion;

14 “(D) in consultation with Federal, State,
15 and local officials, take into consideration the
16 availability, deployment, dispensing, and admin-
17 istration requirements of medical products with-
18 in the stockpile;

19 “(E) ensure that procedures are followed
20 for inventory management and accounting, and
21 for the physical security of the stockpile, as ap-
22 propriate;

23 “(F) review and revise, as appropriate, the
24 contents of the stockpile on a regular basis to

1 ensure that, to the extent practicable, new tech-
2 nologies and medical products are considered;

3 “(G) carry out exercises, drills, and other
4 training for purposes of stockpile deployment,
5 dispensing, and administration of medical prod-
6 ucts, and for purposes of assessing the capa-
7 bility of such stockpile to address the medical
8 supply needs of public health emergencies,
9 major disasters, or other emergencies described
10 in paragraph (1) of varying types and scales,
11 which may be conducted in accordance with re-
12 quirements related to exercises, drills, and other
13 training for recipients of awards under section
14 319C–1 or 319C–2, as applicable; and

15 “(H) carry out other activities related to
16 the State strategic stockpile as the entity deter-
17 mines appropriate, to support State efforts to
18 prepare for, and respond to, public health
19 threats.

20 “(5) SUPPLEMENT NOT SUPPLANT.—Awards
21 under paragraph (1) shall supplement, not supplant,
22 the maintenance and use of the Strategic National
23 Stockpile by the Secretary under subsection (a).

24 “(6) GUIDANCE FOR STATES.—Not later than
25 180 days after the date of enactment of this sub-

1 section, the Secretary, in consultation with States,
2 health officials, and other relevant stakeholders, as
3 appropriate, shall issue guidance, and update such
4 guidance as appropriate, for States related to main-
5 taining and replenishing a stockpile of medical prod-
6 ucts, which may include strategies and best practices
7 related to—

8 “(A) types of medical products and med-
9 ical supplies that are critical to respond to pub-
10 lic health emergencies, and may be appropriate
11 for inclusion in a stockpile by States, with con-
12 sideration of threats that require the large-scale
13 and simultaneous deployment of stockpiles, in-
14 cluding the stockpile maintained by the Sec-
15 retary pursuant to subsection (a), and long-
16 term public health and medical response needs;

17 “(B) appropriate management of the con-
18 tents of a stockpile, including management by
19 vendors of reserve amounts of medical products
20 and supplies intended to be delivered to the
21 ownership of the State and appropriate disposi-
22 tion of excess products, as applicable; and

23 “(C) the procurement of medical products
24 and medical supplies consistent with the re-
25 quirements of chapter 83 of title 41, United

1 States Code (commonly referred to as the ‘Buy
2 American Act’).

3 “(7) TECHNICAL ASSISTANCE.—The Secretary
4 shall provide assistance to States, including technical
5 assistance, as appropriate, in establishing, maintain-
6 ing, improving, and utilizing a medical stockpile, in-
7 cluding appropriate inventory management and dis-
8 position of products.

9 “(8) REPORTING.—

10 “(A) STATE REPORTS.—Each entity re-
11 ceiving an award under paragraph (1) shall up-
12 date, as appropriate, the plan established pur-
13 suant to paragraph (2)(A)(i) and submit to the
14 Secretary an annual report on implementation
15 of such plan, including any changes to the con-
16 tents of the stockpile supported under such
17 award. The Secretary shall use information ob-
18 tained from such reports to inform the mainte-
19 nance and management of the Strategic Na-
20 tional Stockpile pursuant to subsection (a).

21 “(B) REPORTS TO CONGRESS.—Not later
22 than 1 year after the initial issuance of awards
23 pursuant to paragraph (1), and annually there-
24 after for the duration of the program estab-
25 lished under this subsection, the Secretary shall

1 submit to the Committee on Health, Education,
2 Labor, and Pensions and the Committee on Ap-
3 propriations of the Senate and the Committee
4 on Energy and Commerce and the Committee
5 on Appropriations of the House of Representa-
6 tives a report on such program, including—

7 “(i) Federal and State expenditures to
8 support stockpiles under such program;

9 “(ii) activities conducted pursuant to
10 paragraph (4); and

11 “(iii) any additional information from
12 the States that the Secretary determines
13 relevant.

14 “(9) AUTHORIZATION OF APPROPRIATIONS.—
15 To carry out this subsection, there is authorized to
16 be appropriated \$3,500,000,000 for each of fiscal
17 years 2023 and 2024, to remain available until ex-
18 pended.”.

19 (b) GAO REPORT.—Not later than 3 years after the
20 date on which awards are first issued pursuant to sub-
21 section (i)(1) of section 319F–2 of the Public Health Serv-
22 ice Act (42 U.S.C. 247d–6b), as added by subsection (a),
23 the Comptroller General of the United States shall submit
24 to the Committee on Health, Education, Labor, and Pen-
25 sions of the Senate and the Committee on Energy and

1 Commerce of the House of Representatives a report on
2 the State stockpiles established or maintained pursuant to
3 this section. Such report shall include an assessment of—

4 (1) coordination and communication between
5 the Secretary of Health and Human Services and
6 entities in receipt of an award under this section, or
7 a lead entity designated by such entity;

8 (2) technical assistance provided by the Sec-
9 retary of Health and Human Services to such enti-
10 ties; and

11 (3) the impact of such stockpiles on the ability
12 of the State to prepare for and respond to a public
13 health emergency, major disaster, or other emer-
14 gency described in subsection (i)(1) of section 319F-
15 2 of the Public Health Service Act (42 U.S.C. 247d-
16 6b), as added by subsection (a), including the avail-
17 ability and distribution of items from such State
18 stockpile to health care entities and other applicable
19 entities.

20 **SEC. 2410. STUDY ON INCENTIVES FOR DOMESTIC PRODUC-**
21 **TION OF GENERIC MEDICINES.**

22 (a) IN GENERAL.—The Secretary of Health and
23 Human Services (referred to in this section as the “Sec-
24 retary”), acting through the Assistant Secretary for Plan-

1 ning and Evaluation of the Department of Health and
2 Human Services shall—

3 (1) conduct a study on the feasibility, including
4 related to sustainment, and potential effectiveness,
5 and utility of providing incentives for increased do-
6 mestic production and capacity of specified generic
7 medicines and their active pharmaceutical ingredi-
8 ents, which may include through applicable nonprofit
9 or for-profit private entities; and

10 (2) not later than 1 year after the date of en-
11 actment of this Act, submit a report on such study
12 to the Committee on Health, Education, Labor, and
13 Pensions of the Senate and the Committee on En-
14 ergy and Commerce of the House of Representa-
15 tives.

16 (b) SPECIFIED GENERIC MEDICINE.—In this section,
17 the term “specified generic medicine” means a generic
18 drug approved under section 505(j) of the Food, Drug,
19 and Cosmetic Act (21 U.S.C. 355(j)) that is —

20 (1) used to prevent, mitigate, or treat a serious
21 or life-threatening disease or condition, or used in a
22 common procedure that could be life-threatening
23 without such medicine;

24 (2) an antibiotic or antifungal used to treat a
25 serious or life threatening infectious disease;

3433

1 (3) critical to the public health during a public
2 health emergency; or

3 (4) life-supporting, life-sustaining, or intended
4 for use in the prevention or treatment of a debili-
5 tating disease or condition.

6 **SEC. 2411. INCREASED MANUFACTURING CAPACITY FOR**
7 **CERTAIN CRITICAL ANTIBIOTIC DRUGS.**

8 (a) PROGRAM.—

9 (1) IN GENERAL.—The Secretary, in consulta-
10 tion with the Assistant Secretary for Preparedness
11 and Response and Commissioner of Food and
12 Drugs, may award contracts to increase the domes-
13 tic manufacturing capacity of certain antibiotic
14 drugs with identified supply chain vulnerabilities, or
15 the active pharmaceutical ingredient or key starting
16 material of such antibiotic drugs.

17 (2) ELIGIBLE ENTITIES.—To be eligible to re-
18 ceive an award under this subsection, an entity
19 shall—

20 (A) be a manufacturer that is in compli-
21 ance with, or demonstrates capability to comply
22 with, the relevant requirements of the Federal
23 Food, Drug, and Cosmetic Act (21 U.S.C. 301
24 et seq.); and

3434

1 (B) prepare and submit to the Secretary
2 an application at such time, and in such man-
3 ner, and containing such information as the
4 Secretary may require, including—

5 (i) a description of proposed activities
6 to be supported by an award under this
7 subsection to increase manufacturing ca-
8 pacity for such antibiotic drug or drugs;

9 (ii) the antibiotic drug or drugs, or re-
10 lated active pharmaceutical ingredients or
11 key starting materials for such drug or
12 drugs, that such entity intends to manu-
13 facture with any increased manufacturing
14 capacity supported by an award under this
15 subsection;

16 (iii) any additional products such in-
17 creased manufacturing capacity could be
18 used to manufacture;

19 (iv) a description of the current sup-
20 ply chain for such antibiotic drugs, includ-
21 ing any existing and applicable manufac-
22 turing facilities, known vulnerabilities in
23 the supply chain, known or potential sup-
24 ply limitations, such as foreign export re-

1 restrictions, or subsidies from foreign gov-
2 ernments, as applicable;

3 (v) a description of how such entity
4 may use advanced or flexible manufac-
5 turing in carrying out the terms of an
6 award under this subsection; and

7 (vi) a strategic plan regarding the
8 maintenance, operation, and sustainment
9 of such increased manufacturing capacity
10 following the expiration of a contract
11 under this subsection.

12 (3) USE OF FUNDS.—A recipient of an award
13 under this subsection shall use such funds to build,
14 expand, upgrade, modify, or recommission a facility
15 located in the United States, which may include the
16 purchase or upgrade of equipment, as applicable, to
17 support increased manufacturing capacity of certain
18 antibiotic drugs for which supply chain
19 vulnerabilities exist, or the active pharmaceutical in-
20 gredient or key starting material of such antibiotic
21 drugs.

22 (4) REPORTS.—An entity in receipt of an
23 award under this subsection shall submit to the Sec-
24 retary such reports as the Secretary may require re-
25 lated to increasing domestic manufacturing capacity

1 of antibiotic drugs pursuant to a contract under this
2 subsection, including actions taken to implement the
3 strategic plan required under paragraph (2)(B)(vi).

4 (5) CONTRACT TERMS.—The following shall
5 apply to a contract to support increased domestic
6 manufacturing capacity under this subsection:

7 (A) MILESTONE-BASED PAYMENTS.—The
8 Secretary may provide payment, including ad-
9 vance payment or partial payment for signifi-
10 cant milestones, if the Secretary makes a deter-
11 mination that such payment is necessary and
12 appropriate.

13 (B) REPAYMENT.—The contract shall pro-
14 vide that such payment is required to be repaid
15 if there is a failure to perform by the manufac-
16 turer under the contract; if the specified mile-
17 stones are reached, an advance or partial pay-
18 ment shall not be required to be repaid.

19 (C) CONTRACT DURATION.—

20 (i) IN GENERAL.—Each contract shall
21 be for a period not to exceed 5 years.

22 (ii) NON-RENEWABILITY.—A contract
23 shall not be renewable.

24 (iii) NOTIFICATIONS OF EXTENSIONS
25 AND TERMINATIONS.—If the Secretary de-

3437

1 cides to terminate a contract prior to its
2 expiration, the Secretary shall notify the
3 manufacturer within 90 days of such de-
4 termination.

5 (D) ADDITIONAL TERMS.—The Secretary,
6 in any contract under this subsection—

7 (i) may specify—

8 (I) the amount of funding that
9 will be dedicated by the Secretary for
10 supporting increased manufacturing
11 capacity under such contract; and

12 (II) the amount of manufac-
13 turing capacity that such eligible enti-
14 ty must meet; and

15 (ii) shall provide a clear statement of
16 defined Federal Government purpose lim-
17 ited to uses related to increasing domestic
18 manufacturing capacity for antibiotic
19 drugs to address identified supply chain
20 vulnerabilities and challenges to estab-
21 lishing and maintaining domestic manufac-
22 turing capacity.

23 (E) SUSTAINMENT.—Each contract shall
24 provide for the eligible entity to update the
25 strategic plan required under paragraph

1 (2)(B)(vi) throughout the duration of such con-
2 tract, as required by the Secretary.

3 (b) REPORT.—Not later than 2 years after the date
4 of enactment of this Act and every year thereafter until
5 the termination or expiration of all such contracts, the
6 Secretary shall submit to the Committee on Health, Edu-
7 cation, Labor, and Pensions of the Senate and the Com-
8 mittee on Energy and Commerce of the House of Rep-
9 resentatives a report on any activities supported under
10 subsection (a), including—

11 (1) the antibiotic drugs for which the Secretary
12 prioritized awards under subsection (a), including a
13 description of how the Secretary consulted with
14 stakeholders to inform such prioritization;

15 (2) information regarding each contract award-
16 ed pursuant to subsection (a), including—

17 (A) the recipient of each such contract, in-
18 cluding any recipients of a subaward;

19 (B) the milestone and performance re-
20 quirements pursuant to each such contract;

21 (C) the duration of each such contract;

22 (D) the amount of funding provided by the
23 Secretary pursuant to each such contract, in-
24 cluding any advanced or partial payments;

1 (E) the antibiotic drugs supported through
2 each such contract, including a description of
3 the medical necessity of each such antibiotic
4 drug and any supply chain vulnerabilities, limi-
5 tations, and related characteristics identified
6 pursuant to subsection (a)(2)(B)(iv) for each
7 such antibiotic drug; and

8 (F) the amount of increased manufac-
9 turing capacity for such antibiotic drug that
10 each such contract supports; and

11 (3) a description of how such contracts address
12 supply chain vulnerabilities, including increasing
13 manufacturing capacity of antibiotic drugs in the
14 United States; and

15 (4) a description of the strategic plan submitted
16 pursuant to subsection (a)(2)(B)(vi) by each recipi-
17 ent of an award under subsection (a).

18 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
19 tion shall be construed—

20 (1) to limit, directly or indirectly, or otherwise
21 impact the private distribution, purchase, or sale of
22 antibiotic drugs or active pharmaceutical ingredients
23 or key starting materials; or

24 (2) to authorize the Secretary to disclose any
25 information that is a trade secret, or other privileged

1 or confidential information subject to section
2 552(b)(4) of title 5, United States Code, or section
3 1905 of title 18, United States Code.

4 (d) DEFINITIONS.—For purposes of this section:

5 (1) ACTIVE PHARMACEUTICAL INGREDIENT.—

6 The term “active pharmaceutical ingredient” has the
7 meaning given such term in section 744A of the
8 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
9 379j–41).

10 (2) ANTIBIOTIC DRUG.—The term “antibiotic
11 drug” means an antibacterial or antifungal drug ap-
12 proved by the Food and Drug Administration under
13 section 505(j) of the Federal Food, Drug, and Cos-
14 metic Act (21 U.S.C. 355(j)) that is of significant
15 priority to providing health care and is medically
16 necessary to have available at all times in an amount
17 adequate to serve patient needs.

18 (3) KEY STARTING MATERIAL.—The term “key
19 starting material” means any component of a drug
20 that the Secretary determines to be necessary to the
21 safety and effectiveness of the drug.

22 (4) SECRETARY.—The term “Secretary” means
23 the Secretary of Health and Human Services.

24 (e) SUNSET.—The authority to enter into new con-
25 tracts under this section shall cease to be effective 3 years

1 after the date of enactment of this Act, and, beginning
2 on the date that is 8 years after the date of enactment
3 of this Act, this section shall have no force or effect.

4 **Subtitle E—Enhancing Develop-**
5 **ment and Combating Shortages**
6 **of Medical Products**

7 **CHAPTER 1—DEVELOPMENT AND REVIEW**

8 **SEC. 2501. ACCELERATING COUNTERMEASURE DEVELOP-**
9 **MENT AND REVIEW.**

10 Section 565 of the Federal Food, Drug, and Cosmetic
11 Act (21 U.S.C. 360bbb–4) is amended by adding at the
12 end the following:

13 “(h) ACCELERATING COUNTERMEASURE DEVELOP-
14 MENT AND REVIEW DURING AN EMERGENCY.—

15 “(1) ACCELERATION OF COUNTERMEASURE DE-
16 VELOPMENT AND REVIEW.—The Secretary may, at
17 the request of the sponsor of a countermeasure, dur-
18 ing a domestic, military, or public health emergency
19 or material threat described in section
20 564A(a)(1)(C), expedite the development and review
21 of countermeasures that are intended to address
22 such domestic, military, or public health emergency
23 or material threat for approval, licensure, clearance,
24 or authorization under this title or section 351 of
25 the Public Health Service Act.

1 “(2) ACTIONS.—The actions to expedite the de-
2 velopment and review of a countermeasure under
3 paragraph (1) may include the following:

4 “(A) Expedited review of submissions
5 made by sponsors of countermeasures to the
6 Food and Drug Administration, including roll-
7 ing submissions of countermeasure applications
8 and other submissions.

9 “(B) Expedited and increased engagement
10 with sponsors regarding countermeasure devel-
11 opment and manufacturing, including—

12 “(i) holding meetings with the sponsor
13 and the review team and providing timely
14 advice to, and interactive communication
15 with, the sponsor regarding the develop-
16 ment of the countermeasure to ensure that
17 the development program to gather the
18 nonclinical and clinical data necessary for
19 approval, licensure, clearance, or author-
20 ization is as efficient as practicable;

21 “(ii) involving senior managers and
22 experienced review staff, as appropriate, in
23 a collaborative, cross-disciplinary review;

1 “(iii) assigning a cross-disciplinary
2 project lead for the review team to facili-
3 tate;

4 “(iv) taking steps to ensure that the
5 design of the clinical trials is as efficient as
6 practicable, when scientifically appropriate,
7 such as by minimizing the number of pa-
8 tients exposed to a potentially less effica-
9 cious treatment; and

10 “(v) streamlining the review of ap-
11 proved, licensed, cleared, or authorized
12 countermeasures to treat or prevent new or
13 emerging threats, including the review of
14 any changes to such countermeasures.

15 “(C) Expedited issuance of guidance docu-
16 ments and publication of other regulatory infor-
17 mation regarding countermeasure development
18 and manufacturing.

19 “(D) Other steps to expedite the develop-
20 ment and review of a countermeasure applica-
21 tion submitted for approval, licensure, clear-
22 ance, or authorization, as the Secretary deter-
23 mines appropriate.

24 “(3) LIMITATION OF EFFECT.—Nothing in this
25 subsection shall be construed to require the Sec-

1 ommendations, including, as appropriate, evaluations
2 and recommendations regarding the scope of author-
3 ization and conditions of authorization.

4 “(2) REQUIREMENTS REGARDING EVALUATIONS
5 AND RECOMMENDATIONS.—

6 “(A) IN GENERAL.—In evaluating and
7 making recommendations to the Secretary re-
8 garding the validity, accuracy, and reliability of
9 in vitro diagnostic products, as described in
10 paragraph (1), a person shall consider and doc-
11 ument whether the relevant criteria under sub-
12 section (c)(2) of section 564 for issuance of au-
13 thorization under such section are met with re-
14 spect to the in vitro diagnostic product.

15 “(B) WRITTEN RECOMMENDATIONS.—Rec-
16 ommendations made by a person under this
17 subsection shall be submitted to the Secretary
18 in writing, and shall include the reasons for
19 such recommendation and other information
20 that may be requested by the Secretary.

21 “(3) RULE OF CONSTRUCTION.— Nothing in
22 this subsection shall be construed to require the Sec-
23 retary to consult with, or enter into cooperative
24 agreements or contracts with, persons as described
25 in paragraph (1) for purposes of authorizing an in

1 vitro diagnostic product or otherwise affecting the
2 emergency use authorization authorities under this
3 section or section 564.”.

4 (b) GUIDANCE.—Not later than 1 year after the date
5 of enactment of this Act, the Secretary of Health and
6 Human Services (referred to in this subsection as the
7 “Secretary”) shall issue draft guidance on consultations
8 with persons under subsection (i) of section 565 of the
9 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
10 360bbb–4), as added by subsection (a), including consider-
11 ations concerning conflicts of interest, compensation ar-
12 rangements, and information sharing. Not later than 1
13 year after the public comment period on such draft guid-
14 ance ends, the Secretary shall issue a revised draft guid-
15 ance or final guidance.

16 **SEC. 2503. PLATFORM TECHNOLOGIES.**

17 (a) IN GENERAL.—Chapter V of the Federal Food,
18 Drug, and Cosmetic Act is amended by inserting after sec-
19 tion 506J of such Act (21 U.S.C. 356j) the following:

20 **“SEC. 506K. PLATFORM TECHNOLOGIES.**

21 “(a) IN GENERAL.—The Secretary shall establish a
22 program for the designation of platform technologies that
23 meet the criteria described in subsection (b).

24 “(b) CRITERIA.—A platform technology incorporated
25 within or utilized by a drug or biological product is eligible

1 for designation as a designated platform technology under
2 this section if—

3 “(1) the platform technology is incorporated in,
4 or utilized by, a drug approved under section 505 of
5 this Act or a biological product licensed under sec-
6 tion 351 of the Public Health Service Act;

7 “(2) preliminary evidence submitted by the
8 sponsor of the approved or licensed drug described
9 in paragraph (1), or a sponsor that has been grant-
10 ed a right of reference to data submitted in the ap-
11 plication for such drug, demonstrates that the plat-
12 form technology has the potential to be incorporated
13 in, or utilized by, more than one drug without an ad-
14 verse effect on quality, manufacturing, or safety;
15 and

16 “(3) data or information submitted by the ap-
17 plicable person under paragraph (2) indicates that
18 incorporation or utilization of the platform tech-
19 nology has a reasonable likelihood to bring signifi-
20 cant efficiencies to the drug development or manu-
21 facturing process and to the review process.

22 “(c) REQUEST FOR DESIGNATION.—A person may
23 request the Secretary designate a platform technology as
24 a designated platform technology concurrently with, or at
25 any time after, submission under section 505(i) of this Act

1 or section 351(a)(3) of the Public Health Service Act for
2 the investigation of a drug that incorporates or utilizes
3 the platform technology that is the subject of the request.

4 “(d) DESIGNATION.—

5 “(1) IN GENERAL.—Not later than 90 calendar
6 days after the receipt of a request under subsection
7 (c), the Secretary shall determine whether the plat-
8 form technology that is the subject of the request
9 meets the criteria described in subsection (b).

10 “(2) DESIGNATION.—If the Secretary deter-
11 mines that the platform technology meets the cri-
12 teria described in subsection (b), the Secretary shall
13 designate the platform technology as a designated
14 platform technology and may expedite the develop-
15 ment and review of any subsequent application sub-
16 mitted under section 505(b) of this Act or section
17 351(a) of the Public Health Service Act for a drug
18 that uses or incorporates the platform technology
19 pursuant to subsection (e), as appropriate.

20 “(3) DETERMINATION NOT TO DESIGNATE.—If
21 the Secretary determines that the platform tech-
22 nology does not meet the criteria under subsection
23 (b), the Secretary shall include with the determina-
24 tion not to designate the technology a written de-
25 scription of the rationale for such determination.

1 “(4) REVOCATION OF DESIGNATION.—The Sec-
2 retary may revoke a designation made under para-
3 graph (2), if the Secretary determines that the des-
4 ignated platform technology no longer meets the cri-
5 teria described in subsection (b). The Secretary shall
6 communicate the determination to revoke a designa-
7 tion to the requesting sponsor in writing, including
8 a description of the rationale for such determination.

9 “(5) APPLICABILITY.—Nothing in this section
10 shall prevent a product that uses or incorporates a
11 designated platform technology from being eligible
12 for expedited approval pathways if it is otherwise eli-
13 gible under this Act or the Public Health Service
14 Act.

15 “(e) ACTIONS.—The Secretary may take actions to
16 expedite the development and review of an application for
17 a drug that incorporates or utilizes a designated platform
18 technology, including—

19 “(1) engaging in early interactions with the
20 sponsor to discuss the use of the designated plat-
21 form technology and what is known about such tech-
22 nology, including data previously submitted that is
23 relevant to establishing, as applicable, safety or effi-
24 cacy under section 505(b) of this Act or safety, pu-

1 rity, or potency under section 351(a) of the Public
2 Health Service Act;

3 “(2) providing timely advice to, and interactive
4 communication with, the sponsor regarding the de-
5 velopment of the drug that proposes to use the des-
6 ignated platform technology to ensure that the devel-
7 opment program designed to gather data necessary
8 for approval or licensure is as efficient as prac-
9 ticable, which may include holding meetings with the
10 sponsor and the review team throughout the develop-
11 ment of the drug; and

12 “(3) considering inspectional findings, including
13 prior findings, related to the manufacture of a drug
14 that incorporates or utilizes the designated platform
15 technology.

16 “(f) LEVERAGING DATA FROM DESIGNATED PLAT-
17 FORM TECHNOLOGIES.—The Secretary shall, consistent
18 with applicable standards for approval, authorization, or
19 licensure under this Act and section 351(a) of the Public
20 Health Service Act, allow the sponsor of an application
21 under section 505(b) of this Act or section 351(a) of the
22 Public Health Service Act or a request for emergency use
23 authorization under section 564, in order to support ap-
24 proval, licensure, or authorization, to reference or rely
25 upon data and information within an application or re-

1 quest for a drug or biological product that incorporates
2 or utilizes the same platform technology designated under
3 subsection (d), provided that—

4 “(1) such data and information was submitted
5 by the same sponsor, pursuant to the application for
6 the drug with respect to which designation of the
7 designated platform technology under subsection (d)
8 was granted; or

9 “(2) the sponsor relying on such data and in-
10 formation received a right of reference to such data
11 and information from the sponsor described in para-
12 graph (1).

13 “(g) CHANGES TO A DESIGNATED PLATFORM TECH-
14 NOLOGY.—A sponsor of more than one application ap-
15 proved under section 505(b) of this Act or section 351(a)
16 of the Public Health Service Act for drugs that incor-
17 porate or utilize a designated platform technology may
18 submit a single supplemental application for proposed
19 changes to the designated platform technology that may
20 be applicable to more than one such drug that incor-
21 porates or utilizes the same designated platform tech-
22 nology. Such supplemental application may cross-reference
23 data and information submitted in other applications and
24 may include one or more comparability protocols regarding

1 how such changes to the platform technology would be
2 made for each applicable drug or biological product.

3 “(h) DEFINITIONS.—For purposes of this section:

4 “(1) The term ‘platform technology’ means a
5 well-understood and reproducible technology, which
6 may include a nucleic acid sequence, molecular
7 structure, mechanism of action, delivery method,
8 vector, or a combination of any such technologies
9 that the Secretary determines to be appropriate,
10 that the sponsor demonstrates—

11 “(A) is incorporated in or utilized by a
12 drug or biological product and is essential to
13 the structure or function of such drug or bio-
14 logical product;

15 “(B) can be adapted for, incorporated into,
16 or utilized by, more than one drug or biological
17 product sharing common structural elements;
18 and

19 “(C) facilitates the manufacture or devel-
20 opment of more than one drug or biological
21 product through a standardized production or
22 manufacturing process or processes.

23 “(2) The term ‘designated platform technology’
24 means a platform technology that is designated as a
25 platform technology under subsection (d).

1 “(i) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall be construed to—

3 “(1) alter the authority of the Secretary to ap-
4 prove drugs pursuant to section 505 of this Act or
5 license biological products pursuant to section 351 of
6 the Public Health Service Act, including standards
7 of evidence and applicable conditions for approval or
8 licensure under the applicable Act; or

9 “(2) confer any new rights with respect to the
10 permissibility of a sponsor of an application for a
11 drug product or biological product referencing infor-
12 mation contained in another application submitted
13 by the holder of an approved application under sec-
14 tion 505(c) of this Act or of a license under section
15 351(a) of the Public Health Service Act.”.

16 (b) GUIDANCE.—Not later than 1 year after the date
17 of enactment of this Act, the Secretary of Health and
18 Human Services (referred to in this section as the “Sec-
19 retary”) shall issue draft guidance on the implementation
20 of this section. Such guidance shall include examples of
21 drugs that can be manufactured using platform tech-
22 nologies, including drugs that contain or consist of vectors
23 and nucleic acids, information about the Secretary’s re-
24 view of platform technologies, information regarding sub-
25 mitting for designation, considerations for persons submit-

1 ting a request for designation who have been granted a
2 right of reference, the implementation of the designated
3 platform technology designation program, efficiencies that
4 may be achieved in the development and review of prod-
5 ucts that incorporate or utilize designated platform tech-
6 nologies, and recommendations and requirements for mak-
7 ing and reporting manufacturing changes to a designated
8 platform technology in accordance with section 506K(g)
9 of the Federal Food, Drug, and Cosmetic Act (as added
10 by subsection (a)) and section 506A of such Act (21
11 U.S.C. 356a), as applicable.

12 (c) REPORT.—Not later than September 30, 2026,
13 and annually thereafter until September 30, 2029, the
14 Secretary shall issue a report to the Committee on Health,
15 Education, Labor, and Pensions of the Senate and the
16 Committee on Energy and Commerce of the House of
17 Representatives that shall include—

18 (1) the number of requests for designation
19 under the program under section 506K of the Fed-
20 eral Food, Drug, and Cosmetic Act, as added by
21 subsection (a);

22 (2) the number of designations under such pro-
23 gram issued, active, and revoked;

3455

1 (3) the resources required to carry out such
2 program (including the review time used for full-
3 time equivalent employees);

4 (4) any efficiencies gained in the development,
5 manufacturing, and review processes associated with
6 such designations; and

7 (5) recommendations, if any, to strengthen the
8 program to better leverage platform technologies
9 that can be used in more than one drug and meet
10 patient needs in a manner as timely as possible, tak-
11 ing into consideration the resources available to the
12 Secretary of Health and Human Services for car-
13 rying out such program.

14 **SEC. 2504. INCREASING EUA DECISION TRANSPARENCY.**

15 Section 564(h) of the Federal Food, Drug, and Cos-
16 metic Act (21 U.S.C. 360bbb-3(h)) is amended—

17 (1) in paragraph (1)—

18 (A) by inserting “on the internet website
19 of the Food and Drug Administration and”
20 after “promptly publish”;

21 (B) by striking “application under section
22 505(i), 512(j), or 520(g), even if such summary
23 may indirectly reveal the existence of such ap-
24 plication” and inserting “application, request,
25 or submission under this section or section

3456

1 505(b), 505(i), 505(j), 512(b), 512(j), 512(n),
2 515, 510(k), 513(f)(2), 520(g), 520(m), 571, or
3 572 of this Act, or section 351(a) or 351(k) of
4 the Public Health Service Act, even if such
5 summary may reveal the existence of such an
6 application, request, or submission, or data con-
7 tained in such application, request, or submis-
8 sion”; and

9 (C) by inserting before the period at the
10 end of the second sentence the following: “,
11 which may include a summary of the data and
12 information supporting such revisions”; and

13 (2) in paragraph (2), by adding at the end the
14 following: “Information made publicly available by
15 the Secretary in accordance with paragraph (1) shall
16 be considered a disclosure authorized by law for pur-
17 poses of section 1905 of title 18, United States
18 Code”.

19 **SEC. 2505. IMPROVING FDA GUIDANCE AND COMMUNICA-**
20 **TION.**

21 (a) **FDA REPORT AND IMPLEMENTATION OF GOOD**
22 **GUIDANCE PRACTICES.**—The Secretary of Health and
23 Human Services (referred to in this section as the “Sec-
24 retary”) shall develop, and publish on the website of the
25 Food and Drug Administration—

3457

1 (1) a report identifying best practices for the
2 efficient prioritization, development, issuance, and
3 use of guidance documents, within centers, across
4 the Food and Drug Administration, and across other
5 applicable agencies; and

6 (2) a plan for implementation of such best
7 practices, including across other applicable agencies,
8 which shall address—

9 (A) streamlining development and review
10 of guidance documents within centers and
11 across the Food and Drug Administration;

12 (B) streamlining processes for regulatory
13 submissions to the Food and Drug Administra-
14 tion, including through the revision or issuance
15 of guidance documents; and

16 (C) implementing innovative guidance de-
17 velopment processes and practices and
18 transitioning or updating guidance issued dur-
19 ing the COVID–19 public health emergency, as
20 appropriate.

21 (b) REPORT AND IMPLEMENTATION OF FDA BEST
22 PRACTICES FOR COMMUNICATING WITH EXTERNAL
23 STAKEHOLDERS.—The Secretary, acting through the
24 Commissioner of Food and Drugs, shall develop and pub-
25 lish on the website of the Food and Drug Administration

1 a report on the practices of the Food and Drug Adminis-
2 tration to broadly communicate with external stake-
3 holders, other than through guidance documents, which
4 shall include—

5 (1) a review of the types and methods of public
6 communication that the Food and Drug Administra-
7 tion uses to communicate and interact with medical
8 product sponsors and other external stakeholders;

9 (2) the identification of best practices for the
10 efficient development, issuance, and use of such
11 communications; and

12 (3) a plan for implementation of best practices
13 for communication with external stakeholders, which
14 shall address—

15 (A) advancing the use of innovative forms
16 of communication, including novel document
17 types and formats, to provide increased regu-
18 latory clarity to product sponsors and other
19 stakeholders, and advancing methods of com-
20 municating and interacting with medical prod-
21 uct sponsors and other external stakeholders,
22 including the use of tools such as product sub-
23 mission templates, webinars, and frequently
24 asked questions communications;

3459

1 (B) streamlining processes for regulatory
2 submissions; and

3 (C) implementing innovative communica-
4 tion development processes and transitioning or
5 updating communication practices used during
6 the COVID–19 public health emergency, as ap-
7 propriate.

8 (e) CONSULTATION.—In developing and publishing
9 the report and implementation plan under this section, the
10 Secretary shall consult with stakeholders, including re-
11 searchers, academic organizations, pharmaceutical, bio-
12 technology, and medical device developers, clinical re-
13 search organizations, clinical laboratories, health care pro-
14 viders, patient groups, and other appropriate stakeholders.

15 (d) MANNER OF ISSUANCE.— For purposes of car-
16 rying out this section, the Secretary may update an exist-
17 ing report or plan, and may combine the reports and im-
18 plementation plans described in subsections (a) and (b)
19 into one or more documents.

20 (e) TIMING.—The Secretary shall—

21 (1) not later than 1 year after the date of en-
22 actment of this Act, publish a draft of the reports
23 and plans required under this section; and

24 (2) not later than 180 days after publication of
25 the draft reports and plans under paragraph (1)—

3460

1 (A) publish a final report and plan; and

2 (B) begin implementation of the best prac-
3 tices pursuant to such final plan.

4 **CHAPTER 2—MITIGATING SHORTAGES**

5 **SEC. 2511. ENSURING REGISTRATION OF FOREIGN DRUG**
6 **AND DEVICE MANUFACTURERS.**

7 (a) REGISTRATION OF CERTAIN FOREIGN ESTAB-
8 LISHMENTS.—Section 510(i) of the Federal Food, Drug,
9 and Cosmetic Act (21 U.S.C. 360(i)) is amended by add-
10 ing at the end the following:

11 “(5) The requirements of paragraphs (1) and (2)
12 shall apply regardless of whether the drug or device under-
13 goes further manufacture, preparation, propagation,
14 compounding, or processing at a separate establishment
15 outside the United States prior to being imported or of-
16 fered for import into the United States.”.

17 (b) UPDATING REGULATIONS.—Not later than 2
18 years after the date of enactment of this Act, the Sec-
19 retary of Health and Human Services shall update regula-
20 tions, as appropriate, to implement the amendment made
21 by subsection (a).

22 **SEC. 2512. EXTENDING EXPIRATION DATES FOR CERTAIN**
23 **DRUGS.**

24 (a) IN GENERAL.—Not later than 1 year after the
25 date of enactment of this Act, the Secretary of Health and

1 Human Services (referred to in this section as the “Sec-
2 retary”) shall issue draft guidance, or revise existing guid-
3 ance, to address recommendations for sponsors of applica-
4 tions submitted under section 505 of the Federal Food,
5 Drug, and Cosmetic Act (21 U.S.C. 355) or section 351
6 of the Public Health Service Act (42 U.S.C. 262) regard-
7 ing—

8 (1) the submission of stability testing data in
9 such applications, including considerations for data
10 requirements that could be streamlined or reduced
11 to facilitate faster review of longer proposed expira-
12 tion dates;

13 (2) establishing in the labeling of drugs the
14 longest feasible expiration date scientifically sup-
15 ported by such data, taking into consideration how
16 extended expiration dates may—

17 (A) help prevent or mitigate drug short-
18 ages; and

19 (B) affect product quality; and

20 (3) the use of innovative approaches for drug
21 and combination product stability modeling to sup-
22 port initial product expiration dates and expiration
23 date extensions.

24 (b) REPORT.—Not later than 2 years after the date
25 of enactment of this Act, and again 2 years thereafter,

3462

1 the Secretary shall submit to the Committee on Health,
2 Education, Labor, and Pensions of the Senate and the
3 Committee on Energy and Commerce of the House of
4 Representatives a report that includes—

5 (1) the number of drugs for which the Sec-
6 retary has requested the manufacturer make a label-
7 ing change regarding the expiration date; and

8 (2) for each drug for which the Secretary has
9 requested a labeling change with respect to the expi-
10 ration date, information regarding the circumstances
11 of such request, including—

12 (A) the name and dose of such drug;

13 (B) the rationale for the request;

14 (C) whether the drug, at the time of the
15 request, was listed on the drug shortage list
16 under section 506E of the Federal Food, Drug,
17 and Cosmetic Act (21 U.S.C. 356e), or was at
18 risk of shortage;

19 (D) whether the request was made in con-
20 nection with a public health emergency declared
21 under section 319 of the Public Health Service
22 Act (42 U.S.C. 247d); and

23 (E) whether the manufacturer made the
24 requested change by the requested date, and for
25 instances where the manufacturer does not

1 make the requested change, the manufacturer’s
2 justification for not making the change, if the
3 manufacturer agrees to provide such justifica-
4 tion for inclusion in the report.

5 **SEC. 2513. COMBATING COUNTERFEIT DEVICES.**

6 (a) PROHIBITED ACTS.—Section 301 of the Federal
7 Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amend-
8 ed by adding at the end the following:

9 “(fff)(1) Forging, counterfeiting, simulating, or false-
10 ly representing, or without proper authority using any
11 mark, stamp, tag, label, or other identification upon any
12 device or container, packaging, or labeling thereof so as
13 to render such device a counterfeit device.

14 “(2) Making, selling, disposing of, or keeping in pos-
15 session, control, or custody, or concealing any punch, die,
16 plate, stone, or other thing designed to print, imprint, or
17 reproduce the trademark, trade name, or other identifying
18 mark or imprint of another or any likeness of any of the
19 foregoing upon any device or container, packaging, or la-
20 beling thereof so as to render such device a counterfeit
21 device.

22 “(3) The doing of any act which causes a device to
23 be a counterfeit device, or the sale or dispensing, or the
24 holding for sale or dispensing, of a counterfeit device.”.

1 (b) PENALTIES.—Section 303 of the Federal Food,
2 Drug, and Cosmetic Act (21 U.S.C. 333) is amended—

3 (1) in subsection (b)(8), by inserting “, or who
4 violates section 301(fff)(3) by knowingly making,
5 selling or dispensing, or holding for sale or dis-
6 pensing, a counterfeit device,” after “a counterfeit
7 drug”; and

8 (2) in subsection (c), by inserting “; or (6) for
9 having violated section 301(fff)(2) if such person
10 acted in good faith and had no reason to believe that
11 use of the punch, die, plate, stone, or other thing in-
12 volved would result in a device being a counterfeit
13 device, or for having violated section 301(fff)(3) if
14 the person doing the act or causing it to be done
15 acted in good faith and had no reason to believe that
16 the device was a counterfeit device” before the pe-
17 riod.

18 (c) SEIZURE.—Section 304(a)(2) of the Federal
19 Food, Drug, and Cosmetic Act (21 U.S.C. 334(a)(2)) is
20 amended—

21 (1) by striking “, and (E)” and inserting “,
22 (E)”;

23 (2) by inserting “, (F) Any device that is a
24 counterfeit device, (G) Any container, packaging, or
25 labeling of a counterfeit device, and (H) Any punch,

1 die, plate, stone, labeling, container, or other thing
2 used or designed for use in making a counterfeit de-
3 vice or devices” before the period.

4 **SEC. 2514. PREVENTING MEDICAL DEVICE SHORTAGES.**

5 (a) NOTIFICATIONS.—Section 506J of the Federal
6 Food, Drug, and Cosmetic Act (21 U.S.C. 356j) is amend-
7 ed—

8 (1) in subsection (f), by inserting “or (h)” after
9 “subsection (a)”;

10 (2) by redesignating subsections (h) and (i) as
11 subsections (i) and (j), respectively; and

12 (3) by inserting after subsection (g) the fol-
13 lowing:

14 “(h) ADDITIONAL NOTIFICATIONS.—The Secretary
15 may receive voluntary notifications from a manufacturer
16 of a device that is life-supporting, life-sustaining, or in-
17 tended for use in emergency medical care or during sur-
18 gery, or any other device the Secretary determines to be
19 critical to the public health, pertaining to a permanent dis-
20 continuance in the manufacture of the device (except for
21 any discontinuance as a result of an approved modification
22 of the device) or an interruption of the manufacture of
23 the device that is likely to lead to a meaningful disruption
24 in the supply of that device in the United States, and the
25 reasons for such discontinuance or interruption.”.

1 (b) GUIDANCE ON VOLUNTARY NOTIFICATIONS OF
2 DISCONTINUANCE OR INTERRUPTION OF DEVICE MANU-
3 FACTURE.—Not later than 1 year after the date of enact-
4 ment of this Act, the Secretary shall issue draft guidance
5 to facilitate voluntary notifications under subsection (h)
6 of section 506J of the Federal Food, Drug, and Cosmetic
7 Act (21 U.S.C. 356j), as added by subsection (a). Such
8 guidance shall include a description of circumstances in
9 which a voluntary notification under such subsection (h)
10 may be appropriate, recommended timeframes for such a
11 notification, the process for receiving such a notification,
12 and actions the Secretary may take to mitigate or prevent
13 a shortage resulting from a discontinuance or interruption
14 in the manufacture of a device for which such notification
15 is received. The Secretary shall issue final guidance not
16 later than 1 year after the close of the comment period
17 for the draft guidance.

18 (c) GUIDANCE ON DEVICE SHORTAGE NOTIFICATION
19 REQUIREMENT.—Not later than 1 year after the date of
20 enactment of this Act, the Secretary shall issue or revise
21 draft guidance regarding requirements under section 506J
22 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
23 356j). Such guidance shall include a list of each device
24 product code for which a manufacturer of such device is

1 required to notify the Secretary in accordance with section
2 506J.

3 **SEC. 2515. TECHNICAL CORRECTIONS.**

4 (a) TECHNICAL CORRECTIONS TO THE CARES
5 ACT.—Division A of the CARES Act (Public Law 116–
6 136) is amended—

7 (1) in section 3111(1), by striking “in para-
8 graph (1)” and inserting “in the matter preceding
9 paragraph (1)”;

10 (2) in section 3112(d)(1), by striking “and sub-
11 paragraphs (A) and (B)” and inserting “as subpara-
12 graphs (A) and (B)”;

13 (3) in section 3112(e), by striking “Federal
14 Food, Drug, Cosmetic Act” and inserting “Federal
15 Food, Drug, and Cosmetic Act”.

16 (b) TECHNICAL CORRECTIONS TO THE FEDERAL
17 FOOD, DRUG, AND COSMETIC ACT RELATED TO THE
18 CARES ACT.—

19 (1) SECTION 506C.—Section 506C(a) of the
20 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
21 356c(a)) is amended, in the flush text at the end, by
22 striking the second comma after “in the United
23 States”.

24 (2) EFFECTIVE DATE.—The amendment made
25 by paragraph (1) shall take effect as if included in

3468

1 section 3112 of division A of the CARES Act (Pub-
2 lic Law 116–136).

3 (c) OTHER TECHNICAL CORRECTION TO THE FED-
4 ERAL FOOD, DRUG, AND COSMETIC ACT.—Section
5 505B(f)(6)(I) of the Federal Food, Drug, and Cosmetic
6 Act (21 U.S.C. 355c(f)(6)(I)) is amended by striking
7 “subsection (a)(3)(B)” and inserting “subsection
8 (a)(4)(C)”.

9 **TITLE III—FOOD AND DRUG** 10 **ADMINISTRATION**

11 **SEC. 3001. SHORT TITLE.**

12 This title may be cited as the “Food and Drug Omni-
13 bus Reform Act of 2022”.

14 **SEC. 3002. DEFINITION.**

15 In this title, except as otherwise specified, the term
16 “Secretary” means the Secretary of Health and Human
17 Services.

18 **Subtitle A—Reauthorizations**

19 **SEC. 3101. REAUTHORIZATION OF THE CRITICAL PATH** 20 **PUBLIC-PRIVATE PARTNERSHIP.**

21 Section 566(f) of the Federal Food, Drug, and Cos-
22 metic Act (21 U.S.C. 360bbb–5(f)) is amended by striking
23 “\$1,265,753 for the period beginning on October 1, 2022
24 and ending on December 23, 2022” and inserting
25 “\$6,000,000 for each of fiscal years 2023 through 2027”.

3469

1 **SEC. 3102. REAUTHORIZATION OF THE BEST PHARMA-**
2 **CEUTICALS FOR CHILDREN PROGRAM.**

3 Section 409I(d)(1) of the Public Health Service Act
4 (42 U.S.C. 284m(d)(1)) is amended by striking
5 “\$5,273,973 for the period beginning on October 1, 2022
6 and ending on December 23, 2022” and inserting
7 “\$25,000,000 for each of fiscal years 2023 through
8 2027”.

9 **SEC. 3103. REAUTHORIZATION OF THE HUMANITARIAN DE-**
10 **VICE EXEMPTION INCENTIVE.**

11 Section 520(m)(6)(A)(iv) of the Federal Food, Drug,
12 and Cosmetic Act (21 U.S.C. 360j(m)(6)(A)(iv)) is
13 amended by striking “December 24, 2022” and inserting
14 “October 1, 2027”.

15 **SEC. 3104. REAUTHORIZATION OF THE PEDIATRIC DEVICE**
16 **CONSORTIA PROGRAM.**

17 Section 305(e) of the Food and Drug Administration
18 Amendments Act of 2007 (Public Law 110–85; 42 U.S.C.
19 282 note) is amended by striking “\$1,107,534 for the pe-
20 riod beginning on October 1, 2022, and ending on Decem-
21 ber 23, 2022” and inserting “\$7,000,000 for each of fiscal
22 years 2023 through 2027”.

3470

1 **SEC. 3105. REAUTHORIZATION OF PROVISION PERTAINING**
2 **TO DRUGS CONTAINING SINGLE**
3 **ENANTIOMERS.**

4 Section 505(u) of the Federal Food, Drug, and Cos-
5 metic Act (21 U.S.C. 355(u)) is amended—

6 (1) in paragraph (1)(A)(ii)(II), by adding
7 “(other than bioavailability studies)” after “any clin-
8 ical investigations”; and

9 (2) in paragraph (4), by striking “December
10 24, 2022” and inserting “October 1, 2027”.

11 **SEC. 3106. REAUTHORIZATION OF CERTAIN DEVICE IN-**
12 **SPECTIONS.**

13 Section 704(g)(11) of the Federal Food, Drug, and
14 Cosmetic Act (21 U.S.C. 374(g)(11)) is amended by strik-
15 ing “December 24, 2022” and inserting “October 1,
16 2027”.

17 **SEC. 3107. REAUTHORIZATION OF ORPHAN DRUG GRANTS.**

18 Section 5 of the Orphan Drug Act (21 U.S.C. 360ee)
19 is amended—

20 (1) in subsection (a)—

21 (A) by striking “and (3)” and inserting
22 “(3)”; and

23 (B) by inserting before the period at the
24 end the following: “, and (4) developing regu-
25 latory science pertaining to the chemistry, man-
26 ufacturing, and controls of individualized med-

3471

1 ical products to treat individuals with rare dis-
2 eases or conditions”; and

3 (2) in subsection (c), by striking “\$6,328,767
4 for the period beginning on October 1, 2022, and
5 ending on December 23, 2022” and inserting
6 “\$30,000,000 for each of fiscal years 2023 through
7 2027”.

8 **SEC. 3108. REAUTHORIZATION OF REPORTING REQUIRE-**
9 **MENTS RELATED TO PENDING GENERIC**
10 **DRUG APPLICATIONS AND PRIORITY REVIEW**
11 **APPLICATIONS.**

12 Section 807 of the FDA Reauthorization Act of 2017
13 (Public Law 115–52) is amended, in the matter preceding
14 paragraph (1), by striking “December 23, 2022” and in-
15 serting “October 1, 2027”.

16 **SEC. 3109. REAUTHORIZATION OF THIRD-PARTY REVIEW**
17 **PROGRAM.**

18 Section 523(c) of the Federal Food, Drug, and Cos-
19 metic Act (21 U.S.C. 360m(c)) is amended by striking
20 “December 24, 2022” and inserting “on October 1, 2027”
21 .

3472

1 **Subtitle B—Drugs and Biologics**
2 **CHAPTER 1—RESEARCH, DEVELOPMENT,**
3 **AND COMPETITION IMPROVEMENTS**

4 **SEC. 3201. PROMPT REPORTS OF MARKETING STATUS BY**
5 **HOLDERS OF APPROVED APPLICATIONS FOR**
6 **BIOLOGICAL PRODUCTS.**

7 (a) IN GENERAL.—Section 506I of the Federal Food,
8 Drug, and Cosmetic Act (21 U.S.C. 356i) is amended—

9 (1) in subsection (a)—

10 (A) in the matter preceding paragraph (1),
11 by striking “The holder of an application ap-
12 proved under subsection (c) or (j) of section
13 505” and inserting “The holder of an applica-
14 tion approved under subsection (c) or (j) of sec-
15 tion 505 of this Act or subsection (a) or (k) of
16 section 351 of the Public Health Service Act”;

17 (B) in paragraph (2), by striking “estab-
18 lished name” and inserting “established name
19 (or, in the case of a biological product, the
20 proper name)”; and

21 (C) in paragraph (3), by striking “or ab-
22 breviated application number” and inserting “,
23 abbreviated application number, or biologics li-
24 cense application number”; and

25 (2) in subsection (b)—

1 (A) in the matter preceding paragraph (1),
2 by striking “The holder of an application ap-
3 proved under subsection (c) or (j)” and insert-
4 ing “The holder of an application approved
5 under subsection (c) or (j) of section 505 of
6 this Act or subsection (a) or (k) of section 351
7 of the Public Health Service Act”;

8 (B) in paragraph (1), by striking “estab-
9 lished name” and inserting “established name
10 (or, in the case of a biological product, the
11 proper name)”; and

12 (C) in paragraph (2), by striking “or ab-
13 breviated application number” and inserting “,
14 abbreviated application number, or biologics li-
15 cense application number”.

16 (b) **ADDITIONAL ONE-TIME REPORT.**—Subsection
17 (c) of section 506I of the Federal Food, Drug, and Cos-
18 metic Act (21 U.S.C. 356i) is amended to read as follows:

19 “(c) **ADDITIONAL ONE-TIME REPORT.**—Within 180
20 days of the date of enactment of the Food and Drug Om-
21 nibus Reform Act of 2022, all holders of applications ap-
22 proved under subsection (a) or (k) of section 351 of the
23 Public Health Service Act shall review the information in
24 the list published under section 351(k)(9)(A) of the Public

3474

1 Health Service Act and shall submit a written notice to
2 the Secretary—

3 “(1) stating that all of the application holder’s
4 biological products in the list published under such
5 section 351(k)(9)(A) that are not listed as discon-
6 tinued are available for sale; or

7 “(2) including the information required pursu-
8 ant to subsection (a) or (b), as applicable, for each
9 of the application holder’s biological products that
10 are in the list published under such section
11 351(k)(9)(A) and not listed as discontinued, but
12 have been discontinued from sale or never have been
13 available for sale.”.

14 (c) PURPLE BOOK.—Section 506I of the Federal
15 Food, Drug, and Cosmetic Act (21 U.S.C. 356i) is amend-
16 ed—

17 (1) by striking subsection (d) and inserting the
18 following:

19 “(d) FAILURE TO MEET REQUIREMENTS.—If a hold-
20 er of an approved application fails to submit the informa-
21 tion required under subsection (a), (b), or (c), the Sec-
22 retary may—

23 “(1) move the application holder’s drugs from
24 the active section of the list published under section
25 505(j)(7)(A) to the discontinued section of the list,

3475

1 except that the Secretary shall remove from the list
2 in accordance with section 505(j)(7)(C) drugs the
3 Secretary determines have been withdrawn from sale
4 for reasons of safety or effectiveness; and

5 “(2) identify the application holder’s biological
6 products as discontinued in the list published under
7 section 351(k)(9)(A) of the Public Health Service
8 Act, except that the Secretary shall remove from the
9 list in accordance with section 351(k)(9)(B) of such
10 Act biological products for which the license has
11 been revoked or suspended for reasons of safety, pu-
12 rity, or potency.”; and

13 (2) in subsection (e)—

14 (A) by inserting after the first sentence the
15 following: “The Secretary shall update the list
16 published under section 351(k)(9)(A) of the
17 Public Health Service Act based on information
18 provided under subsections (a), (b), and (c) by
19 identifying as discontinued biological products
20 that are not available for sale, except that bio-
21 logical products for which the license has been
22 revoked or suspended for safety, purity, or po-
23 tency reasons shall be removed from the list in
24 accordance with section 351(k)(9)(B) of the
25 Public Health Service Act.”;

3476

1 (B) by striking “monthly updates to the
2 list” and inserting “monthly updates to the lists
3 referred to in the preceding sentences”; and

4 (C) by striking “and shall update the list
5 based on” and inserting “and shall update such
6 lists based on”.

7 (d) **TECHNICAL CORRECTIONS.**—Section 506I(e) of
8 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
9 356i(e)) is amended—

10 (1) by striking “subsection 505(j)(7)(A)” and
11 inserting “section 505(j)(7)(A)”; and

12 (2) by striking “subsection 505(j)(7)(C)” and
13 inserting “section 505(j)(7)(C)”.

14 **SEC. 3202. IMPROVING THE TREATMENT OF RARE DIS-**
15 **EASES AND CONDITIONS.**

16 (a) **REPORT ON ORPHAN DRUG PROGRAM.**—

17 (1) **IN GENERAL.**—Not later than September
18 30, 2026, the Secretary shall submit to the Com-
19 mittee on Energy and Commerce of the House of
20 Representatives and the Committee on Health, Edu-
21 cation, Labor, and Pensions of the Senate a report
22 summarizing the activities of the Food and Drug
23 Administration, with respect to the period of fiscal
24 years 2023 through fiscal year 2025, related to des-
25 ignating drugs under section 526 of the Federal

3477

1 Food, Drug, and Cosmetic Act (21 U.S.C. 360bb)
2 for a rare disease or condition and approving such
3 drugs under section 505 of such Act (21 U.S.C.
4 355) or licensing such drugs under section 351 of
5 the Public Health Service Act (42 U.S.C. 262), in-
6 cluding—

7 (A) the number of applications for such
8 drugs under section 505 of the Federal Food,
9 Drug, and Cosmetic Act (21 U.S.C. 355) or
10 section 351 of the Public Health Service Act
11 (42 U.S.C. 262) received by the Food and Drug
12 Administration, the number of such applica-
13 tions accepted and rejected for filing, and the
14 numbers of such applications pending, ap-
15 proved, and for which a complete response let-
16 ter has been issued by the Food and Drug Ad-
17 ministration;

18 (B) the number of applications for which
19 the sponsor requested written recommendations
20 pursuant to section 525 of the Federal Food,
21 Drug, and Cosmetic Act (21 U.S.C. 360aa) and
22 the number of such applications for which the
23 sponsor received such written recommendations;

24 (C) a description of trends in drug approv-
25 als for rare diseases and conditions across re-

3478

1 view divisions at the Food and Drug Adminis-
2 tration;

3 (D) the extent to which the Food and
4 Drug Administration is consulting with external
5 experts pursuant to section 569(a)(2) of the
6 Federal Food, Drug, and Cosmetic Act (21
7 U.S.C. 360bbb–8(a)(2)) on topics pertaining to
8 drugs for a rare disease or condition, including
9 how and when any such consultation is occur-
10 ring;

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
15 (21 U.S.C. 360ff–1); and

16 (F) a description of the Food and Drug
17 Administration’s efforts to promote best prac-
18 tices in the development of novel treatments for
19 rare diseases 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.

1 (2) PUBLIC AVAILABILITY.—The Secretary
2 shall make the report under paragraph (1) available
3 to the public, including by posting the report on the
4 website of the Food and Drug Administration.

5 (3) INFORMATION DISCLOSURE.—Nothing in
6 this subsection shall be construed to authorize the
7 disclosure of information that is prohibited from dis-
8 closure under section 301(j) of the Federal Food,
9 Drug, and Cosmetic Act (21 U.S.C. 331(j)) or sec-
10 tion 1905 of title 18, United States Code, or subject
11 to withholding under paragraph (4) of section
12 552(b) of title 5, United States Code (commonly re-
13 ferred to as the “Freedom of Information Act”).

14 (b) GUIDANCE.—Not later than 9 months after the
15 date of enactment of this Act, the Secretary shall publish
16 final guidance related to the draft guidance titled, “Rare
17 Diseases: Common Issues in Drug Development”, issued
18 on 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
23 into a contract with the National Academies of
24 Sciences, Engineering, and Medicine (referred to in
25 this section as the “National Academies”) to con-

1 duct a study on processes for evaluating the safety
2 and efficacy of drugs for rare diseases or conditions
3 in the United States and the European Union, in-
4 cluding—

5 (A) flexibilities, authorities, or mechanisms
6 available to regulators in the United States and
7 the European Union specific to rare diseases or
8 conditions;

9 (B) the consideration and use of supple-
10 mental data submitted during review processes
11 in the United States and the European Union,
12 including data associated with open label exten-
13 sion studies and expanded access programs spe-
14 cific to rare diseases or conditions;

15 (C) an assessment of collaborative efforts
16 between United States and European Union
17 regulators related to—

18 (i) product development programs
19 under review;

20 (ii) policies under development and
21 those recently issued; and

22 (iii) scientific information related to
23 product development or regulation; and

1 (D) recommendations for how Congress
2 can support collaborative efforts described in
3 subparagraph (C).

4 (2) CONSULTATION.—The contract under para-
5 graph (1) shall provide for consultation with relevant
6 stakeholders, including—

7 (A) representatives from the Food and
8 Drug Administration and the European Medi-
9 cines Agency;

10 (B) patients with rare diseases or condi-
11 tions; and

12 (C) patient groups that—

13 (i) represent patients with rare dis-
14 eases or conditions; and

15 (ii) have international patient out-
16 reach.

17 (3) REPORT.—The contract under paragraph
18 (1) shall provide for, not later than 2 years after the
19 date of entering into such contract—

20 (A) the completion of the study under
21 paragraph (1); and

22 (B) the submission of a report on the re-
23 sults of such study to the Committee on Energy
24 and Commerce of the House of Representatives

1 and the Committee on Health, Education,
2 Labor, and Pensions of the Senate.

3 (4) PUBLIC AVAILABILITY.—The contract under
4 paragraph (1) shall provide for the National Acad-
5 emies to make the report under paragraph (3) avail-
6 able to the public, including by posting the report on
7 the website of the National Academies.

8 (d) PUBLIC MEETING.—

9 (1) IN GENERAL.—Not later than December 31,
10 2023, the Secretary, acting through the Commis-
11 sioner of Food and Drugs, shall convene one or more
12 public meetings to solicit input from stakeholders re-
13 garding the approaches described in paragraph (2).

14 (2) APPROACHES.—The public meeting or
15 meetings under paragraph (1) shall address ap-
16 proaches to increasing and improving engagement
17 with rare disease or condition patients, groups rep-
18 resenting such patients, rare disease or condition ex-
19 perts, and experts on small population studies, in
20 order to improve the understanding with respect to
21 rare diseases or conditions of—

22 (A) patient burden;

23 (B) treatment options; and

24 (C) side effects of treatments, including
25 understanding the risks of side effects relative

1 to the health status of the patient and the pro-
2 gression of the disease or condition.

3 (3) PUBLIC DOCKET.—The Secretary shall es-
4 tablish a public docket to receive written comments
5 related to the approaches addressed during each
6 public meeting under paragraph (1). Such public
7 docket shall remain open for 60 days following the
8 date of each such public meeting.

9 (4) REPORTS.—Not later than 180 days after
10 each public meeting under paragraph (1), the Com-
11 missioner of Food and Drugs shall develop and pub-
12 lish on the website of the Food and Drug Adminis-
13 tration a report on—

14 (A) the approaches discussed at the public
15 meeting; and

16 (B) any related recommendations.

17 (e) CONSULTATION ON THE SCIENCE OF SMALL POP-
18 ULATION STUDIES.—Section 569(b) of the Federal Food,
19 Drug, and Cosmetic Act (21 U.S.C. 360bbb–8(b)) is
20 amended—

21 (1) in paragraph (6), by striking “; and” and
22 inserting a semicolon;

23 (2) in paragraph (7), by striking the period and
24 inserting “; and”; and

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

1 “(8) the science of small population studies.”.

2 (f) GAO REPORT.—

3 (1) IN GENERAL.—Not later than 18 months
4 after the date of enactment of this Act, the Comp-
5 troller General of the United States shall submit to
6 the Committee on Health, Education, Labor, and
7 Pensions of the Senate and the Committee on En-
8 ergy and Commerce of the House of Representa-
9 tives, a report assessing the policies, practices, and
10 programs of the Food and Drug Administration with
11 respect to the review of applications for approval of
12 drugs under section 505 of the Federal Food, Drug,
13 and Cosmetic Act (21 U.S.C. 355) and licensing of
14 biological products under section 351 of the Public
15 Health Service Act (42 U.S.C. 262) intended to
16 treat rare diseases and conditions.

17 (2) CONTENT OF REPORT.—The report under
18 paragraph (1) shall—

19 (A) describe the activities of the Food and
20 Drug Administration dedicated to the develop-
21 ment and review of drugs and biological prod-
22 ucts intended to treat rare diseases and condi-
23 tions under section 505 of the Federal Food,
24 Drug, and Cosmetic Act (21 U.S.C. 355) and

3485

1 section 351 of the Public Health Service Act
2 (42 U.S.C. 262);

3 (B) describe challenges with developing
4 and obtaining approval or licensure of drugs
5 and biological products intended to treat rare
6 diseases and conditions, such as challenges re-
7 lated to designing and conducting clinical trials,
8 clinical trial subject recruitment and enroll-
9 ment, study endpoints, and ensuring data qual-
10 ity, assessing the benefit-risk profile of drugs
11 and biological products intended to treat rare
12 diseases and conditions, and meeting require-
13 ments for approval or licensure;

14 (C) assess the effectiveness of policies and
15 practices of the Food and Drug Administration
16 related to the review of applications for drugs
17 and biological products intended to treat rare
18 diseases and conditions, including—

19 (i) initiatives to support the develop-
20 ment and review of drugs and biological
21 products intended to treat rare diseases
22 and conditions, including initiatives related
23 to regulatory science, clinical trial design,
24 statistical analysis, and other relevant top-
25 ics;

3486

1 (ii) consideration of relevant patient-
2 focused drug development data and infor-
3 mation, including patient experience data
4 and the views of patients, pursuant to sec-
5 tion 569C of the Federal Food, Drug, and
6 Cosmetic Act (21 U.S.C. 360bbb–8c);

7 (iii) training and other efforts to en-
8 sure the expertise of personnel of the Food
9 and Drug Administration regarding the re-
10 view of applications for drugs and biologi-
11 cal products intended to treat rare diseases
12 and conditions; and

13 (iv) consultations and engagement
14 with stakeholders and external experts pur-
15 suant to section 569 of the Federal Food,
16 Drug, and Cosmetic Act (21 U.S.C.
17 360bbb–8);

18 (D) assess the extent to which the Food
19 and Drug Administration is applying the poli-
20 cies and practices described in subparagraph
21 (C) consistently across review divisions, and the
22 factors that influence the extent to which such
23 application is consistent; and

24 (E) include recommendations to address
25 challenges and deficiencies identified, including

1 recommendations to improve the effectiveness,
2 consistency, and coordination of policies, prac-
3 tices, and programs of the Food and Drug Ad-
4 ministration related to the review of applica-
5 tions for drugs and biological products intended
6 to treat rare diseases and conditions.

7 (g) DEFINITION.—In this section, the terms “rare
8 disease or condition”, “rare diseases or conditions”, and
9 “rare diseases and conditions” have the meaning given the
10 term “rare disease or condition” in section 526(a)(2) of
11 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
12 360bbb(a)(2)).

13 **SEC. 3203. EMERGING TECHNOLOGY PROGRAM.**

14 Chapter V of the Federal Food, Drug, and Cosmetic
15 Act (21 U.S.C. 201 et seq.) is amended by inserting after
16 section 566 of such Act (21 U.S.C. 360bbb–5) the fol-
17 lowing:

18 **“SEC. 566A. EMERGING TECHNOLOGY PROGRAM.**

19 “(a) PROGRAM ESTABLISHMENT.—

20 “(1) IN GENERAL.—The Secretary shall estab-
21 lish a program to support the adoption of, and im-
22 prove the development of, innovative approaches to
23 drug design and manufacturing.

24 “(2) ACTIONS.—In carrying out the program
25 under paragraph (1), the Secretary may—

3488

1 “(A) facilitate and increase communication
2 between public and private entities, consortia,
3 and individuals with respect to innovative drug
4 product design and manufacturing;

5 “(B) solicit information regarding, and
6 conduct or support research on, innovative ap-
7 proaches to drug product design and manufac-
8 turing;

9 “(C) convene meetings with representatives
10 of industry, academia, other Federal agencies,
11 international agencies, and other interested per-
12 sons, as appropriate;

13 “(D) convene working groups to support
14 drug product design and manufacturing re-
15 search and development;

16 “(E) support education and training for
17 regulatory staff and scientists related to innova-
18 tive approaches to drug product design and
19 manufacturing;

20 “(F) advance regulatory science related to
21 the development and review of innovative ap-
22 proaches to drug product design and manufac-
23 turing;

24 “(G) convene or participate in working
25 groups to support the harmonization of inter-

3489

1 national regulatory requirements related to in-
2 novative approaches to drug product design and
3 manufacturing; and

4 “(H) award grants or contracts to carry
5 out or support the program under paragraph
6 (1).

7 “(3) GRANTS AND CONTRACTS.—To seek a
8 grant or contract under this section, an entity shall
9 submit an application—

10 “(A) in such form and manner as the Sec-
11 retary may require; and

12 “(B) containing such information as the
13 Secretary may require, including a description
14 of—

15 “(i) how the entity will conduct the
16 activities to be supported through the
17 grant or contract; and

18 “(ii) how such activities will further
19 research and development related to, or
20 adoption of, innovative approaches to drug
21 product design and manufacturing.

22 “(b) GUIDANCE.—The Secretary shall—

23 “(1) issue or update guidance to help facilitate
24 the adoption of, and advance the development of, in-

1 novative approaches to drug product design and
2 manufacturing; and

3 “(2) include in such guidance descriptions of—

4 “(A) any regulatory requirements related
5 to the development or review of technologies re-
6 lated to innovative approaches to drug product
7 design and manufacturing, including updates
8 and improvements to such technologies after
9 product approval; and

10 “(B) data that can be used to demonstrate
11 the identity, safety, purity, and potency of
12 drugs manufactured using such technologies.

13 “(c) REPORT TO CONGRESS.—Not later than 4 years
14 after the date of enactment of this section, the Secretary
15 shall submit to the Committee on Energy and Commerce
16 of the House of Representatives and the Committee on
17 Health, Education, Labor, and Pensions of the Senate a
18 report containing—

19 “(1) an annual accounting of the allocation of
20 funds made available to carry out this section;

21 “(2) a description of how Food and Drug Ad-
22 ministration staff were utilized to carry out this sec-
23 tion and, as applicable, any challenges or limitations
24 related to staffing;

1 “(3) the number of public meetings held or par-
2 ticipated in by the Food and Drug Administration
3 pursuant to this section, including meetings con-
4 vened as part of a working group described in sub-
5 paragraph (D) or (G) of subsection (a)(2), and the
6 topics of each such meeting; and

7 “(4) the number of drug products approved or
8 licensed, after the date of enactment of this section,
9 using an innovative approach to drug product design
10 and manufacturing.”.

11 **SEC. 3204. NATIONAL CENTERS OF EXCELLENCE IN AD-**
12 **VANCED AND CONTINUOUS PHARMA-**
13 **CEUTICAL MANUFACTURING.**

14 (a) IN GENERAL.—Section 3016 of the 21st Century
15 Cures Act (21 U.S.C. 399h) is amended to read as follows:

16 **“SEC. 3016. NATIONAL CENTERS OF EXCELLENCE IN AD-**
17 **VANCED AND CONTINUOUS PHARMA-**
18 **CEUTICAL MANUFACTURING.**

19 “(a) IN GENERAL.—The Secretary of Health and
20 Human Services, acting through the Commissioner of
21 Food and Drugs—

22 “(1) may, to support the advancement, develop-
23 ment, and implementation of advanced and contin-
24 uous pharmaceutical manufacturing—

1 “(A) solicit requests for designation as Na-
2 tional Centers of Excellence in Advanced and
3 Continuous Pharmaceutical Manufacturing (in
4 this section referred to as a ‘National Center of
5 Excellence’);

6 “(B) beginning not later than one year
7 after the date of enactment of the Food and
8 Drug Omnibus Reform Act of 2022, designate
9 as National Centers of Excellence institutions
10 of higher education or consortia of institutions
11 of higher education that—

12 “(i) request such designation; and

13 “(ii) meet the eligibility criteria speci-
14 fied in subsection (c); and

15 “(C) award grants to such institutions or
16 consortia of institutions; and

17 “(2) shall so designate not more than 5 institu-
18 tions of higher education or consortia of such insti-
19 tutions.

20 “(b) REQUEST FOR DESIGNATION.—A request for
21 designation under subsection (a) shall be made to the Sec-
22 retary at such time, in such manner, and containing such
23 information as the Secretary may require.

24 “(c) ELIGIBILITY CRITERIA FOR DESIGNATION.—To
25 be eligible to receive a designation under this section, an

1 institution of higher education or consortium of institu-
2 tions of higher education shall include in its request for
3 designation a description of the institution's or consor-
4 tium's—

5 “(1) physical capacity and technical capabilities
6 to conduct advanced research on, and to develop and
7 implement, advanced and continuous pharmaceutical
8 manufacturing;

9 “(2) collaboration or partnerships with other in-
10 stitutions of higher education, nonprofit organiza-
11 tions, and large and small pharmaceutical manufac-
12 turers, including generic and nonprescription manu-
13 facturers, contract manufacturers, and other rel-
14 evant entities;

15 “(3) proven capacity to design, develop, imple-
16 ment, and demonstrate new, highly effective tech-
17 nologies for use in advanced and continuous phar-
18 maceutical manufacturing;

19 “(4) proven ability to facilitate training of a
20 qualified workforce for advanced research on, and
21 development and implementation of, advanced and
22 continuous pharmaceutical manufacturing; and

23 “(5)(A) experience in participating in and lead-
24 ing advanced and continuous pharmaceutical manu-
25 facturing technology partnerships with other institu-

1 tions of higher education, nonprofit organizations,
2 and large and small pharmaceutical manufacturers,
3 including generic and nonprescription manufactur-
4 ers, contract manufacturers, and other relevant enti-
5 ties to—

6 “(i) support the implementation of ad-
7 vanced or continuous pharmaceutical manufact-
8 turing for companies manufacturing or seeking
9 to manufacture in the United States;

10 “(ii) support Federal agencies with tech-
11 nical assistance and workforce training, which
12 may include regulatory and quality metric guid-
13 ance as applicable, and hands-on training, for
14 advanced and continuous pharmaceutical manu-
15 facturing;

16 “(iii) organize and conduct advanced re-
17 search and development activities, with respect
18 to advanced or continuous pharmaceutical man-
19 ufacturing, needed to develop new and more ef-
20 fective technology, and to develop and support
21 technological leadership;

22 “(iv) develop best practices for designing,
23 developing, and implementing advanced and
24 continuous pharmaceutical manufacturing proc-
25 esses; and

1 “(v) identify and assess workforce needs
2 for advanced and continuous pharmaceutical
3 manufacturing, and address such workforce
4 needs, which may include the development and
5 implementing of training programs; or

6 “(B) a plan, to be implemented within 2 years,
7 to establish partnerships described in subparagraph
8 (A).

9 “(d) TERMINATION OF DESIGNATION.—The Sec-
10 retary may terminate the designation of any National Cen-
11 ter of Excellence designated under this section if the Sec-
12 retary determines such National Center of Excellence no
13 longer meets the criteria specified in subsection (c). Not
14 later than 90 days before the effective date of such a ter-
15 mination, the Secretary shall provide written notice to the
16 National Center of Excellence, including the rationale for
17 such termination.

18 “(e) CONDITIONS FOR DESIGNATION.—As a condi-
19 tion of designation as a National Center of Excellence
20 under this section, the Secretary shall require that an in-
21 stitution of higher education or consortium of institutions
22 of higher education enter into an agreement with the Sec-
23 retary under which the institution or consortium agrees—

1 “(1) to collaborate directly with the Food and
2 Drug Administration to publish the reports required
3 by subsection (g);

4 “(2) to share data with the Food and Drug Ad-
5 ministration regarding best practices and research
6 generated through the funding under subsection (f);

7 “(3) to develop, along with industry partners
8 (which may include large and small pharmaceutical
9 manufacturers, including generic and nonprescrip-
10 tion manufacturers, and contract research organiza-
11 tions or contract manufacturers that carry out drug
12 development and manufacturing activities) and an-
13 other institution or consortium designated under this
14 section, if any, a strategic plan for developing an ad-
15 vanced and continuous pharmaceutical manufac-
16 turing workforce;

17 “(4) to develop, along with industry partners
18 and other institutions or consortia of such institu-
19 tions designated under this section, a strategic plan
20 for strengthening existing, and developing new, part-
21 nerships with other institutions of higher education
22 or consortia thereof, or nonprofit organizations; and

23 “(5) to provide an annual report to the Food
24 and Drug Administration regarding the designee’s
25 activities under this section, including a description

1 of how the designee continues to meet and make
2 progress on the criteria specified in subsection (c).

3 “(f) FUNDING.—

4 “(1) IN GENERAL.—The Secretary shall award
5 funding, through grants, contracts, or cooperative
6 agreements, to the entities designated as National
7 Centers of Excellence under this section for the pur-
8 poses of supporting the advanced research on, and
9 development and implementation of, advanced and
10 continuous pharmaceutical manufacturing, and rec-
11 ommending improvements to advanced and contin-
12 uous pharmaceutical manufacturing, including—

13 “(A) expanding capacity for advanced re-
14 search on, and development of, advanced and
15 continuous pharmaceutical manufacturing; and

16 “(B) implementing advanced research ca-
17 pacity and capabilities in advanced and contin-
18 uous pharmaceutical manufacturing suitable for
19 accelerating the development of drug products
20 needed to respond to public health threats, miti-
21 gate or prevent drug shortages, address drug
22 quality issues and supply chain disruptions, and
23 other circumstances with respect to which the
24 Secretary may determine the rapid development

1 of new products or new manufacturing proc-
2 esses may be appropriate.

3 “(2) CONSISTENCY WITH FDA MISSION.—As a
4 condition on receipt of funding under this sub-
5 section, a National Center of Excellence shall con-
6 sider any input from the Secretary regarding the use
7 of funding related to—

8 “(A) best practices to increase, and provide
9 for the advancement of, advanced and contin-
10 uous pharmaceutical manufacturing through
11 the National Center of Excellence; and

12 “(B) the extent to which activities con-
13 ducted by the National Center of Excellence are
14 consistent with the mission of the Food and
15 Drug Administration.

16 “(3) RULE OF CONSTRUCTION.—Nothing in
17 this section shall be construed as precluding a Na-
18 tional Center for Excellence designated under this
19 section from receiving funds under any other provi-
20 sion of this Act or any other Federal law.

21 “(g) ANNUAL REVIEW AND REPORTS.—

22 “(1) ANNUAL REPORT TO CONGRESS.—Begin-
23 ning not later than one year after the date on which
24 the first designation is made under subsection (a),
25 and annually thereafter, the Secretary shall—

1 “(A) submit to Congress a report describ-
2 ing the activities, partnerships and collabora-
3 tions, Federal policy recommendations, previous
4 and continuing funding, and findings of, and
5 any other applicable information from, the Na-
6 tional Centers of Excellence designated under
7 this section;

8 “(B) include in such report an accounting
9 of the Federal administrative expenses de-
10 scribed in subsection (i)(2) over the reporting
11 period; and

12 “(C) make such report available to the
13 public in an easily accessible electronic format
14 on the website of the Food and Drug Adminis-
15 tration.

16 “(2) CENTER OF EXCELLENCE REPORT.—An
17 entity receiving a grant under this section shall, not
18 later than 1 year after receiving such grant, and an-
19 nually thereafter for the duration of the grant pe-
20 riod, submit to the Secretary a summary of pro-
21 grams and activities funded under the grant.

22 “(3) PERIODIC REVIEW.—The Secretary shall
23 periodically review the National Centers of Excel-
24 lence designated under this section to ensure that

1 such National Centers of Excellence continue to
2 meet the criteria for designation under this section.

3 “(4) ADDITIONAL REPORT TO CONGRESS.—Not
4 later than 1 year after the date on which the first
5 designation is made under subsection (a), the Sec-
6 retary, in consultation with the National Centers of
7 Excellence designated under this section, shall sub-
8 mit a report to the Congress on the role of the Food
9 and Drug Administration in supporting advanced
10 and continuous pharmaceutical manufacturing, in-
11 cluding—

12 “(A) a national framework of principles re-
13 lated to the implementation of advanced and
14 continuous pharmaceutical manufacturing;

15 “(B) a plan for the development of Federal
16 regulations and guidance to support and facili-
17 tate the incorporation of advanced or contin-
18 uous manufacturing into the development of
19 pharmaceuticals;

20 “(C) a plan for development of Federal
21 regulations or guidance related to the review of
22 advanced and continuous pharmaceutical manu-
23 facturing, including how such manufacturing
24 practices may be incorporated into the review of
25 medical product applications; and

1 “(D) a summary of relevant feedback re-
2 lated to improving advanced and continuous
3 pharmaceutical manufacturing solicited from
4 the public, which may include other institutions
5 of higher education, nonprofit organizations,
6 and large and small pharmaceutical manufac-
7 turers, including generic and nonprescription
8 manufacturers, and contract manufacturers,
9 and other relevant entities.

10 “(h) DEFINITIONS.—In this section:

11 “(1) ADVANCED AND CONTINUOUS PHARMA-
12 CEUTICAL MANUFACTURING.—The term ‘advanced
13 and continuous pharmaceutical manufacturing’ re-
14 fers to a method of pharmaceutical manufacturing,
15 or a combination of pharmaceutical manufacturing
16 methods—

17 “(A) that incorporates a novel technology,
18 or uses an established technique or technology
19 in a new or innovative way, that enhances drug
20 quality or improves the manufacturing process
21 for a drug, including processes that may apply
22 to advanced therapies and the production of bi-
23 ological products, such as cell and gene thera-
24 pies; or

3502

1 “(B) for which the input materials are con-
2 tinuously fed into and transformed within the
3 process, and the output materials are continu-
4 ously removed from the system, utilizing an in-
5 tegrated manufacturing process that consists of
6 a series of 2 or more simultaneous unit oper-
7 ations.

8 “(2) BIOLOGICAL PRODUCT.—The term ‘bio-
9 logical product’ has the meaning given such term in
10 section 351(i) of the Public Health Service Act (42
11 U.S.C. 262(i)).

12 “(3) DRUG.—The term ‘drug’ has the meaning
13 given such term in section 201(g) of the Federal
14 Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)).

15 “(4) INSTITUTION OF HIGHER EDUCATION.—
16 The term ‘institution of higher education’ has the
17 meaning given such term in section 101(a) of the
18 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

19 “(5) SECRETARY.—The term ‘Secretary’ means
20 the Secretary of Health and Human Services.

21 “(i) AUTHORIZATION OF APPROPRIATIONS.—

22 “(1) IN GENERAL.—There is authorized to be
23 appropriated to carry out this section \$100,000,000
24 for the period of fiscal years 2023 through 2027.

3503

1 “(2) FEDERAL ADMINISTRATIVE EXPENSES.—
2 Of the amounts made available to carry out this sec-
3 tion for a fiscal year, the Secretary shall not use
4 more than 8 percent for Federal administrative ex-
5 penses, including training, technical assistance, re-
6 porting, and evaluation.”.

7 (b) TRANSITION RULE.—Section 3016 of the 21st
8 Century Cures Act (21 U.S.C. 399h), as in effect on the
9 day before the date of the enactment of this section, shall
10 apply with respect to grants awarded under such section
11 before such date of enactment.

12 (c) CLERICAL AMENDMENT.—The item relating to
13 section 3016 in the table of contents in section 1(b) of
14 the 21st Century Cures Act (Public Law 114–255) is
15 amended to read as follows:

 “Sec. 3016. National Centers of Excellence in Advanced and Continuous Phar-
 maceutical Manufacturing.”.

16 **SEC. 3205. PUBLIC WORKSHOP ON CELL THERAPIES.**

17 Not later than 3 years after the date of the enact-
18 ment of this Act, the Secretary, acting through the Com-
19 missioner of Food and Drugs, shall convene a public work-
20 shop with relevant stakeholders to discuss best practices
21 on generating scientific data necessary to further facilitate
22 the development of certain human cell-, tissue-, and cel-
23 lular-based medical products (and the latest scientific in-
24 formation about such products) that are regulated as

1 drugs under the Federal Food, Drug, and Cosmetic Act
2 (21 U.S.C. 301 et seq.) and biological products under sec-
3 tion 351 of the Public Health Service Act (42 U.S.C. 262),
4 namely, stem cell and other cellular therapies.

5 **SEC. 3206. CLARIFICATIONS TO EXCLUSIVITY PROVISIONS**
6 **FOR FIRST INTERCHANGEABLE BIOSIMILAR**
7 **BIOLOGICAL PRODUCTS.**

8 Section 351(k)(6) of the Public Health Service Act
9 (42 U.S.C. 262(k)(6)) is amended—

10 (1) in the matter preceding subparagraph (A)—

11 (A) by striking “Upon review of” and in-
12 serting “The Secretary shall not make approval
13 as an interchangeable biological product effec-
14 tive with respect to”;

15 (B) by striking “relying on” and inserting
16 “that relies on”; and

17 (C) by striking “the Secretary shall not
18 make a determination under paragraph (4) that
19 the second or subsequent biological product is
20 interchangeable for any condition of use”; and

21 (2) in the flush text that follows subparagraph
22 (C)(ii), by striking “taken.” and inserting “taken,
23 and the term ‘first interchangeable biosimilar bio-
24 logical product’ means any interchangeable bio-
25 similar biological product that is approved on the

1 first day on which such a product is approved as
2 interchangeable with the reference product.”.

3 **SEC. 3207. GAO REPORT ON NONPROFIT PHARMACEUTICAL**
4 **ORGANIZATIONS.**

5 (a) GAO REVIEW.—The Comptroller General of the
6 United States (referred to in this section as the “Comp-
7 troller General”) shall prepare a report on—

8 (1) what is known about nonprofit pharma-
9 ceutical manufacturing organizations, including the
10 impact of such organizations on the development,
11 availability, and cost of prescription drugs in the
12 United States, which may include information with
13 respect to the capacity and capability to help prevent
14 or mitigate shortages of such drugs, and any chal-
15 lenges to manufacturing or other operations; and

16 (2) recommendations to address such chal-
17 lenges.

18 (b) REPORT.—Not later than 2 years after the date
19 of enactment of this Act, the Comptroller General shall
20 submit the report described in subsection (a) to the Com-
21 mittee on Health, Education, Labor, and Pensions of the
22 Senate and the Committee on Energy and Commerce of
23 the House of Representatives.

3506

1 **SEC. 3208. RARE DISEASE ENDPOINT ADVANCEMENT PILOT**
2 **PROGRAM.**

3 (a) IN GENERAL.—The Secretary shall establish a
4 pilot program under which the Secretary establishes proce-
5 dures to provide increased interaction with sponsors of
6 rare disease drug development programs for purposes of
7 advancing the development of efficacy endpoints, including
8 surrogate and intermediate endpoints, for drugs intended
9 to treat rare diseases, including through—

10 (1) determining eligibility of participants for
11 such program; and

12 (2) developing and implementing a process for
13 applying to, and participating in, such a program.

14 (b) PUBLIC WORKSHOPS.—The Secretary shall con-
15 duct up to 3 public workshops, which shall be completed
16 not later than September 30, 2026, to discuss topics rel-
17 evant to the development of endpoints for rare diseases,
18 which may include discussions about—

19 (1) novel endpoints developed through the pilot
20 program established under this section; and

21 (2) as appropriate, the use of real world evi-
22 dence and real world data to support the validation
23 of efficacy endpoints, including surrogate and inter-
24 mediate endpoints, for rare diseases.

25 (c) REPORTS.—

1 (1) INTERIM REPORT.—Not later than Sep-
2 tember 30, 2026, the Secretary shall submit to the
3 Committee on Health, Education, Labor, and Pen-
4 sions of the Senate and the Committee on Energy
5 and Commerce of the House of Representatives a re-
6 port describing the completed and ongoing activities
7 in the pilot program established under this section
8 and public workshops described in subsection (b).

9 (2) FINAL REPORT.—Not later than September
10 30, 2027, the Secretary shall submit to the Com-
11 mittee on Health, Education, Labor, and Pensions
12 of the Senate and the Committee on Energy and
13 Commerce of the House of Representatives a report
14 describing the outcomes of the pilot program estab-
15 lished under this section.

16 (d) GUIDANCE.—Not later than September 30, 2027,
17 the Secretary shall issue guidance describing best prac-
18 tices and strategies for development of efficacy endpoints,
19 including surrogate and intermediate endpoints, for rare
20 diseases.

21 (e) SUNSET.—The Secretary may not accept any new
22 application or request to participate in the program estab-
23 lished by this section on or after October 1, 2027.

1 **SEC. 3209. ANIMAL TESTING ALTERNATIVES.**

2 (a) IN GENERAL.—Section 505 of the Federal Food,
3 Drug, and Cosmetic Act (21 U.S.C. 355) is amended—

4 (1) in subsection (i)—

5 (A) in paragraph (1)(A), by striking “pre-
6 clinical tests (including tests on animals)” and
7 inserting “nonclinical tests”; and

8 (B) in paragraph (2)(B), by striking “ani-
9 mal” and inserting “nonclinical tests”; and

10 (2) by inserting after subsection (y) the fol-
11 lowing:

12 “(z) NONCLINICAL TEST DEFINED.—For purposes
13 of this section, the term ‘nonclinical test’ means a test con-
14 ducted in vitro, in silico, or in chemico, or a nonhuman
15 in vivo test, that occurs before or during the clinical trial
16 phase of the investigation of the safety and effectiveness
17 of a drug. Such test may include the following:

18 “(1) Cell-based assays.

19 “(2) Organ chips and microphysiological sys-
20 tems.

21 “(3) Computer modeling.

22 “(4) Other nonhuman or human biology-based
23 test methods, such as bioprinting.

24 “(5) Animal tests.”.

25 (b) BIOSIMILAR BIOLOGICAL PRODUCT APPLICA-
26 TIONS.—Item (bb) of section 351(k)(2)(A)(i)(I) of the

3509

1 Public Health Service Act (42 U.S.C. 262(k)(2)(A)(i)(I))
2 is amended to read as follows:

3 “(bb) an assessment of tox-
4 icity (which may rely on, or con-
5 sist of, a study or studies de-
6 scribed in item (aa) or (cc));
7 and”.

8 **SEC. 3210. MODERNIZING ACCELERATED APPROVAL.**

9 (a) IN GENERAL.—Section 506(c) of the Federal
10 Food, Drug, and Cosmetic Act (21 U.S.C. 356(c)) is
11 amended—

12 (1) in paragraph (2)—

13 (A) by redesignating subparagraphs (A)
14 and (B) as clauses (i) and (ii), respectively, and
15 adjusting the margins accordingly;

16 (B) by striking “Approval of a product”
17 and inserting the following:

18 “(A) IN GENERAL.—Approval of a prod-
19 uct”;

20 (C) in clause (i) of such subparagraph (A),
21 as so redesignated, by striking “appropriate
22 postapproval studies” and inserting “an appro-
23 priate postapproval study or studies”; and

24 (D) by adding at the end the following:

3510

1 “(B) STUDIES NOT REQUIRED.—If the
2 Secretary does not require that the sponsor of
3 a product approved under accelerated approval
4 conduct a postapproval study under this para-
5 graph, the Secretary shall publish on the
6 website of the Food and Drug Administration
7 the rationale for why such study is not appro-
8 priate or necessary.

9 “(C) POSTAPPROVAL STUDY CONDI-
10 TIONS.—Not later than the date of approval of
11 a product under accelerated approval, the Sec-
12 retary shall specify the conditions for a post-
13 approval study or studies required to be con-
14 ducted under this paragraph with respect to
15 such product, which may include enrollment
16 targets, the study protocol, and milestones, in-
17 cluding the target date of study completion.

18 “(D) STUDIES BEGUN BEFORE AP-
19 PROVAL.—The Secretary may require, as appro-
20 priate, a study or studies to be underway prior
21 to approval, or within a specified time period
22 after the date of approval, of the applicable
23 product.”; and
24 (2) in paragraph (3)—

1 (A) in the matter preceding subparagraph
2 (A), by striking “(as prescribed by the Sec-
3 retary in regulations which shall include an op-
4 portunity for an informal hearing)” and insert-
5 ing “described in subparagraph (B)”;

6 (B) by redesignating subparagraphs (A)
7 through (D) as clauses (i) through (iv), respec-
8 tively and adjusting the margins accordingly;

9 (C) by striking “The Secretary may” and
10 inserting the following:

11 “(A) IN GENERAL.—The Secretary may”;

12 (D) in clause (i) of such subparagraph (A),
13 as so redesignated, by striking “drug with due
14 diligence” and inserting “product with due dili-
15 gence, including with respect to conditions spec-
16 ified by the Secretary under paragraph (2)(C)”;

17 (E) in clause (iii) of such subparagraph
18 (A), as so redesignated, by inserting “shown to
19 be” after “product is not”; and

20 (F) by adding at the end the following:

21 “(B) EXPEDITED PROCEDURES DE-
22 SCRIBED.—Expedited procedures described in
23 this subparagraph shall consist of, prior to the
24 withdrawal of accelerated approval—

25 “(i) providing the sponsor with—

3512

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

“(I) due notice;

“(II) an explanation for the proposed withdrawal;

“(III) an opportunity for a meeting with the Commissioner or the Commissioner’s designee; and

“(IV) an opportunity for written appeal to—

“(aa) the Commissioner; or

“(bb) a designee of the Commissioner who has not participated in the proposed withdrawal of approval (other than a meeting pursuant to subclause (III)) and is not subordinate of an individual (other than the Commissioner) who participated in such proposed withdrawal;

“(ii) providing an opportunity for public comment on the proposal to withdraw approval;

“(iii) the publication of a summary of the public comments received, and the Secretary’s response to such comments, on the

1 website of the Food and Drug Administra-
2 tion; and

3 “(iv) convening and consulting an ad-
4 visory committee on issues related to the
5 proposed withdrawal, if requested by the
6 sponsor and if no such advisory committee
7 has previously advised the Secretary on
8 such issues with respect to the withdrawal
9 of the product prior to the sponsor’s re-
10 quest.”.

11 (b) REPORTS OF POSTMARKETING STUDIES.—Sec-
12 tion 506B(a) of the Federal Food, Drug, and Cosmetic
13 Act (21 U.S.C. 356b(a)) is amended—

14 (1) by redesignating paragraph (2) as para-
15 graph (3); and

16 (2) by inserting after paragraph (1) the fol-
17 lowing:

18 “(2) ACCELERATED APPROVAL.—Notwith-
19 standing paragraph (1), a sponsor of a drug ap-
20 proved pursuant to accelerated approval shall submit
21 to the Secretary a report of the progress of any
22 study required under section 506(c), including
23 progress toward enrollment targets, milestones, and
24 other information as required by the Secretary, not
25 later than 180 days after the approval of such drug

1 and not less frequently than every 180 days there-
2 after, until the study is completed or terminated.
3 The Secretary shall promptly publish on the website
4 of the Food and Drug Administration, in an easily
5 searchable format, the information reported under
6 this paragraph.”.

7 (c) ENFORCEMENT.—Section 301 of the Federal
8 Food, Drug, and Cosmetic Act (21 U.S.C. 331), as
9 amended by title II, is further amended by adding at the
10 end the following:

11 “(ggg) The failure of a sponsor of a product approved
12 under accelerated approval pursuant to section 506(c)—

13 “(1) to conduct with due diligence any post-
14 approval study required under section 506(c) with
15 respect to such product; or

16 “(2) to submit timely reports with respect to
17 such product in accordance with section
18 506B(a)(2).”.

19 (d) GUIDANCE.—

20 (1) IN GENERAL.—The Secretary shall issue
21 guidance describing—

22 (A) how sponsor questions related to the
23 identification of novel surrogate or intermediate
24 clinical endpoints may be addressed in early-

3515

1 stage development meetings with the Food and
2 Drug Administration;

3 (B) the use of novel clinical trial designs
4 that may be used to conduct appropriate post-
5 approval studies as may be required under sec-
6 tion 506(c)(2)(A) of the Federal Food, Drug,
7 and Cosmetic Act (21 U.S.C. 356(c)(2)(A)), as
8 amended by subsection (a);

9 (C) the expedited procedures described in
10 section 506(c)(3)(B) of the Federal Food,
11 Drug, and Cosmetic Act (21 U.S.C.
12 356(c)(3)(B)); and

13 (D) considerations related to the use of
14 surrogate or intermediate clinical endpoints
15 that may support the accelerated approval of an
16 application under 506(c)(1)(A) of such Act (21
17 U.S.C. 356(c)(1)(A)), including considerations
18 in evaluating the evidence related to any such
19 endpoints.

20 (2) FINAL GUIDANCE.—The Secretary shall
21 issue—

22 (A) draft guidance under paragraph (1)
23 not later than 18 months after the date of en-
24 actment of this Act; and

3516

1 (B) final guidance not later than 1 year
2 after the close of the public comment period on
3 such draft guidance.

4 (e) ACCELERATED APPROVAL COUNCIL.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, the Secretary
7 shall establish an intra-agency coordinating council
8 (referred to in this subsection as the “Council”)
9 within the Food and Drug Administration to ensure
10 the consistent and appropriate use of accelerated ap-
11 proval across the Food and Drug Administration,
12 pursuant to section 506(e) of the Federal Food,
13 Drug, and Cosmetic Act (21 U.S.C. 356(e)).

14 (2) MEMBERSHIP.—The members of the Coun-
15 cil shall consist of the following senior officials, or
16 a designee of such official, from the Food and Drug
17 Administration and relevant Centers:

18 (A) The Director of the Center for Drug
19 Evaluation and Research.

20 (B) The Director of the Center for Bio-
21 logics Evaluation and Research.

22 (C) The Director of the Oncology Center
23 of Excellence.

24 (D) The Director of the Office of New
25 Drugs.

3517

1 (E) The Director of the Office of Orphan
2 Products Development.

3 (F) The Director of the Office of Tissues
4 and Advanced Therapies.

5 (G) The Director of the Office of Medical
6 Policy.

7 (H) At least 3 directors of review divisions
8 or offices overseeing products approved under
9 accelerated approval, including at least one di-
10 rector within the Office of Neuroscience.

11 (3) DUTIES OF THE COUNCIL.—

12 (A) MEETINGS.—The Council shall con-
13 vene not fewer than 3 times per calendar year
14 to discuss issues related to accelerated approval,
15 including any relevant cross-disciplinary ap-
16 proaches related to product review with respect
17 to accelerated approval.

18 (B) POLICY DEVELOPMENT.—The Council
19 shall directly engage with product review teams
20 to support the consistent and appropriate use of
21 accelerated approval across the Food and Drug
22 Administration. Such engagement may in-
23 clude—

24 (i) developing guidance for Food and
25 Drug Administration staff and best prac-

1 tices for, and across, product review teams,
2 including with respect to communication
3 between sponsors and the Food and Drug
4 Administration and the review of products
5 under accelerated approval;

6 (ii) providing training for product re-
7 view teams; and

8 (iii) advising review divisions on best
9 practices with respect to product-specific
10 development, review, and withdrawal of
11 products under accelerated approval.

12 (4) PUBLICATION OF A REPORT.—Not later
13 than 1 year after the date of enactment of this Act,
14 and annually thereafter, the Council shall publish on
15 the public website of the Food and Drug Adminis-
16 tration a report on the activities of the Council.

17 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion (including the amendments made by this section)
19 shall be construed to affect ongoing withdrawal pro-
20 ceedings for products approved pursuant to section 506(c)
21 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
22 356(c)) for which a notice of proposed withdrawal has
23 been published in the Federal Register prior to the date
24 of enactment of this Act. Such proceedings may continue

1 under procedures in effect prior to the date of enactment
2 of this Act.

3 **SEC. 3211. ANTIFUNGAL RESEARCH AND DEVELOPMENT.**

4 (a) DRAFT GUIDANCE.—Not later than 3 years after
5 the date of enactment of this Act, the Secretary, acting
6 through the Commissioner of Food and Drugs, shall issue
7 draft guidance for industry for the purposes of assisting
8 entities seeking approval under section 505 of the Federal
9 Food, Drug, and Cosmetic Act (21 U.S.C. 355) or licen-
10 sure under section 351 of the Public Health Service Act
11 (42 U.S.C. 262) of antifungal therapies designed to treat
12 coccidioidomycosis (commonly known as Valley Fever).

13 (b) FINAL GUIDANCE.—Not later than 18 months
14 after the close of the public comment period on the draft
15 guidance issued pursuant to subsection (a), the Secretary,
16 acting through the Commissioner of Food and Drugs,
17 shall finalize the draft guidance.

18 (c) WORKSHOP.—To assist entities developing pre-
19 ventive vaccines for fungal infections and coccidioidomy-
20 cosis, the Secretary shall hold a public workshop.

21 **SEC. 3212. ADVANCING QUALIFIED INFECTIOUS DISEASE**
22 **PRODUCT INNOVATION.**

23 (a) IN GENERAL.—Section 505E of the Federal
24 Food, Drug, and Cosmetic Act (21 U.S.C. 355f) is amend-
25 ed—

3520

1 (1) in subsection (c)—

2 (A) in paragraph (2), by striking “; or”
3 and inserting “;”;

4 (B) in paragraph (3), by striking the pe-
5 riod and inserting “; or”; and

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

7 “(4) an application pursuant to section 351(a)
8 of the Public Health Service Act.”;

9 (2) in subsection (d)(1), by inserting “of this
10 Act or section 351(a) of the Public Health Service
11 Act” after “section 505(b)”; and

12 (3) by amending subsection (g) to read as fol-
13 lows:

14 “(g) QUALIFIED INFECTIOUS DISEASE PRODUCT.—
15 The term ‘qualified infectious disease product’ means a
16 drug (including a biological product), including an anti-
17 bacterial or antifungal drug, for human use that—

18 “(1) acts on bacteria or fungi or on substances
19 produced by such bacteria or fungi; and

20 “(2) is intended to treat a serious or life-threat-
21 ening infection, including such an infection caused
22 by—

23 “(A) an antibacterial or antifungal resist-
24 ant pathogen, including novel or emerging in-
25 fectionous pathogens; or

3521

1 “(B) qualifying pathogens listed by the
2 Secretary under subsection (f).”.

3 (b) PRIORITY REVIEW.—Section 524A(a) of the Fed-
4 eral Food, Drug, and Cosmetic Act (21 U.S.C. 360n–1(a))
5 is amended by inserting “of this Act, or section 351(a)
6 of the Public Health Service Act, that requires clinical
7 data (other than bioavailability studies) to demonstrate
8 safety or effectiveness” before the period.

9 **SEC. 3213. ADVANCED MANUFACTURING TECHNOLOGIES**
10 **DESIGNATION PROGRAM.**

11 Subchapter A of chapter V of the Federal Food,
12 Drug, and Cosmetic Act (21 U.S.C. 351 et seq.), as
13 amended by title II, is further amended by inserting after
14 section 506K the following:

15 **“SEC. 506L. ADVANCED MANUFACTURING TECHNOLOGIES**
16 **DESIGNATION PROGRAM.**

17 “(a) IN GENERAL.—Not later than 1 year after the
18 date of enactment of this section, the Secretary shall ini-
19 tiate a program under which persons may request designa-
20 tion of an advanced manufacturing technology as de-
21 scribed in subsection (b).

22 “(b) DESIGNATION PROCESS.—The Secretary shall
23 establish a process for the designation under this section
24 of methods of manufacturing drugs, including biological
25 products, and active pharmaceutical ingredients of such

1 drugs, as advanced manufacturing technologies. A method
2 of manufacturing, or a combination of manufacturing
3 methods, is eligible for designation as an advanced manu-
4 facturing technology if such method or combination of
5 methods incorporates a novel technology, or uses an estab-
6 lished technique or technology in a novel way, that will
7 substantially improve the manufacturing process for a
8 drug while maintaining equivalent, or providing superior,
9 drug quality, including by—

10 “(1) reducing development time for a drug
11 using the designated manufacturing method; or

12 “(2) increasing or maintaining the supply of—

13 “(A) a drug that is life-supporting, life-
14 sustaining, or of critical importance to pro-
15 viding health care; or

16 “(B) a drug that is on the drug shortage
17 list under section 506E.

18 “(c) EVALUATION AND DESIGNATION OF AN AD-
19 VANCED MANUFACTURING TECHNOLOGY.—

20 “(1) SUBMISSION.—A person who requests des-
21 ignation of a method of manufacturing as an ad-
22 vanced manufacturing technology under this section
23 shall submit to the Secretary data or information
24 demonstrating that the method of manufacturing
25 meets the criteria described in subsection (b) in a

1 particular context of use. The Secretary may facili-
2 tate the development and review of such data or in-
3 formation by—

4 “(A) providing timely advice to, and inter-
5 active communication with, such person regard-
6 ing the development of the method of manufac-
7 turing; and

8 “(B) involving senior managers and experi-
9 enced staff of the Food and Drug Administra-
10 tion, as appropriate, in a collaborative, cross-
11 disciplinary review of the method of manufac-
12 turing, as applicable.

13 “(2) EVALUATION AND DESIGNATION.—Not
14 later than 180 calendar days after the receipt of a
15 request under paragraph (1), the Secretary shall de-
16 termine whether to designate such method of manu-
17 facturing as an advanced manufacturing technology,
18 in a particular context of use, based on the data and
19 information submitted under paragraph (1) and the
20 criteria described in subsection (b).

21 “(d) REVIEW OF ADVANCED MANUFACTURING
22 TECHNOLOGIES.—If the Secretary designates a method of
23 manufacturing as an advanced manufacturing technology,
24 the Secretary shall—

1 “(1) expedite the development and review of an
2 application submitted under section 505 of this Act
3 or section 351 of the Public Health Service Act, in-
4 cluding supplemental applications, for drugs that are
5 manufactured using a designated advanced manufac-
6 turing technology; and

7 “(2) allow the holder of an advanced technology
8 designation, or a person authorized by the advanced
9 manufacturing technology designation holder, to ref-
10 erence or rely upon, in an application submitted
11 under section 505 of this Act or section 351 of the
12 Public Health Service Act, including a supplemental
13 application, data and information about the des-
14 ignated advanced manufacturing technology for use
15 in manufacturing drugs in the same context of use
16 for which the designation was granted.

17 “(e) IMPLEMENTATION AND EVALUATION OF AD-
18 VANCED MANUFACTURING TECHNOLOGIES PROGRAM.—

19 “(1) PUBLIC MEETING.—The Secretary shall
20 publish in the Federal Register a notice of a public
21 meeting, to be held not later than 180 days after the
22 date of enactment of this section, to discuss, and ob-
23 tain input and recommendations from relevant
24 stakeholders regarding—

3525

1 “(A) the goals and scope of the program
2 under this section, and the framework, proce-
3 dures, and requirements suitable for such pro-
4 gram; and

5 “(B) ways in which the Food and Drug
6 Administration will support the use of advanced
7 manufacturing technologies and other innova-
8 tive manufacturing approaches for drugs.

9 “(2) PROGRAM GUIDANCE.—

10 “(A) IN GENERAL.—The Secretary shall—

11 “(i) not later than 180 days after the
12 public meeting under paragraph (1), issue
13 draft guidance regarding the goals and im-
14 plementation of the program under this
15 section; and

16 “(ii) not later than 2 years after the
17 date of enactment of this section, issue
18 final guidance regarding the implementa-
19 tion of such program.

20 “(B) CONTENT.—The guidance described
21 in subparagraph (A) shall address—

22 “(i) the process by which a person
23 may request a designation under sub-
24 section (b);

1 “(ii) the data and information that a
2 person requesting such a designation is re-
3 quired to submit under subsection (c), and
4 how the Secretary intends to evaluate such
5 submissions;

6 “(iii) the process to expedite the de-
7 velopment and review of applications under
8 subsection (d); and

9 “(iv) the criteria described in sub-
10 section (b) for eligibility for such a des-
11 ignation.

12 “(3) REPORT.—Not later than 3 years after the
13 date of enactment of this section and annually there-
14 after, the Secretary shall publish on the website of
15 the Food and Drug Administration and submit to
16 the Committee on Health, Education, Labor, and
17 Pensions of the Senate and the Committee on En-
18 ergy and Commerce of the House of Representatives
19 a report containing a description and evaluation of
20 the program being conducted under this section, in-
21 cluding the types of innovative manufacturing ap-
22 proaches supported under the program. Such report
23 shall include the following:

1 “(A) The number of persons that have re-
2 quested designations and that have been grant-
3 ed 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 designa-
7 tions.

8 “(C) The average number of calendar days
9 for completion of evaluations under subsection
10 (c)(2).

11 “(D) An analysis of the factors in data
12 submissions that result in determinations to
13 designate and not to designate after evaluation
14 under subsection (c)(2).

15 “(E) The number of applications received
16 under section 505 of this Act or section 351 of
17 the Public Health Service Act, including supple-
18 mental applications, that have included an ad-
19 vanced manufacturing technology designated
20 under this section, and the number of such ap-
21 plications approved.

22 “(f) SUNSET.—The Secretary—

23 “(1) may not consider any requests for designa-
24 tion submitted under subsection (c) after October 1,
25 2032; and

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,
12 and Cosmetic Act (21 U.S.C. 355–1(e)(4)(B)) is amended
13 by striking “for purposes of rendering drugs nonretriev-
14 able (as defined in section 1300.05 of title 21, Code of
15 Federal Regulations (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
19 adding 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
22 section 503(b) for which the sole difference from a listed
23 drug relied upon in the application is a difference in inae-
24 tive ingredients not permitted under clause (iii) or (iv) of
25 section 314.94(a)(9) of title 21, Code of Federal Regula-

1 tions (or any successor regulations), the Secretary shall
2 make an evaluation with respect to whether such drug is
3 a therapeutic equivalent (as defined in section 314.3 of
4 title 21, Code of Federal Regulations (or any successor
5 regulations)) to another approved drug product in the pre-
6 scription drug product section of the list under this para-
7 graph as follows:

8 “(aa) With respect to such an application sub-
9 mitted after the date of enactment of the Food and
10 Drug Omnibus Reform Act of 2022, the evaluation
11 shall be made with respect to a listed drug relied
12 upon in the application pursuant to subsection
13 (b)(2) that is a pharmaceutical equivalent (as de-
14 fined in section 314.3 of title 21, Code of Federal
15 Regulations (or any successor regulations)) to the
16 drug in the application pursuant to subsection (b)(2)
17 at the time of approval of such application or not
18 later than 180 days after the date of such approval,
19 provided that the request for such an evaluation is
20 made in the original application (or in a resubmis-
21 sion to a complete response letter), and all necessary
22 data and information are submitted in the original
23 application (or in a resubmission in response to a
24 complete response letter) for the therapeutic equiva-
25 lence evaluation, including information to dem-

1 onstrate bioequivalence, in a form and manner pre-
2 scribed by the Secretary.

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 equiva-
8 lence evaluation submitted as part of a supplement
9 to such application; or with respect to an application
10 that was submitted prior to the date of enactment
11 of the Food and Drug Omnibus Reform Act of 2022
12 but not approved as of the date of enactment of
13 such Act, the evaluation shall be made not later
14 than 180 days after the date of approval of such ap-
15 plication if a request for such evaluation is sub-
16 mitted as an amendment to the application, provided
17 that—

18 “(AA) such request for a therapeutic
19 equivalence evaluation is being sought with re-
20 spect to a listed drug relied upon in the applica-
21 tion, and the relied upon listed drug is in the
22 prescription drug product section of the list
23 under this paragraph and is a pharmaceutical
24 equivalent (as defined in section 314.3 of title
25 21, Code of Federal Regulations (or any suc-

1 cessor regulations)) to the drug for which a
2 therapeutic equivalence evaluation is sought;
3 and

4 “(BB) the amendment or supplement, as
5 applicable, containing such request, or the rel-
6 evant application, includes all necessary data
7 and information for the therapeutic equivalence
8 evaluation, including information to dem-
9 onstrate bioequivalence, in a form and manner
10 prescribed by the Secretary.

11 “(II) When the Secretary makes an evaluation under
12 subclause (I), the Secretary shall, in revisions made to the
13 list pursuant to clause (ii), include such information for
14 such drug.”.

15 **SEC. 3223. PUBLIC DOCKET ON PROPOSED CHANGES TO**
16 **THIRD-PARTY VENDORS.**

17 (a) IN GENERAL.—

18 (1) OPENING PUBLIC DOCKET.—Not later than
19 90 days after the date of enactment of this Act, the
20 Secretary shall open a single public docket to solicit
21 comments on factors that generally should be consid-
22 ered by the Secretary when reviewing requests from
23 sponsors of drugs subject to risk evaluation and
24 mitigation strategies to change third-party vendors

1 engaged by sponsors to aid in implementation and
2 management of the strategies.

3 (2) FACTORS.—Such factors include the poten-
4 tial effects of changes in third-party vendors on—

5 (A) patient access; and

6 (B) prescribing and administration of the
7 drugs by health care providers.

8 (3) CLOSING PUBLIC DOCKET.—The Secretary
9 may close such public docket not earlier than 90
10 days after such docket is opened.

11 (4) NO DELAY.—Nothing in this section shall
12 delay agency action on any modification to a risk
13 evaluation and mitigation strategy.

14 (b) GAO REPORT.—Not later than December 31,
15 2026, the Comptroller General of the United States shall
16 submit to the Committee on Energy and Commerce of the
17 House of Representatives and the Committee on Health,
18 Education, Labor, and Pensions of the Senate a report
19 on—

20 (1) the number of changes in third-party ven-
21 dors (engaged by sponsors to aid implementation
22 and management of risk evaluation and mitigation
23 strategies) for an approved risk evaluation and miti-
24 gation strategy the Secretary has approved under

3533

1 section 505–1(h) of the Federal Food, Drug, and
2 Cosmetic Act (21 U.S.C. 355–1(h));

3 (2) any issues affecting patient access to the
4 drug that is subject to the strategy or considerations
5 with respect to the administration or prescribing of
6 such drug by health care providers that arose as a
7 result of such changes; and

8 (3) how such issues were resolved, as applica-
9 ble.

10 **SEC. 3224. ENHANCING ACCESS TO AFFORDABLE MEDI-**
11 **CINES.**

12 Section 505(j)(10)(A) of the Federal Food, Drug,
13 and Cosmetic Act (21 U.S.C. 355(j)(10)(A)) is amended
14 by striking clauses (i) through (iii) and inserting the fol-
15 lowing:

16 “(i) a revision to the labeling of the listed drug
17 has been approved by the Secretary within 90 days
18 of when the application is otherwise eligible for ap-
19 proval under this subsection;

20 “(ii) the sponsor of the application agrees to
21 submit revised labeling for the drug that is the sub-
22 ject of the application not later than 60 days after
23 approval under this subsection of the application;

1 “(iii) the labeling revision described under
2 clause (i) does not include a change to the ‘Warn-
3 ings’ section of the labeling; and”.

4 **Subtitle C—Medical Devices**

5 **SEC. 3301. DUAL SUBMISSION FOR CERTAIN DEVICES.**

6 Section 513 of the Federal Food, Drug, and Cosmetic
7 Act (21 U.S.C. 360c) is amended by adding at the end
8 the following:

9 “(k) For a device authorized for emergency use under
10 section 564 for which, in accordance with section 564(m),
11 the Secretary has deemed a laboratory examination or pro-
12 cedure associated with such device to be in the category
13 of examinations and procedures described in section
14 353(d)(3) of the Public Health Service Act, the sponsor
15 of such device may, when submitting a request for classi-
16 fication under section 513(f)(2), submit a single submis-
17 sion containing—

18 “(1) the information needed for such a request;

19 and

20 “(2) sufficient information to enable the Sec-
21 retary to determine whether such laboratory exam-
22 ination or procedure satisfies the criteria to be cat-
23 egorized under section 353(d)(3) of the Public
24 Health Service Act.”.

3535

1 **SEC. 3302. MEDICAL DEVICES ADVISORY COMMITTEE**
2 **MEETINGS.**

3 (a) IN GENERAL.—The Secretary shall convene one
4 or more panels of the Medical Devices Advisory Committee
5 not less than once per year for the purpose of providing
6 advice to the Secretary on topics related to medical devices
7 used in pandemic preparedness and response, including
8 topics related to in vitro diagnostics.

9 (b) REQUIRED PANEL MEMBER.—A panel convened
10 under subsection (a) shall include at least 1 population
11 health-specific representative.

12 (c) SUNSET.—This section shall cease to be effective
13 on October 1, 2027.

14 **SEC. 3303. GAO REPORT ON THIRD-PARTY REVIEW.**

15 Not later than September 30, 2026, the Comptroller
16 General of the United States shall submit to the Com-
17 mittee on Energy and Commerce of the House of Rep-
18 resentatives and the Committee on Health, Education,
19 Labor, and Pensions of the Senate a report on the third-
20 party review program under section 523 of the Federal
21 Food, Drug, and Cosmetic Act (21 U.S.C. 360m). Such
22 report shall include—

23 (1) a description of the financial and staffing
24 resources used to carry out such program;

25 (2) a description of actions taken by the Sec-
26 retary pursuant section 523(b)(2)(C) of the Federal

3536

1 Food, Drug, and Cosmetic Act (21 U.S.C.
2 360m(b)(2)(C)); and

3 (3) the results of an audit of the performance
4 of select persons accredited under such program.

5 **SEC. 3304. CERTIFICATES TO FOREIGN GOVERNMENTS.**

6 Section 801(e)(4) of the Federal Food, Drug, and
7 Cosmetic Act (21 U.S.C. 381(e)(4)) is amended—

8 (1) in subparagraph (E), by striking clause
9 (iii); and

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

11 “(F)(i) This paragraph applies to requests for certifi-
12 cation under this subparagraph of a device manufactured
13 by a device establishment located outside of the United
14 States that is registered under section 510, if the device
15 is listed pursuant to section 510(j), the device has been
16 cleared, approved, or is not required to submit a pre-
17 market report pursuant to subsection (l) or (m) of section
18 510, and the device is imported or offered for import into
19 the United States.

20 “(ii) The Secretary shall issue the certification as de-
21 scribed in clause (iii) if the device or devices for which
22 certification is requested under this subparagraph meet
23 the applicable requirements of this Act.

1 “(iii)(I) A certification for a device described in
2 clause (i) shall be subject to the fee described in subpara-
3 graph (B).

4 “(II) Notwithstanding subparagraph (C), a certifi-
5 cation for a device described in clause (i) shall address
6 and include the same material information as a ‘Certifi-
7 cate to Foreign Government’ and shall have a document
8 title including the words ‘Certificate to Foreign Govern-
9 ment’.

10 “(iv) The requirements and procedures of subpara-
11 graph (E) shall apply to a denial of a certification under
12 this subparagraph.”.

13 **SEC. 3305. ENSURING CYBERSECURITY OF MEDICAL DE-**
14 **VICES.**

15 (a) IN GENERAL.—Subchapter A of chapter V of the
16 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351
17 et seq.) is amended by adding at the end the following:

18 **“SEC. 524B. ENSURING CYBERSECURITY OF DEVICES.**

19 “(a) IN GENERAL.—A person who submits an appli-
20 cation or submission under section 510(k), 513, 515(c),
21 515(f), or 520(m) for a device that meets the definition
22 of a cyber device under this section shall include such in-
23 formation as the Secretary may require to ensure that
24 such cyber device meets the cybersecurity requirements
25 under subsection (b).

1 “(b) CYBERSECURITY REQUIREMENTS.—The spon-
2 sor of an application or submission described in subsection
3 (a) shall—

4 “(1) submit to the Secretary a plan to monitor,
5 identify, and address, as appropriate, in a reasonable
6 time, postmarket cybersecurity vulnerabilities and
7 exploits, including coordinated vulnerability disclo-
8 sure and related procedures;

9 “(2) design, develop, and maintain processes
10 and procedures to provide a reasonable assurance
11 that the device and related systems are cybersecure,
12 and make available postmarket updates and patches
13 to the device and related systems to address—

14 “(A) on a reasonably justified regular
15 cycle, known unacceptable vulnerabilities; and

16 “(B) as soon as possible out of cycle, crit-
17 ical vulnerabilities that could cause uncontrolled
18 risks;

19 “(3) provide to the Secretary a software bill of
20 materials, including commercial, open-source, and
21 off-the-shelf software components; and

22 “(4) comply with such other requirements as
23 the Secretary may require through regulation to
24 demonstrate reasonable assurance that the device
25 and related systems are cybersecure.

1 “(c) DEFINITION.—In this section, the term ‘cyber
2 device’ means a device that—

3 “(1) includes software validated, installed, or
4 authorized by the sponsor as a device or in a device;

5 “(2) has the ability to connect to the internet;
6 and

7 “(3) contains any such technological character-
8 istics validated, installed, or authorized by the spon-
9 sor that could be vulnerable to cybersecurity threats.

10 “(d) EXEMPTION.—The Secretary may identify de-
11 vices, or categories or types of devices, that are exempt
12 from meeting the cybersecurity requirements established
13 by this section and regulations promulgated pursuant to
14 this section. The Secretary shall publish in the Federal
15 Register, and update, as appropriate, a list of the devices,
16 or categories or types of devices, so identified by the Sec-
17 retary.”.

18 (b) PROHIBITED ACT.—Section 301(q) of the Fed-
19 eral Food, Drug, and Cosmetic Act (21 U.S.C. 331(q))
20 is amended by adding at the end the following:

21 “(3) The failure to comply with any requirement
22 under section 524B(b)(2) (relating to ensuring device cy-
23 bersecurity).”.

24 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion, including the amendments made by this section, shall

1 be construed to affect the Secretary’s authority related to
2 ensuring that there is a reasonable assurance of the safety
3 and effectiveness of devices, which may include ensuring
4 that there is a reasonable assurance of the cybersecurity
5 of certain cyber devices, including for devices approved or
6 cleared prior to the date of enactment of this Act.

7 (d) EFFECTIVE DATE.—The amendments made by
8 subsections (a) and (b) shall take effect 90 days after the
9 date of enactment of this Act. An application or submis-
10 sion submitted before such effective date shall not be sub-
11 ject to the requirements under subsection (a) or (b) of sec-
12 tion 524B of the Federal Food, Drug, and Cosmetic Act,
13 as added by this section.

14 (e) GUIDANCE FOR INDUSTRY AND FDA STAFF ON
15 DEVICE CYBERSECURITY.—Not later than 2 years after
16 the date of enactment of this Act, and periodically there-
17 after as appropriate, the Secretary, in consultation with
18 the Director of the Cybersecurity and Infrastructure Secu-
19 rity Agency, shall review and, as appropriate and after so-
20 liciting and receiving feedback from device manufacturers,
21 health care providers, third-party-device servicers, patient
22 advocates, and other appropriate stakeholders, update the
23 guidance entitled “Content of Premarket Submissions for
24 Management of Cybersecurity in Medical Devices” (or a
25 successor document).

1 (f) RESOURCES REGARDING CYBERSECURITY OF DE-
2 VICES.—Not later than 180 days after the date of enact-
3 ment of this Act, and not less than annually thereafter,
4 the Secretary shall update public information provided by
5 the Food and Drug Administration, including on the
6 website of the Food and Drug Administration, with infor-
7 mation regarding improving cybersecurity of devices. Such
8 information shall include information on identifying and
9 addressing cyber vulnerabilities for health care providers,
10 health systems, and device manufacturers, and how such
11 entities may access support through the Cybersecurity and
12 Infrastructure Security Agency and other Federal entities,
13 including the Department of Health and Human Services,
14 to improve the cybersecurity of devices.

15 (g) GAO REPORT.—Not later than 1 year after the
16 date of enactment of this Act, the Comptroller General
17 of the United States shall publish a report identifying
18 challenges in cybersecurity for devices, including legacy
19 devices that may not support certain software security up-
20 dates. Through such report, the Comptroller General shall
21 examine—

22 (1) challenges for device manufacturers, health
23 care providers, health systems, and patients in ac-
24 cessing Federal support to address vulnerabilities
25 across Federal agencies;

1 (2) how Federal agencies can strengthen coordi-
2 nation to better support cybersecurity for devices;
3 and

4 (3) statutory limitations and opportunities for
5 improving cybersecurity for devices.

6 (h) DEFINITION.—In this section, the term “device”
7 has the meaning given such term in section 201(h) of the
8 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
9 321(h)).

10 **SEC. 3306. BANS OF DEVICES FOR ONE OR MORE INTENDED**
11 **USES.**

12 (a) IN GENERAL.—Section 516(a) of the Federal
13 Food, Drug, and Cosmetic Act (21 U.S.C. 360f(a)) is
14 amended—

15 (1) in paragraph (1), by inserting “for one or
16 more intended uses” before the semicolon at the end;
17 and

18 (2) in the matter following paragraph (2), by
19 inserting “or to make such intended use or uses a
20 banned intended use or uses. A device that is
21 banned for one or more intended uses is not a le-
22 gally marketed device under section 1006 when in-
23 tended for such use or uses” after “banned device”.

24 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion shall be construed to limit the authority of the Sec-

1 retary to amend, in accordance with section 516 of the
2 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360f),
3 as amended by this section, and chapter 5 of title 5,
4 United States Code, regulations promulgated pursuant to
5 such section 516, as amended by this section.

6 **SEC. 3307. THIRD PARTY DATA TRANSPARENCY.**

7 (a) IN GENERAL.—To the extent the Secretary relies
8 on any data, analysis, or other information or findings
9 provided by entities that has been funded in whole or in
10 part by, or otherwise performed under contract with, the
11 Food and Drug Administration, in regulatory decision-
12 making with respect to devices, the Secretary shall—

13 (1) request access to the datasets, inputs, clin-
14 ical or other assumptions, methods, analytical code,
15 results, and other components underlying or com-
16 prising the analysis, conclusions, or other findings
17 upon which the Secretary seeks to rely; and

18 (2) in the event that information described in
19 paragraph (1) is used to support regulatory decision-
20 making, and as otherwise appropriate, to the extent
21 practicable, provide the manufacturer or manufac-
22 turers subject to such decision a summary of such
23 information, subject to protection of confidential
24 commercial information or trade secret information
25 or personally identifiable information.

1 (b) REPORT.—Not later than September 30, 2023,
2 and biennially thereafter, the Secretary shall submit to the
3 Committee on Health, Education, Labor, and Pensions of
4 the Senate and the Committee on Energy and Commerce
5 of the House of Representatives, and publish on the
6 website of the Food and Drug Administration, a report
7 on the number of postmarket device signals communica-
8 tions issued by the Secretary, the sources of data for such
9 signals, and how such signals were revised or resolved.

10 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
11 tion shall be construed to require the delay of any regu-
12 latory decision-making or other action of the Food and
13 Drug Administration.

14 **SEC. 3308. PREDETERMINED CHANGE CONTROL PLANS FOR**
15 **DEVICES.**

16 (a) IN GENERAL.—Chapter V of the Federal Food,
17 Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amend-
18 ed by inserting after section 515B (21 U.S.C. 360e–3) the
19 following:

20 **“SEC. 515C. PREDETERMINED CHANGE CONTROL PLANS**
21 **FOR DEVICES.**

22 “(a) APPROVED DEVICES.—

23 “(1) IN GENERAL.—Notwithstanding section
24 515(d)(5)(A), a supplemental application shall not
25 be required for a change to a device approved under

1 section 515, if such change is consistent with a pre-
2 determined change control plan that is approved
3 pursuant to paragraph (2).

4 “(2) PREDETERMINED CHANGE CONTROL
5 PLAN.—The Secretary may approve a predetermined
6 change control plan submitted in an application, in-
7 cluding a supplemental application, under section
8 515 that describes planned changes that may be
9 made to the device (and that would otherwise re-
10 quire a supplemental application under section 515),
11 if the device remains safe and effective without any
12 change.

13 “(3) SCOPE.—The Secretary may require that a
14 change control plan include labeling required for
15 safe and effective use of the device as such device
16 changes pursuant to such plan, notification require-
17 ments if the device does not function as intended
18 pursuant to such plan, and performance require-
19 ments for changes made under the plan.

20 “(b) CLEARED DEVICES.—

21 “(1) IN GENERAL.—Notwithstanding section
22 510(k), a premarket notification shall not be re-
23 quired for a change to a device cleared under section
24 510(k), if such change is consistent with an estab-

1 lished predetermined change control plan granted
2 pursuant to paragraph (2).

3 “(2) PREDETERMINED CHANGE CONTROL
4 PLAN.—The Secretary may clear a predetermined
5 change control plan submitted in a notification sub-
6 mitted under section 510(k) that describes planned
7 changes that may be made to the device (and that
8 would otherwise require a new notification), if—

9 “(A) the device remains safe and effective
10 without any such change; and

11 “(B) the device would remain substantially
12 equivalent to the predicate.

13 “(3) SCOPE.—The Secretary may require that a
14 change control plan include labeling required for
15 safe and effective use of the device as such device
16 changes pursuant to such plan, notification require-
17 ments if the device does not function as intended
18 pursuant to such plan, and performance require-
19 ments for changes made under the plan.

20 “(c) PREDICATE DEVICES.—In making a determina-
21 tion of substantial equivalence pursuant to section 513(i),
22 the Secretary shall not compare a device to changed
23 versions of a device implemented in accordance with an
24 established predetermined change control plan as a predi-
25 cate device. Only the version of the device cleared or ap-

1 proved, prior to changes made under the predetermined
2 change control plan, may be used by a sponsor as a predi-
3 cate device.”.

4 (b) CONFORMING AMENDMENTS.—

5 (1) CLEARED DEVICES.—Section 510(l)(1) of
6 the Federal Food, Drug, and Cosmetic Act (21
7 U.S.C. 360(l)(1)) is amended, in the first sentence,
8 by inserting “, or with respect to a change that is
9 consistent with a predetermined change control plan
10 cleared under section 515C” before the period at the
11 end.

12 (2) APPROVED DEVICES.—Section
13 515(d)(5)(A)(i) of the Federal Food, Drug, and Cos-
14 metic Act (21 U.S.C. 360e(d)(5)(A)(i)) is amended
15 by striking “A supplemental” and inserting “Unless
16 the change is consistent with a predetermined
17 change control plan approved under section 515C, a
18 supplemental”.

19 (3) DOCUMENTATION OF RATIONALE FOR SIG-
20 NIFICANT DECISIONS.—Section 517A(a)(1) of the
21 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
22 360g–1(a)(1)) is amended to read as follows:

23 “(1) IN GENERAL.—The Secretary shall provide
24 a substantive summary of the scientific and regu-
25 latory rationale for any significant decision of the

1 Center for Devices and Radiological Health regard-
2 ing submission or review of a report under section
3 510(k), a petition for classification under section
4 513(f), an application under section 515, or an ap-
5 plication for an exemption under section 520(g), in-
6 cluding documentation of significant controversies or
7 differences of opinion and the resolution of such con-
8 troversies or differences of opinion.”.

9 **SEC. 3309. SMALL BUSINESS FEE WAIVER.**

10 (a) IN GENERAL.—Section 738(a)(3)(B) of the Fed-
11 eral Food, Drug, and Cosmetic Act (21 U.S.C. 379j) is
12 amended—

13 (1) by striking “No fee” and inserting the fol-
14 lowing:

15 “(i) IN GENERAL.—No fee”; and

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

17 “(ii) SMALL BUSINESSES FEE WAIV-
18 ER.—

19 “(I) DEFINITION OF SMALL
20 BUSINESS.—For purposes of this
21 clause, the term ‘small business’
22 means an entity that reported
23 \$1,000,000 or less of gross receipts or
24 sales in its most recent Federal in-
25 come tax return for a taxable year, in-

3549

1 including such returns of all of its affili-
2 ates.

3 “(II) WAIVER.—The Secretary
4 may grant a waiver of the fee required
5 under subparagraph (A) for the an-
6 nual registration (excluding the initial
7 registration) of an establishment for a
8 year, beginning on October 1, 2024, if
9 the Secretary finds that the establish-
10 ment is a small business and paying
11 the fee for such year represents a fi-
12 nancial hardship to the establishment
13 as determined by the Secretary.

14 “(III) FIRMS SUBMITTING TAX
15 RETURNS TO THE UNITED STATES IN-
16 TERNAL REVENUE SERVICE.—The es-
17 tablishment shall support its claim
18 that it meets the definition under sub-
19 clause (I) by submission of a copy of
20 its most recent Federal income tax re-
21 turn for a taxable year, and a copy of
22 such returns of its affiliates, which
23 show an amount of gross sales or re-
24 ceipts that is less than the maximum
25 established in subclause (I). The es-

3550

1 establishment, and each of such affili-
2 ates, shall certify that the information
3 provided is a true and accurate copy
4 of the actual tax forms they submitted
5 to the Internal Revenue Service. If no
6 tax forms are submitted for any affil-
7 iate, the establishment shall certify
8 that the establishment has no affili-
9 ates.

10 “(IV) FIRMS NOT SUBMITTING
11 TAX RETURNS TO THE UNITED
12 STATES INTERNAL REVENUE SERV-
13 ICE.—In the case of an establishment
14 that has not previously submitted a
15 Federal income tax return, the estab-
16 lishment and each of its affiliates
17 shall demonstrate that it meets the
18 definition under subclause (I) by sub-
19 mission of a signed certification, in
20 such form as the Secretary may direct
21 through a notice published in the Fed-
22 eral Register, that the establishment
23 or affiliate meets the criteria for a
24 small business and a certification, in
25 English, from the national taxing au-

3551

1 thority, if extant, of the country in
2 which the establishment or, if applica-
3 ble, affiliate is headquartered. The
4 certification from such taxing author-
5 ity shall bear the official seal of such
6 taxing authority and shall provide the
7 establishment's or affiliate's gross re-
8 ceipts or sales for the most recent
9 year in both the local currency of such
10 country and in United States dollars,
11 the exchange rate used in converting
12 such local currency to dollars, and the
13 dates during which these receipts or
14 sales were collected. The establish-
15 ment shall also submit a statement
16 signed by the head of the establish-
17 ment's firm or by its chief financial
18 officer that the establishment has sub-
19 mitted certifications for all of its af-
20 filiates, or that the establishment has
21 no affiliates.

22 “(V) REQUEST FOR WAIVER.—
23 An establishment seeking a fee waiver
24 for a year under this clause shall sub-
25 mit supporting information to the

3552

1 Secretary at least 60 days before the
2 fee is required pursuant to subpara-
3 graph (C). The decision of the Sec-
4 retary regarding whether an entity
5 may receive the waiver for such year
6 is not reviewable.”.

7 (b) TAXING AUTHORITY.—Section 738(d)(2)(B)(iii)
8 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
9 379j(d)(2)(B)(iii)) is amended by inserting “, if extant,”
10 after “national taxing authority”.

11 **Subtitle D—Infant Formula**

12 **SEC. 3401. PROTECTING INFANTS AND IMPROVING FOR-** 13 **MULA SUPPLY.**

14 (a) DEFINITIONS.—

15 (1) IN GENERAL.—In this section, the term “in-
16 fant formula” has the meaning given such term in
17 section 201(z) of the Federal Food, Drug, and Cos-
18 metic Act (21 U.S.C. 321(z)).

19 (2) CRITICAL FOOD.—Section 201 of the Fed-
20 eral Food, Drug, and Cosmetic Act (21 U.S.C. 321)
21 is amended by adding at the end the following:

22 “(ss) The term ‘critical food’ means a food that is—
23 “(1) an infant formula; or
24 “(2) a medical food, as defined in section
25 5(b)(3) of the Orphan Drug Act.”.

1 (b) OFFICE OF CRITICAL FOODS.—

2 (1) IN GENERAL.—The Secretary shall establish
3 within the Center for Food Safety and Applied Nu-
4 trition an office to be known as the Office of Critical
5 Foods. The Secretary shall appoint a Director to
6 lead such Office.

7 (2) DUTIES.—The Office of Critical Foods shall
8 be responsible for oversight, coordination, and facili-
9 tation of activities related to critical foods, as de-
10 fined in section 201(ss) of the Federal Food, Drug,
11 and Cosmetic Act, as added by subsection (a)(2).

12 (c) PREMARKET SUBMISSIONS OF INFANT FORMULA
13 TO ADDRESS SHORTAGES.—Section 412 of the Federal
14 Food, Drug, and Cosmetic Act (21 U.S.C. 350a) is
15 amended by adding at the end the following:

16 “(j) PREMARKET SUBMISSIONS TO ADDRESS SHORT-
17 AGES.—

18 “(1) IN GENERAL.—The Secretary shall waive
19 the 90-day premarket submission requirement under
20 subsection (c) and apply a 30-day premarket sub-
21 mission requirement for any person who intends to
22 introduce or deliver for introduction into interstate
23 commerce any new infant formula.

24 “(2) EFFECTIVE PERIOD.—The waiver author-
25 ity under this subsection shall remain in effect—

1 “(A) for 90 days beginning on the date
2 that the Secretary distributes information
3 under section 424(a)(2) with respect to a short-
4 age of infant formula; or

5 “(B) such longer period as the Secretary
6 determines appropriate, to prevent or mitigate a
7 shortage of infant formula.”.

8 (d) REPORT.—Not later than one year after the date
9 of enactment of this Act, the Secretary shall submit a re-
10 port to the Committee on Health, Education, Labor, and
11 Pensions of the Senate and the Committee on Energy and
12 Commerce of the House of Representatives that in-
13 cludes—

14 (1) the number of premarket submissions for
15 new infant formula the Secretary has received under
16 section 412(d) of the Federal Food, Drug, and Cos-
17 metic Act (21 U.S.C. 350a(d)) each year since 2012;

18 (2) how many of such submissions received re-
19 quests from the Secretary for additional information;

20 (3) how long after receiving such submissions
21 the Secretary sent such requests for additional infor-
22 mation;

23 (4) what additional information the Secretary
24 requested of the persons submitting such submis-
25 sions; and

1 (5) the date each new infant formula described
2 in subparagraph (A) was first marketed, if available.

3 (e) INFANT FORMULA FLEXIBILITIES.—The Sec-
4 retary shall publish a list on the website of the Depart-
5 ment of Health and Human Services providing informa-
6 tion on how to identify appropriate substitutes for infant
7 formula products in shortage that are relied upon by in-
8 fants and other individuals with inborn errors of metabo-
9 lism or other serious health conditions.

10 (f) INTERNATIONAL HARMONIZATION OF INFANT
11 FORMULA REQUIREMENTS.—

12 (1) IN GENERAL.—The Secretary—

13 (A) shall participate in meetings with rep-
14 resentatives from other countries to discuss
15 methods and approaches to harmonizing regu-
16 latory requirements for infant formula, includ-
17 ing with respect to inspections, labeling, and
18 nutritional requirements; and

19 (B) may enter into arrangements or agree-
20 ments regarding such requirements with other
21 countries, as appropriate, including arrange-
22 ments or agreements with a foreign government
23 or agency of a foreign government to recognize
24 the inspection of foreign establishments that

3556

1 manufacture infant formula for export to the
2 United States.

3 (2) STUDY ON INFANT FORMULA.—

4 (A) IN GENERAL.—Not later than 60 days
5 after the date of enactment of this Act, the Sec-
6 retary shall seek to enter into an agreement
7 with the National Academies of Sciences, Engi-
8 neering, and Medicine (referred to in this para-
9 graph as the “National Academies”) to examine
10 and report on challenges in supply, market
11 competition, and regulation of infant formula in
12 the United States.

13 (B) CONTENTS OF THE REPORT.—The re-
14 port developed pursuant to the agreement
15 under subparagraph (A) shall—

16 (i) assess and evaluate—

17 (I) infant formula marketed in
18 the United States;

19 (II) any challenges in supply, or
20 market competition with respect to
21 such infant formula; and

22 (III) any differences between in-
23 fant formula marketed in the United
24 States and infant formula marketed
25 in the European Union, including

3557

1 with respect to nutritional content
2 and applicable labeling and other reg-
3 ulatory requirements; and

4 (ii) include recommendations, includ-
5 ing for infant formula manufacturers, on
6 measures to address supply and market
7 competition in the United States.

8 (C) FINAL REPORT.—The agreement
9 under subparagraph (A) shall specify that the
10 National Academies shall, not later than 1 year
11 after the date of enactment of this Act, com-
12 plete such study and submit a report on the re-
13 sults of such study to the Committee on Health,
14 Education, Labor, and Pensions of the Senate
15 and the Committee on Energy and Commerce
16 of the House of Representatives.

17 (g) TRANSPARENCY AND ACCOUNTABILITY TO SUP-
18 PORT INFANT FORMULA INNOVATION.—

19 (1) CONGRESSIONAL NOTIFICATION OF RE-
20 CALL.—Section 412 of the Federal Food, Drug, and
21 Cosmetic Act (21 U.S.C. 350a), as amended by sub-
22 section (c), is further amended by adding at the end
23 the following:

24 “(k) CONGRESSIONAL NOTIFICATION OF RECALL.—

1 “(1) IN GENERAL.—Not later than 24 hours
2 after the initiation of a recall of infant formula as
3 described in subsection (e), the Secretary shall sub-
4 mit to the Committee on Health, Education, Labor,
5 and Pensions of the Senate and the Committee on
6 Energy and Commerce of the House of Representa-
7 tives a notification of such recall.

8 “(2) CONTENTS.—A notification under para-
9 graph (1) shall include the following:

10 “(A) If the recall is required by the Food
11 and Drug Administration, a summary of the in-
12 formation supporting a determination that the
13 adulterated or misbranded infant formula pre-
14 sents a risk to human health.

15 “(B) If the recall is voluntarily initiated by
16 the manufacturer, a summary of the informa-
17 tion provided to the Food and Drug Adminis-
18 tration by the manufacturer regarding infant
19 formula that has left the control of the manu-
20 facturer that may be adulterated or mis-
21 branded.

22 “(C) Specification of when the Food and
23 Drug Administration was first made aware of
24 the instance or circumstances surrounding the
25 recall.

1 “(D) An initial estimate of the disruption
2 in domestic production that may result from the
3 recall.”.

4 (2) ANNUAL REPORT TO CONGRESS.—Section
5 412 of the Federal Food, Drug, and Cosmetic Act
6 (21 U.S.C. 350a), as amended by paragraph (1), is
7 further amended by adding at the end the following:

8 “(1) ANNUAL REPORT TO CONGRESS.—

9 “(1) IN GENERAL.—Not later than March 30 of
10 each year, the Secretary shall submit a report to
11 Congress containing, with respect to the preceding
12 calendar year, the following information:

13 “(A) The number of submissions received
14 by the Secretary under subsection (d).

15 “(B) The number of such submissions that
16 included any new ingredients that were not in-
17 cluded in any infant formula already on the
18 market.

19 “(C) The number of inspections conducted
20 by the Food and Drug Administration or any
21 agent thereof to evaluate compliance with the
22 requirements for infant formulas under sub-
23 section (b).

24 “(D) The time between any inspection re-
25 ferred to in subparagraph (C) and any nec-

1 essary reinspection to evaluate compliance with
2 the requirements for infant formulas under sub-
3 section (b).

4 “(E) A breakdown of the information de-
5 scribed in subparagraphs (A) through (D) be-
6 tween foreign and domestic manufacturers and
7 facilities.

8 “(2) CONFIDENTIALITY.—The Secretary shall
9 ensure that the reports under paragraph (1) do not
10 include any information that is a trade secret or
11 confidential information subject to section 552(b)(4)
12 of title 5, United States Code, or section 1905 of
13 title 18, United States Code.”.

14 (3) NEW INFANT FORMULA SUBMISSIONS.—
15 Section 412(d) of the Federal Food, Drug, and Cos-
16 metic Act (21 U.S.C. 350a(d)) is amended by add-
17 ing at the end the following:

18 “(4) The Secretary shall provide a response to a sub-
19 mission under this subsection not later than 45 days after
20 receiving such submission.”.

21 (4) LIST OF NUTRIENTS.—Section 412(i)(1) of
22 the Federal Food, Drug, and Cosmetic Act (21
23 U.S.C. 350a(i)) is amended by striking “or, if re-
24 vised by the Secretary under paragraph (2), as so
25 revised” and inserting the following: “, which shall

1 be reviewed by the Secretary every 4 years as appro-
2 priate. In reviewing such table, the Secretary shall
3 consider any new scientific data or information re-
4 lated to infant formula nutrients, including inter-
5 national infant formula standards. The Secretary
6 may revise the list of nutrients and the required
7 level for any nutrient required by the table”.

8 (5) GUIDANCE.—Not later than 1 year after
9 the date of enactment of this Act, the Secretary
10 shall issue guidance regarding information sponsors
11 may consider including in submissions required
12 under section 412(d) of the Federal Food, Drug,
13 and Cosmetic Act (21 U.S.C. 350a(d)), including
14 considerations for meeting each of the requirements
15 of paragraphs (1), (2), and (3) of subsection (d).

16 (6) TECHNICAL CORRECTION.—Section
17 412(c)(1)(B) of the Federal Food, Drug, and Cos-
18 metic Act (21 U.S.C. 350a(c)(1)(B)) is amended by
19 striking “subsection (c)(1)” and inserting “sub-
20 section (d)(1)”.

21 (h) RESPONSE TO RECALL.—

22 (1) MANUFACTURER SUBMISSION.—

23 (A) IN GENERAL.—Promptly after the ini-
24 tiation of a recall of infant formula, the manu-
25 facturer of the recalled infant formula shall

3562

1 submit information to the Secretary regarding
2 such recall.

3 (B) CONTENTS.—A submission under sub-
4 paragraph (A) shall include the following:

5 (i) A plan (including an estimated
6 timeline, as applicable) of actions the man-
7 ufacturer will take, suited to the individual
8 circumstances of the particular recall, in-
9 cluding—

10 (I) to identify and address any
11 cause of, and contributing factor in,
12 known or suspected adulteration or
13 known or suspected misbranding; and

14 (II) if appropriate, to restore op-
15 eration of the impacted facilities.

16 (ii) In the case that a recall of the
17 manufacturer's infant formula products,
18 and subsequent actions to respond to such
19 recall, impacts over 10 percent of the pro-
20 duction of the infant formula intended for
21 sale in the United States, a plan to backfill
22 the supply of the manufacturer's infant
23 formula supply if the current domestic
24 supply of such infant formula has fallen, or

1 is expected to fall, below the expected de-
2 mand for the formula.

3 (2) REPORT TO CONGRESS.—

4 (A) IN GENERAL.—Promptly after a sub-
5 mission under paragraph (1) is received, the
6 Secretary shall provide such submission, to-
7 gether with the information specified in sub-
8 paragraph (B), in a report to the Committee on
9 Health, Education, Labor, and Pensions of the
10 Senate and the Committee on Energy and Com-
11 merce of the House of Representatives.

12 (B) CONTENTS.—A report under subpara-
13 graph (A) shall include the following:

14 (i) Information concerning the current
15 domestic supply of infant formula, includ-
16 ing—

17 (I) a breakdown of the specific
18 types of formula involved; and

19 (II) an estimate of how long cur-
20 rent supplies will last.

21 (ii) If a submission or submissions
22 under paragraph (1) show that the recall
23 and subsequent actions to respond to the
24 recall impact over 10 percent of the domes-

3564

1 tie production of infant formula intended
2 for sale in the United States—

3 (I) actions to work with the im-
4 pacted manufacturer or other manu-
5 facturers to increase production; and

6 (II) specification of—

7 (aa) any additional authori-
8 ties needed regarding production
9 or importation to fill a supply
10 gap; and

11 (bb) any supplemental fund-
12 ing necessary to address the
13 shortage.

14 (3) SUNSET.—This subsection shall cease to
15 have force or effect on September 30, 2026.

16 (i) COORDINATION WITH MANUFACTURER.—

17 (1) IN GENERAL.—

18 (A) COMMUNICATION FOLLOWING INSPEC-
19 TION.—Upon completing an inspection of an in-
20 fant formula manufacturing facility impacted
21 by a recall, the Secretary, acting through the
22 Commissioner of Food and Drugs, shall provide
23 the manufacturer involved a list of any actions
24 necessary to—

3565

1 (i) address deficiencies contributing to
2 the potential adulteration or misbranding
3 of product at the facility; and

4 (ii) safely restart production at the fa-
5 cility.

6 (B) RESPONSE TO MANUFACTURER.—Not
7 later than 7 days after receiving a written com-
8 munication from a manufacturer of infant for-
9 mula containing corrective actions to address
10 manufacturing deficiencies identified during an
11 inspection of a facility engaged in the manufac-
12 turing of an infant formula impacted by a re-
13 call, the Secretary, acting through the Commis-
14 sioner of Food and Drugs, shall provide a sub-
15 stantive response to such communication con-
16 cerning the sufficiency of the proposed correc-
17 tive actions.

18 (2) INSPECTIONS.—The Secretary shall ensure
19 timely communication with a manufacturer of infant
20 formula following an inspection of a facility engaged
21 in the manufacturing of infant formula for consump-
22 tion in the United States. If a reinspection of a
23 manufacturer of an infant formula is required to en-
24 sure that such manufacturer completed any remedi-
25 ation actions or addressed any deficiencies, the Sec-

3566

1 retary shall reinspect such facility in a timely man-
2 ner. The Secretary shall prioritize and expedite an
3 inspection or reinspection of an establishment that
4 could help mitigate or prevent a shortage of an in-
5 fant formula.

6 (3) ANNUAL INSPECTIONS.—Not later than 6
7 months after the date of enactment of this Act, and
8 not less than once per calendar year thereafter, the
9 Secretary shall conduct inspections, including unan-
10 nounced inspections, of the facilities (including for-
11 eign facilities) of each manufacturer of an infant
12 formula required to be registered under section
13 412(c)(1)(A) of the Federal Food, Drug, and Cos-
14 metic Act (21 U.S.C. 350a(e)(1)(A)), in accordance
15 with a risk-based approach and ensure timely and
16 effective internal coordination and alignment among
17 the Office of Regulatory Affairs and the Center for
18 Food Safety and Applied Nutrition. In meeting the
19 inspection requirements under this subsection, the
20 Secretary may rely on inspections conducted by for-
21 eign regulatory authorities, under arrangements or
22 agreements, and conducted by State agencies under
23 contract, memoranda of understanding, or any other
24 obligation.

25 (j) NATIONAL STRATEGY ON INFANT FORMULA.—

1 (1) IN GENERAL.—The Secretary, in consulta-
2 tion with the Secretary of Agriculture and other
3 heads of relevant departments and agencies, shall
4 develop and issue, not later than 90 days after the
5 date of enactment of this Act, a national strategy on
6 infant formula to increase the resiliency of the in-
7 fant formula supply chain, protect against future
8 contamination and other potential causes of supply
9 disruptions and shortages, and ensure parents and
10 caregivers have access to infant formula and infor-
11 mation they need.

12 (2) IMMEDIATE NATIONAL STRATEGY.—The na-
13 tional strategy under paragraph (1) shall include ef-
14 forts—

15 (A) to increase the resiliency of the infant
16 formula supply chain in the short-term by—

17 (i) assessing causes of any supply dis-
18 ruption or shortage of infant formula in
19 existence as of the date of enactment of
20 this Act and potential causes of future
21 supply disruptions and shortages;

22 (ii) assessing and addressing imme-
23 diate infant formula needs associated with
24 the shortage; and

3568

1 (iii) developing a plan to increase in-
2 fant formula supply, including through in-
3 creased competition; and

4 (B) to ensure the development and updat-
5 ing of education and communication materials
6 for parents and caregivers that cover—

7 (i) where and how to find infant for-
8 mula;

9 (ii) comparable infant formulas on the
10 market;

11 (iii) what to do if a specialty infant
12 formula is unavailable;

13 (iv) safe practices for handling infant
14 formula; and

15 (v) other topics, as appropriate.

16 (3) LONG-TERM STRATEGY.—Not later than 90
17 days after the submission of the report described in
18 subsection (f)(2), the Secretary shall update the na-
19 tional strategy under paragraph (1) to include ef-
20 forts to improve preparedness against infant formula
21 shortages in the long-term by—

22 (A) outlining methods to improve informa-
23 tion-sharing between the Federal Government
24 and State and local governments, and other en-
25 tities as appropriate, regarding shortages;

3569

1 (B) recommending measures for protecting
2 the integrity of the infant formula supply and
3 preventing contamination;

4 (C) outlining methods to incentivize new
5 infant formula manufacturers to increase sup-
6 ply and mitigate future shortages; and

7 (D) recommending other necessary au-
8 thorities to gain insight into the supply chain
9 and risk for shortages, and to incentivize new
10 infant formula manufacturers.

11 (k) MEANINGFUL DISRUPTION IN THE PRODUCTION
12 OF CRITICAL FOOD.—Chapter IV of the Federal Food,
13 Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amend-
14 ed by adding at the end the following:

15 **“SEC. 424. REQUIREMENTS FOR CRITICAL FOOD.**

16 “(a) NOTIFICATION OF MEANINGFUL DISRUPTION
17 FOR CRITICAL FOOD.—

18 “(1) IN GENERAL.—A manufacturer of a crit-
19 ical food (as defined in section 201(ss)) shall notify
20 the Secretary of a permanent discontinuance in the
21 manufacture or an interruption of the manufacture
22 of such food that is likely to lead to a meaningful
23 disruption in the supply of such food in the United
24 States, and the reasons for such discontinuance or
25 interruption, as soon as practicable, but not later

1 than 5 business days after such discontinuance or
2 such interruption.

3 “(2) DISTRIBUTION OF INFORMATION.—Not
4 later than 5 calendar days after receiving a notifica-
5 tion under paragraph (1), if the Secretary has deter-
6 mined that such discontinuance or interruption has
7 resulted, or is likely to result, in a shortage of such
8 critical food, the Secretary shall distribute, to the
9 Secretary of Agriculture and to the maximum extent
10 practicable to the appropriate entities, as determined
11 by the Secretary through such means as the Sec-
12 retary determines appropriate, information on such
13 shortage.

14 “(3) CONFIDENTIALITY.—Nothing in this sub-
15 section authorizes the Secretary to disclose any in-
16 formation that is a trade secret or confidential infor-
17 mation subject to section 552(b)(4) of title 5, United
18 States Code, or section 1905 of title 18, United
19 States Code.

20 “(4) MEANINGFUL DISRUPTION.—In this sub-
21 section, the term ‘meaningful disruption’—

22 “(A) means a change in production that is
23 reasonably likely to lead to a significant reduc-
24 tion in the supply of a critical food by a manu-
25 facturer that affects the ability of the manufac-

3571

1 turer to meet expected demand for its product;
2 and

3 “(B) does not include interruptions in
4 manufacturing due to matters such as routine
5 maintenance, changes or discontinuance of fla-
6 vors, colors, or other insignificant formulation
7 characteristics, or insignificant changes in man-
8 ufacturing so long as the manufacturer expects
9 to resume operations in a short period of time.

10 “(b) RISK MANAGEMENT PLANS.—Each manufac-
11 turer of a critical food shall develop, maintain, and imple-
12 ment, as appropriate, a redundancy risk management plan
13 that identifies and evaluates risks to the supply of the
14 food, as applicable, for each establishment in which such
15 food is manufactured. A risk management plan under this
16 subsection—

17 “(1) may identify and evaluate risks to the sup-
18 ply of more than one critical food, or critical food
19 category, manufactured at the same establishment;

20 “(2) may identify mechanisms by which the
21 manufacturer would mitigate the impacts of a supply
22 disruption through alternative production sites, al-
23 ternative suppliers, stockpiling of inventory, or other
24 means; and

3572

1 “(3) shall be subject to inspection and copying
2 by the Secretary pursuant to an inspection under
3 section 704.

4 “(c) FAILURE TO MEET REQUIREMENTS.—

5 “(1) IN GENERAL.—If a person fails to submit
6 information required under, and in accordance with,
7 subsection (a)—

8 “(A) the Secretary shall issue a letter to
9 such person informing such person of such fail-
10 ure; and

11 “(B) not later than 45 calendar days after
12 the issuance of a letter under subparagraph
13 (A), subject to paragraph (2), the Secretary
14 shall make available to the public on the
15 website of the Food and Drug Administration,
16 with appropriate redactions made to protect the
17 information described in subsection (a)(3)—

18 “(i) the letter issued under subpara-
19 graph (A); and

20 “(ii) at the request of such person,
21 any response to such letter such person
22 submitted to the Secretary.

23 “(2) EXCEPTION.—If the Secretary determines
24 that the letter under paragraph (1) was issued in
25 error or, after review of such response, the person

1 had a reasonable basis for not submitting a notifica-
2 tion as required under subsection (a), the require-
3 ments of paragraph (1)(B) shall not apply.”.

4 (l) SPECIALTY INFANT FORMULA FOR IMPORTA-
5 TION.—Section 412 of the Federal Food, Drug, and Cos-
6 metic Act (21 U.S.C. 350a), as amended by subsection
7 (f)(2), is further amended by adding at the end the fol-
8 lowing:

9 “(m) WAIVER OF REQUIREMENTS FOR IMPORTATION
10 OF SPECIALTY INFANT FORMULA.—

11 “(1) IN GENERAL.—The Secretary may, during
12 a shortage of specialty infant formula as determined
13 by the Secretary, waive any requirement under this
14 Act applicable to facilitate the importation of spe-
15 cialty infant formula. Such a waiver may be applica-
16 ble to—

17 “(A) the importation of specialty infant
18 formula from any country that is determined by
19 the Secretary to be implementing and enforcing
20 requirements for infant formula that provide a
21 similar assurance of safety and nutritional ade-
22 quacy as the requirements of this Act; or

23 “(B) the distribution and sale of such im-
24 ported specialty infant formula.

1 “(2) RULE OF CONSTRUCTION.—Nothing in
2 paragraph (1) shall be construed to limit the author-
3 ity of the Secretary to require a recall of, or other-
4 wise impose restrictions and requirements under this
5 Act with respect to, specialty infant formula that is
6 subject to a waiver under paragraph (1).

7 “(3) DEFINITION OF SPECIALTY INFANT FOR-
8 MULA.—In this subsection, the term ‘specialty infant
9 formula’ means infant formula described in sub-
10 section (h)(1).”.

11 (m) IMPORTATION FOR PERSONAL USE.—

12 (1) IN GENERAL.—Notwithstanding any provi-
13 sion of the Federal Food, Drug, and Cosmetic Act
14 (21 U.S.C. 301 et seq.), during the 90-day period
15 beginning on the date of enactment of this Act, an
16 individual may, without prior notice to the Food and
17 Drug Administration, import up to a 3-month sup-
18 ply of infant formula for personal use from—

19 (A) Canada;

20 (B) any country in the European Union; or

21 (C) any other country that is determined
22 by the Secretary to be implementing and en-
23 forcing requirements for infant formula that
24 provide a similar assurance of safety and nutri-
25 tional adequacy as the requirements of the Fed-

1 eral Food, Drug, and Cosmetic Act (21 U.S.C.
2 301 et seq.).

3 (2) LIMITATIONS.—Infant formula may be im-
4 ported pursuant to paragraph (1) only if the infant
5 formula—

6 (A) is exclusively for personal use and will
7 not be commercialized or promoted; and

8 (B) does not present an unreasonable risk
9 to human health.

10 (3) REPORTING OF ADVERSE EVENTS.—If a
11 health care provider becomes aware of any adverse
12 event which the health care provider reasonably sus-
13 pects to be associated with infant formula imported
14 pursuant to paragraph (1), the health care provider
15 shall report such adverse event to the Commissioner
16 of Food and Drugs.

17 (4) PUBLIC NOTICE.—The Secretary, acting
18 through the Commissioner of Food and Drugs, shall
19 post on the public website of the Food and Drug Ad-
20 ministration notice that—

21 (A) infant formula imported pursuant to
22 paragraph (1) may not have been manufactured
23 in a facility that has been inspected by the
24 Food and Drug Administration;

3576

1 (B) the labeling of such infant formula
2 may not meet the standards and other require-
3 ments applicable with respect to infant formula
4 under the Federal Food, Drug, and Cosmetic
5 Act (21 U.S.C. 301 et seq.); and

6 (C) the nutritional content of infant for-
7 mula imported pursuant to paragraph (1) may
8 vary from that of infant formula meeting such
9 standards and other requirements.

10 (5) SENSE OF CONGRESS.—It is the sense of
11 Congress that persons considering the personal im-
12 portation of infant formula should consult with their
13 pediatrician about such importation.

14 **Subtitle E—Cosmetics**

15 **SEC. 3501. SHORT TITLE.**

16 This subtitle may be cited as the “Modernization of
17 Cosmetics Regulation Act of 2022”.

18 **SEC. 3502. AMENDMENTS TO COSMETIC REQUIREMENTS.**

19 Chapter VI of the Federal Food, Drug, and Cosmetic
20 Act (21 U.S.C. 361 et seq.) is amended by adding at the
21 end the following:

22 **“SEC. 604. DEFINITIONS.**

23 “In this chapter:

1 “(1) ADVERSE EVENT.—The term ‘adverse
2 event’ means any health-related event associated
3 with the use of a cosmetic product that is adverse.

4 “(2) COSMETIC PRODUCT.—The term ‘cosmetic
5 product’ means a preparation of cosmetic ingredi-
6 ents with a qualitatively and quantitatively set com-
7 position for use in a finished product.

8 “(3) FACILITY.—

9 “(A) IN GENERAL.—The term ‘facility’ in-
10 cludes any establishment (including an estab-
11 lishment of an importer) that manufactures or
12 processes cosmetic products distributed in the
13 United States.

14 “(B) Such term does not include any of
15 the following:

16 “(i) Beauty shops and salons, unless
17 such establishment manufactures or proc-
18 esses cosmetic products at that location.

19 “(ii) Cosmetic product retailers, in-
20 cluding individual sales representatives, di-
21 rect sellers (as defined in section
22 3508(b)(2) of the Internal Revenue Code
23 of 1986), retail distribution facilities, and
24 pharmacies, unless such establishment
25 manufactures or processes cosmetic prod-

3578

1 ucts that are not sold directly to con-
2 sumers at that location.

3 “(iii) Hospitals, physicians’ offices,
4 and health care clinics.

5 “(iv) Public health agencies and other
6 nonprofit entities that provide cosmetic
7 products directly to the consumer.

8 “(v) Entities (such as hotels and air-
9 lines) that provide complimentary cosmetic
10 products to customers incidental to other
11 services.

12 “(vi) Trade shows and other venues
13 where cosmetic product samples are pro-
14 vided free of charge.

15 “(vii) An establishment that manufac-
16 tures or processes cosmetic products that
17 are solely for use in research or evaluation,
18 including for production testing and not of-
19 fered for retail sale.

20 “(viii) An establishment that solely
21 performs one or more of the following with
22 respect to cosmetic products:

23 “(I) Labeling.

24 “(II) Relabeling.

25 “(III) Packaging.

3579

1 “(IV) Repackaging.

2 “(V) Holding.

3 “(VI) Distributing.

4 “(C) CLARIFICATION.—For the purposes
5 of subparagraph (B)(viii), the terms ‘packaging’
6 and ‘repackaging’ do not include filling a prod-
7 uct container with a cosmetic product.

8 “(4) RESPONSIBLE PERSON.—The term ‘re-
9 sponsible person’ means the manufacturer, packer,
10 or distributor of a cosmetic product whose name ap-
11 pears on the label of such cosmetic product in ac-
12 cordance with section 609(a) of this Act or section
13 4(a) of the Fair Packaging and Labeling Act.

14 “(5) SERIOUS ADVERSE EVENT.—The term ‘se-
15 rious adverse event’ means an adverse event that—

16 “(A) results in—

17 “(i) death;

18 “(ii) a life-threatening experience;

19 “(iii) inpatient hospitalization;

20 “(iv) a persistent or significant dis-
21 ability or incapacity;

22 “(v) a congenital anomaly or birth de-
23 fect;

24 “(vi) an infection; or

1 “(vii) significant disfigurement (in-
2 cluding serious and persistent rashes,
3 second- or third-degree burns, significant
4 hair loss, or persistent or significant alter-
5 ation of appearance), other than as in-
6 tended, under conditions of use that are
7 customary or usual; or

8 “(B) requires, based on reasonable medical
9 judgment, a medical or surgical intervention to
10 prevent an outcome described in subparagraph
11 (A).

12 **“SEC. 605. ADVERSE EVENTS.**

13 “(a) **SERIOUS ADVERSE EVENT REPORTING RE-**
14 **QUIREMENTS.**—The responsible person shall submit to the
15 Secretary any report received of a serious adverse event
16 associated with the use, in the United States, of a cosmetic
17 product manufactured, packed, or distributed by such per-
18 son.

19 “(b) **SUBMISSION OF REPORTS.**—

20 “(1) **SERIOUS ADVERSE EVENT REPORT.**—The
21 responsible person shall submit to the Secretary a
22 serious adverse event report accompanied by a copy
23 of the label on or within the retail packaging of such
24 cosmetic product no later than 15 business days

1 after the report is received by the responsible per-
2 son.

3 “(2) NEW MEDICAL INFORMATION.—The re-
4 sponsible person shall submit to the Secretary any
5 new and material medical information, related to a
6 serious adverse event report submitted to the Sec-
7 retary in accordance with paragraph (1), that is re-
8 ceived by the responsible person within 1 year of the
9 initial report to the Secretary, no later than 15 busi-
10 ness days after such information is received by such
11 responsible person.

12 “(3) CONSOLIDATION OF REPORTS.—The Sec-
13 retary shall develop systems to enable responsible
14 persons to submit a single report that includes du-
15 plicate reports of, or new medical information re-
16 lated to, a serious adverse event.

17 “(c) EXEMPTIONS.—The Secretary may establish by
18 regulation an exemption to any of the requirements of this
19 section if the Secretary determines that such exemption
20 would have no significant adverse effect on public health.

21 “(d) CONTACT INFORMATION.—The responsible per-
22 son shall receive reports of adverse events through the do-
23 mestic address, domestic telephone number, or electronic
24 contact information included on the label in accordance
25 with section 609(a).

1 “(e) MAINTENANCE AND INSPECTION OF ADVERSE
2 EVENT RECORDS.—

3 “(1) MAINTENANCE.—The responsible person
4 shall maintain records related to each report of an
5 adverse event associated with the use, in the United
6 States, of a cosmetic product manufactured or dis-
7 tributed by such person received by such person, for
8 a period of 6 years, except that a responsible person
9 that is considered a small business for the purposes
10 of section 612, who does not engage in the manufac-
11 turing or processing of the cosmetic products de-
12 scribed in subsection 612(b), shall maintain such
13 records for a period of 3 years.

14 “(2) INSPECTION.—

15 “(A) IN GENERAL.— The responsible per-
16 son shall permit an authorized person to have
17 access to records required to be maintained
18 under this section during an inspection pursu-
19 ant to section 704.

20 “(B) AUTHORIZED PERSON.—For pur-
21 poses of this paragraph, the term ‘authorized
22 person’ means an officer or employee of the De-
23 partment of Health and Human Services who
24 has—

3583

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 re-
5 quired under this section.

6 “(f) FRAGRANCE AND FLAVOR INGREDIENTS.—If
7 the Secretary has reasonable grounds to believe that an
8 ingredient or combination of ingredients in a fragrance or
9 flavor has caused or contributed to a serious adverse event
10 required to be reported under this section, the Secretary
11 may request in writing a list of such ingredients or cat-
12 egories of ingredients in the specific fragrances or flavors
13 in the cosmetic product, from the responsible person. The
14 responsible person shall ensure that the requested infor-
15 mation is submitted to the Secretary within 30 days of
16 such request. In response to a request under section 552
17 of title 5, United States Code, information submitted to
18 the Secretary under this subsection shall be withheld
19 under section 552(b)(3) of 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—

1 “(1) a safety report under section 756 and may
2 be accompanied by a statement, which shall be a
3 part of any report that is released for public disclo-
4 sure, that denies that the report or the records con-
5 stitute an admission that the product involved
6 caused or contributed 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 med-
10 ical or similar file the disclosure of which would con-
11 stitute a violation of section 552 of such title 5
12 (commonly referred to as the ‘Freedom of Informa-
13 tion Act’), and shall not be publicly disclosed unless
14 all personally identifiable information is redacted.

15 “(h) EFFECT OF SECTION.—

16 “(1) IN GENERAL.—Nothing in this section
17 shall affect the authority of the Secretary to provide
18 adverse 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,

1 personally-identifiable information in adverse event
2 reports provided by the Secretary to any health,
3 food, or drug officer or employee of any State, terri-
4 tory, or political subdivision of a State or territory,
5 shall not—

6 “(A) be made publicly available pursuant
7 to any State or other law requiring disclosure
8 of information or records; or

9 “(B) otherwise be disclosed or distributed
10 to any party without the written consent of the
11 Secretary and the person submitting such infor-
12 mation to the Secretary.

13 “(3) USE OF REPORTS.—Nothing in this sec-
14 tion shall permit a State, territory, or political sub-
15 division of a State or territory, to use any safety re-
16 port received from the Secretary in a manner incon-
17 sistent with this section.

18 “(4) RULE OF CONSTRUCTION.—The submis-
19 sion of any report in compliance with this section
20 shall not be construed as an admission that the cos-
21 metic product involved caused or contributed to the
22 relevant adverse event.

23 **“SEC. 606. GOOD MANUFACTURING PRACTICE.**

24 “(a) IN GENERAL.—The Secretary shall by regula-
25 tion establish good manufacturing practices for facilities

1 that are consistent, to the extent practicable, and appro-
2 priate, with national and international standards, in ac-
3 cordance with section 601. Any such regulations shall be
4 intended to protect the public health and ensure that cos-
5 metic products are not adulterated. Such regulations may
6 allow for the Secretary to inspect records necessary to
7 demonstrate compliance with good manufacturing prac-
8 tices prescribed by the Secretary under this paragraph
9 during an inspection 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
14 the risks to public health posed by such cosmetics, and
15 provide sufficient flexibility to be practicable for all sizes
16 and types of facilities to which such regulations will apply.
17 Such regulations shall include simplified good manufac-
18 turing practice requirements for smaller businesses, as ap-
19 propriate, to ensure that such regulations do not impose
20 undue economic hardship for smaller businesses, and may
21 include longer compliance times for smaller businesses.
22 Before issuing regulations to implement subsection (a),
23 the Secretary shall consult with cosmetics manufacturers,
24 including smaller businesses, consumer organizations, and
25 other experts selected by the Secretary.

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 Mod-
11 ernization of Cosmetics Regulation Act of 2022,
12 owns or operates a facility that engages in the
13 manufacturing or processing of a cosmetic
14 product for distribution in the United States
15 shall register each facility with the Secretary
16 not later than 1 year after date of enactment
17 of such Act.

18 “(B) NEW FACILITIES.—Every person that
19 owns or operates a facility that first engages,
20 after the date of enactment of the Moderniza-
21 tion of Cosmetics Regulation Act of 2022, in
22 manufacturing or processing of a cosmetic
23 product for distribution in the United States,
24 shall register with the Secretary such facility
25 within 60 days of first engaging in such activity

1 or 60 days after the deadline for registration
2 under subparagraph (A), whichever is later.

3 “(2) BIENNIAL RENEWAL OF REGISTRATION.—

4 A person required to register a facility under para-
5 graph (1) shall renew such registrations with the
6 Secretary biennially.

7 “(3) CONTRACT MANUFACTURERS.—If a facility
8 manufactures or processes cosmetic products on be-
9 half of a responsible person, the Secretary shall re-
10 quire only a single registration for such facility even
11 if such facility is manufacturing or processing its
12 own cosmetic products or cosmetic products on be-
13 half of more than one responsible person. Such sin-
14 gle registration may be submitted to the Secretary
15 by such facility or any responsible person whose
16 products are manufactured or processed at such fa-
17 cility.

18 “(4) UPDATES TO CONTENT.—A person that is
19 required to register under subsection (a)(1) shall no-
20 tify the Secretary within 60 days of any changes to
21 information required under subsection (b)(2).

22 “(5) ABBREVIATED RENEWAL REGISTRA-
23 TIONS.—The Secretary shall provide for an abbrevi-
24 ated registration renewal process for any person
25 that owns or operates a facility that has not been re-

1 quired to submit updates under paragraph (4) for a
2 registered facility since submission of the most re-
3 cent registration of such facility under paragraph
4 (1) or (2).

5 “(b) FORMAT; CONTENTS OF REGISTRATION.—

6 “(1) IN GENERAL.—Registration information
7 under this section may be submitted at such time
8 and in such manner as the Secretary may prescribe.

9 “(2) CONTENTS.—The registration under sub-
10 section (a) shall contain—

11 “(A) the facility’s name, physical address,
12 email address, and telephone number;

13 “(B) with respect to any foreign facility,
14 the contact for the United States agent of the
15 facility, and, if available, the electronic contact
16 information;

17 “(C) the facility registration number, if
18 any, previously assigned by the Secretary under
19 subsection (d);

20 “(D) all brand names under which cos-
21 metic products manufactured or processed in
22 the facility are sold; and

23 “(E) the product category or categories
24 and responsible person for each cosmetic prod-
25 uct manufactured or processed at the facility.

3590

1 “(c) COSMETIC PRODUCT LISTING.—

2 “(1) IN GENERAL.—For each cosmetic product,
3 the responsible person shall submit to the Secretary
4 a cosmetic product listing, or ensure that such sub-
5 mission is made, at such time and in such manner
6 as the Secretary may prescribe.

7 “(2) COSMETIC PRODUCT LISTING.—The re-
8 sponsible person of a cosmetic product that is mar-
9 keted on the date of enactment of the Modernization
10 of Cosmetics Regulation Act of 2022 shall submit to
11 the Secretary a cosmetic product listing not later
12 than 1 year after the date of enactment of the Mod-
13 ernization of Cosmetics Regulation Act of 2022, or
14 for a cosmetic product that is first marketed after
15 the date of enactment of such Act, within 120 days
16 of marketing such product in interstate commerce.
17 Thereafter, any updates to such listing shall be
18 made annually, consistent with paragraphs (4) and
19 (5).

20 “(3) ABBREVIATED RENEWAL.—The Secretary
21 shall provide for an abbreviated process for the re-
22 newal of any cosmetic product listing under this sub-
23 section with respect to which there has been no
24 change since the responsible person submitted the
25 previous listing.

3591

1 “(4) CONTENTS OF LISTING.—

2 “(A) IN GENERAL.—Each such cosmetic
3 product listing shall include—

4 “(i) the facility registration number of
5 each facility where the cosmetic product is
6 manufactured or processed;

7 “(ii) the name and contact number of
8 the responsible person and the name for
9 the cosmetic product, as such name ap-
10 pears on the label;

11 “(iii) the applicable cosmetic category
12 or categories for the cosmetic product;

13 “(iv) a list of ingredients in the cos-
14 metic product, including any fragrances,
15 flavors, or colors, with each ingredient
16 identified by the name, as required under
17 section 701.3 of title 21, Code of Federal
18 Regulations (or any successor regulations),
19 or by the common or usual name of the in-
20 gredient; and

21 “(v) the product listing number, if
22 any previously assigned by the Secretary
23 under subsection (d).

24 “(B) FLEXIBLE LISTINGS.—A single list-
25 ing submission for a cosmetic product may in-

1 clude multiple cosmetic products with identical
2 formulations, or formulations that differ only
3 with respect to colors, fragrances or flavors, or
4 quantity of contents.

5 “(5) UPDATES TO CONTENT.—A responsible
6 person that is required to submit a cosmetic product
7 listing shall submit any updates to such cosmetic
8 product listing annually.

9 “(6) SUBMISSION.—A responsible person may
10 submit product listing information as part of a facil-
11 ity registration or separately.

12 “(d) FACILITY REGISTRATION AND PRODUCT LIST-
13 ING NUMBERS.—At the time of the initial registration of
14 any facility under subsection (a)(1) or initial listing of any
15 cosmetic product under (c)(1), the Secretary shall assign
16 a facility registration number to the facility and a product
17 listing number to each cosmetic product. The Secretary
18 shall not make such product listing number publicly avail-
19 able.

20 “(e) CONFIDENTIALITY.—In response to a request
21 under section 552 of title 5, United States Code, informa-
22 tion described in subsection (b)(2)(D) or (c)(4)(A)(i) that
23 is derived from a registration or listing under this section
24 shall be withheld under section 552(b)(3) of title 5, United
25 States Code.

1 “(f) SUSPENSIONS.—

2 “(1) SUSPENSION OF REGISTRATION OF A FA-
3 CILITY.—The Secretary may suspend the registra-
4 tion of a facility if the Secretary determines that a
5 cosmetic product manufactured or processed by a
6 registered facility and distributed in the United
7 States has a reasonable probability of causing seri-
8 ous adverse health consequences or death to humans
9 and the Secretary has a reasonable belief that other
10 products manufactured or processed by the facility
11 may be similarly affected because of a failure that
12 cannot be isolated to a product or products, or is
13 sufficiently pervasive to raise concerns about other
14 products manufactured in the facility.

15 “(2) NOTICE OF SUSPENSION.—Before sus-
16 pending a facility registration under this section, the
17 Secretary shall provide—

18 “(A) notice to the facility registrant of the
19 cosmetic product or other responsible person, as
20 appropriate, of the intent to suspend the facility
21 registration, which shall specify the basis of the
22 determination by the Secretary that the facility
23 registration should be suspended; and

24 “(B) an opportunity, within 5 business
25 days of the notice provided under subparagraph

1 (A), for the responsible person to provide a plan
2 for addressing the reasons for possible suspen-
3 sion of the facility registration.

4 “(3) HEARING ON SUSPENSION.—The Secretary
5 shall provide the registrant subject to an order
6 under paragraph (1) or (2) with an opportunity for
7 an informal hearing, to be held as soon as possible
8 but not later than 5 business days after the issuance
9 of the order, or such other time period agreed upon
10 by the Secretary and the registrant, on the actions
11 required for reinstatement of registration and why
12 the registration that is subject to the suspension
13 should be reinstated. The Secretary shall reinstate a
14 registration if the Secretary determines, based on
15 evidence presented, that adequate grounds do not
16 exist to continue the suspension of the registration.

17 “(4) POST-HEARING CORRECTIVE ACTION
18 PLAN.—If, after providing opportunity for an infor-
19 mal hearing under paragraph (3), the Secretary de-
20 termines that the suspension of registration remains
21 necessary, the Secretary shall require the registrant
22 to submit a corrective action plan to demonstrate
23 how the registrant plans to correct the conditions
24 found by the Secretary. The Secretary shall review
25 such plan not later than 14 business days after the

1 submission of the corrective action plan or such
2 other time period as determined by the Secretary, in
3 consultation with the registrant.

4 “(5) VACATING OF ORDER; REINSTATEMENT.—
5 Upon a determination by the Secretary that ade-
6 quate grounds do not exist to continue the suspen-
7 sion actions, the Secretary shall promptly vacate the
8 suspension and reinstate the registration of the facil-
9 ity.

10 “(6) EFFECT OF SUSPENSION.—If the registra-
11 tion of the facility is suspended under this section,
12 no person shall introduce or deliver for introduction
13 into commerce in the United States cosmetic prod-
14 ucts from such facility.

15 “(7) NO DELEGATION.—The authority con-
16 ferred by this section to issue an order to suspend
17 a registration or vacate an order of suspension shall
18 not be delegated to any officer or employee other
19 than the Commissioner.

20 **“SEC. 608. SAFETY SUBSTANTIATION.**

21 “(a) SUBSTANTIATION OF SAFETY.—A responsible
22 person for a cosmetic product shall ensure, and maintain
23 records supporting, that there is adequate substantiation
24 of safety of such cosmetic product.

1 “(b) COAL-TAR HAIR DYE.—Subsection (a) shall not
2 apply to coal-tar hair dye that otherwise complies with the
3 requirements of section 601(a). A responsible person for
4 a coal-tar hair dye shall maintain records related to the
5 safety of such product.

6 “(c) DEFINITIONS.—For purposes of this section:

7 “(1) ADEQUATE SUBSTANTIATION OF SAFE-
8 TY.—The term ‘adequate substantiation of safety’
9 means tests or studies, research, analyses, or other
10 evidence or information that is considered, among
11 experts qualified by scientific training and experi-
12 ence to evaluate the safety of cosmetic products and
13 their ingredients, sufficient to support a reasonable
14 certainty that a cosmetic product is safe.

15 “(2) SAFE.—The term ‘safe’ means that the
16 cosmetic product, including any ingredient thereof,
17 is not injurious to users under the conditions of use
18 prescribed in the labeling thereof, or under such con-
19 ditions of use as are customary or usual. The Sec-
20 retary shall not consider a cosmetic ingredient or
21 cosmetic product injurious to users solely because it
22 can cause minor and transient reactions or minor
23 and transient skin irritations in some users. In de-
24 termining for purposes of this section whether a cos-
25 metic product is safe, the Secretary may consider, as

1 appropriate and available, the cumulative or other
2 relevant exposure to the cosmetic product, including
3 any ingredient thereof.

4 **“SEC. 609. LABELING.**

5 “(a) GENERAL REQUIREMENT.—Each cosmetic prod-
6 uct shall bear a label that includes a domestic address,
7 domestic phone number, or electronic contact information,
8 which may include a website, through which the respon-
9 sible person can receive adverse event reports with respect
10 to such cosmetic product.

11 “(b) FRAGRANCE ALLERGENS.—The responsible per-
12 son shall identify on the label of a cosmetic product each
13 fragrance allergen included in such cosmetic product. Sub-
14 stances that are fragrance allergens for purposes of this
15 subsection shall be determined by the Secretary by regula-
16 tion. The Secretary shall issue a notice of proposed rule-
17 making promulgating the regulation implementing this re-
18 quirement not later than 18 months after the date of en-
19 actment of the Modernization of Cosmetics Regulation Act
20 of 2022, and not later than 180 days after the date on
21 which the public comment period on the proposed rule-
22 making closes, shall issue a final rulemaking. In promul-
23 gating regulations implementing this subsection, the Sec-
24 retary shall consider international, State, and local re-
25 quirements for allergen disclosure, including the substance

1 and format of requirements in the European Union, and
2 may establish threshold levels of amounts of substances
3 subject to disclosure pursuant to such regulations.

4 “(c) COSMETIC PRODUCTS FOR PROFESSIONAL
5 USE.—

6 “(1) DEFINITION OF PROFESSIONAL.—For pur-
7 poses of this subsection, the term ‘professional’
8 means an individual who is licensed by an official
9 State authority to practice in the field of cosme-
10 tology, nail care, barbering, or esthetics.

11 “(2) PROFESSIONAL USE LABELING.—A cos-
12 metic product introduced into interstate commerce
13 and intended to be used only by a professional shall
14 bear a label that—

15 “(A) contains a clear and prominent state-
16 ment that the product shall be administered or
17 used only by licensed professionals; and

18 “(B) is in conformity with the require-
19 ments of the Secretary for cosmetics labeling
20 under this Act and section 4(a) of the Fair
21 Packaging and Labeling Act.

22 **“SEC. 610. RECORDS.**

23 “(a) IN GENERAL.—If the Secretary has a reasonable
24 belief that a cosmetic product, including an ingredient in
25 such cosmetic product, and any other cosmetic product

1 that the Secretary reasonably believes is likely to be af-
2 fected in a similar manner, is likely to be adulterated such
3 that the use or exposure to such product presents a threat
4 of serious adverse health consequences or death to hu-
5 mans, each responsible person and facility shall, at the re-
6 quest of an officer or employee duly designated by the Sec-
7 retary, permit such officer or employee, upon presentation
8 of appropriate credentials and a written notice to such
9 person, at reasonable times and within reasonable limits
10 and in a reasonable manner, to have access to and copy
11 all records relating to such cosmetic product, and to any
12 other cosmetic product that the Secretary reasonably be-
13 lieves is likely to be affected in a similar manner, that
14 are needed to assist the Secretary in determining whether
15 the cosmetic product is adulterated and presents a threat
16 of serious adverse health consequences or death to hu-
17 mans. This subsection shall not be construed to extend
18 to recipes or formulas for cosmetics, financial data, pricing
19 data, personnel data (other than data as to qualification
20 of technical and professional personnel performing func-
21 tions subject to this Act), research data (other than safety
22 substantiation data for cosmetic products and their ingre-
23 dients), or sales data (other than shipment data regarding
24 sales).

1 “(b) **RULE OF CONSTRUCTION.**—Nothing in this sec-
2 tion shall be construed to limit the authority of the Sec-
3 retary to inspect records or require establishment and
4 maintenance of records under any other provision of this
5 Act, including section 605 or 606.

6 **“SEC. 611. MANDATORY RECALL AUTHORITY.**

7 “(a) **IN GENERAL.**—If the Secretary determines that
8 there is a reasonable probability that a cosmetic is adulter-
9 ated under section 601 or misbranded under section 602
10 and the use of or exposure to such cosmetic will cause
11 serious adverse health consequences or death, the Sec-
12 retary shall provide the responsible person with an oppor-
13 tunity to voluntarily cease distribution and recall such ar-
14 ticle. If the responsible person refuses to or does not vol-
15 untarily cease distribution or recall such cosmetic within
16 the time and manner prescribed by the Secretary (if so
17 prescribed), the Secretary may, by order, require, as the
18 Secretary determines necessary, such person to imme-
19 diately cease distribution of such article.

20 “(b) **HEARING.**—The Secretary shall provide the re-
21 sponsible person who is subject to an order under sub-
22 section (a) with an opportunity for an informal hearing,
23 to be held not later than 10 days after the date of issuance
24 of the order, on whether adequate evidence exists to justify
25 the order.

3601

1 “(c) ORDER RESOLUTION.—After an order is issued
2 according to the process under subsections (a) and (b),
3 the Secretary shall, except as provided in subsection (d)—

4 “(1) vacate the order, if the Secretary deter-
5 mines that inadequate grounds exist to support the
6 actions required by the order;

7 “(2) continue the order ceasing distribution of
8 the cosmetic until a date specified in such order; or

9 “(3) amend the order to require a recall of the
10 cosmetic, including any requirements to notify ap-
11 propriate persons, a timetable for the recall to occur,
12 and a schedule for updates to be provided to the
13 Secretary regarding such recall.

14 “(d) ACTION FOLLOWING ORDER.—Any person who
15 is subject to an order pursuant to paragraph (2) or (3)
16 of subsection (c) shall immediately cease distribution of
17 or recall, as applicable, the cosmetic and provide notifica-
18 tion as required by such order.

19 “(e) NOTICE TO PERSONS AFFECTED.—If the Sec-
20 retary determines necessary, the Secretary may require
21 the person subject to an order pursuant to subsection (a)
22 or an amended order pursuant to paragraph (2) or (3)
23 of subsection (c) to provide either a notice of a recall order
24 for, or an order to cease distribution of, such cosmetic,
25 as applicable, under this section to appropriate persons,

1 including persons who manufacture, distribute, import, or
2 offer for sale such product that is the subject of an order
3 and to the public.

4 “(f) PUBLIC NOTIFICATION.—In conducting a recall
5 under this section, the Secretary shall—

6 “(1) ensure that a press release is published re-
7 garding the recall, and that alerts and public notices
8 are issued, as appropriate, in order to provide notifi-
9 cation—

10 “(A) of the recall to consumers and retail-
11 ers to whom such cosmetic was, or may have
12 been, distributed; and

13 “(B) that includes, at a minimum—

14 “(i) the name of the cosmetic subject
15 to the recall;

16 “(ii) a description of the risk associ-
17 ated with such article; and

18 “(iii) to the extent practicable, infor-
19 mation for consumers about similar cos-
20 metics that are not affected by the recall;
21 and

22 “(2) ensure publication, as appropriate, on the
23 website of the Food and Drug Administration of an
24 image of the cosmetic that is the subject of the press
25 release described in paragraph (1), if available.

1 “(g) NO DELEGATION.—The authority conferred by
2 this section to order a recall or vacate a recall order shall
3 not be delegated to any officer or employee other than the
4 Commissioner.

5 “(h) EFFECT.—Nothing in this section shall affect
6 the authority of the Secretary to request or participate
7 in a voluntary recall, or to issue an order to cease distribu-
8 tion or to recall under any other provision of this chapter.

9 **“SEC. 612. SMALL BUSINESSES.**

10 “(a) IN GENERAL.—Responsible persons, and owners
11 and operators of facilities, whose average gross annual
12 sales in the United States of cosmetic products for the
13 previous 3-year period is less than \$1,000,000, adjusted
14 for inflation, and who do not engage in the manufacturing
15 or processing of the cosmetic products described in sub-
16 section (b), shall be considered small businesses and not
17 subject to the requirements of section 606 or 607.

18 “(b) REQUIREMENTS APPLICABLE TO ALL MANU-
19 FACTURERS AND PROCESSORS OF COSMETICS.—The ex-
20 emptions under subsection (a) shall not apply to any re-
21 sponsible person or facility engaged in the manufacturing
22 or processing of any of the following products:

23 “(1) Cosmetic products that regularly come into
24 contact with mucus membrane of the eye under con-
25 ditions of use that are customary or usual.

1 “(2) Cosmetic products that are injected.

2 “(3) Cosmetic products that are intended for
3 internal use.

4 “(4) Cosmetic products that are intended to
5 alter appearance for more than 24 hours under con-
6 ditions of use that are customary or usual and re-
7 moval by the consumer is not part of such conditions
8 of use that are customary or usual.

9 **“SEC. 613. EXEMPTION FOR CERTAIN PRODUCTS AND FA-
10 CILITIES.**

11 “(a) IN GENERAL.—Notwithstanding any other pro-
12 vision of law, except as provided in subsection (b), a cos-
13 metic product or facility that is also subject to the require-
14 ments of chapter V shall be exempt from the requirements
15 of sections 605, 606, 607, 608, 609(a), 610, and 611.

16 “(b) EXCEPTION.—A facility described in subsection
17 (a) that also manufactures or processes cosmetic products
18 that are not subject to the requirements of chapter V shall
19 not be exempt from the requirements of sections 605, 606,
20 607, 608, 609(a), 610, and 611, with respect to such cos-
21 metic products.

22 **“SEC. 614. PREEMPTION.**

23 “(a) IN GENERAL.—No State or political subdivision
24 of a State may establish or continue in effect any law,
25 regulation, order, or other requirement for cosmetics that

1 is different from or in addition to, or otherwise not iden-
2 tical with, any requirement applicable under this chapter
3 with respect to registration and product listing, good man-
4 ufacturing practice, records, recalls, adverse event report-
5 ing, or safety substantiation.

6 “(b) LIMITATION.—Nothing in the amendments to
7 this Act made by the Modernization of Cosmetics Regula-
8 tion Act of 2022 shall be construed to preempt any State
9 statute, public initiative, referendum, regulation, or other
10 State action, except as expressly provided in subsection
11 (a). Notwithstanding subsection (a), nothing in this sec-
12 tion shall be construed to prevent any State from prohib-
13 iting the use or limiting the amount of an ingredient in
14 a cosmetic product, or from continuing in effect a require-
15 ment of any State that is in effect at the time of enact-
16 ment of the Modernization of Cosmetics Regulation Act
17 of 2022 for the reporting to the State of an ingredient
18 in a cosmetic product.

19 “(c) SAVINGS.—Nothing in the amendments to this
20 Act made by the Modernization of Cosmetics Regulation
21 Act of 2022, nor any standard, rule, requirement, regula-
22 tion, or adverse event report shall be construed to modify,
23 preempt, or displace any action for damages or the liabil-
24 ity of any person under the law of any State, whether stat-
25 utory or based in common law.

1 “(d) **RULE OF CONSTRUCTION.**—Nothing in this sec-
2 tion shall be construed to amend, expand, or limit the pro-
3 visions under section 752.”.

4 **SEC. 3503. ENFORCEMENT AND CONFORMING AMEND-**
5 **MENTS.**

6 (a) **IN GENERAL.**—

7 (1) **PROHIBITED ACTS.**—Section 301 of the
8 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
9 331), as amended by section 3210, is further
10 amended—

11 (A) by adding at the end the following:

12 “(hhh) The failure to register or submit listing infor-
13 mation in accordance with section 607.

14 “(iii) The refusal or failure to follow an order under
15 section 611.”; and

16 (B) in paragraph (d), by striking “or 564”
17 and inserting “, 564, or 607”.

18 (2) **ADULTERATED PRODUCTS.**—Section 601 of
19 the Federal Food, Drug, and Cosmetic Act (21
20 U.S.C. 361) is amended by adding at the end the
21 following:

22 “(f) If it has been manufactured or processed under
23 conditions that do not meet the good manufacturing prac-
24 tice requirements of section 606.

3607

1 “(g) If it is a cosmetic product, and the cosmetic
2 product, including each ingredient in the cosmetic product,
3 does not have adequate substantiation for safety, as de-
4 fined in section 608(c).”.

5 (3) MISBRANDED COSMETICS.—Section 602(b)
6 of the Federal Food, Drug, and Cosmetic Act (21
7 U.S.C. 362(b)) is amended—

8 (A) by striking “and (2)” and inserting
9 “(2)”; and

10 (B) by inserting after “numerical count”
11 the following: “; and (3) the information re-
12 quired under section 609”.

13 (4) ADVERSE EVENT REPORTING.—The Federal
14 Food, Drug, and Cosmetic Act (21 U.S.C. 301 et
15 seq.) is amended—

16 (A) in section 301(e) (21 U.S.C. 331(e))—

17 (i) by striking “564, 703” and insert-
18 ing “564, 605, 703”; and

19 (ii) by striking “564, 760” and insert-
20 ing “564, 605, 611, 760”;

21 (B) in section 301(ii) (21 U.S.C.
22 331(ii))—

23 (i) by striking “760 or 761) or” and
24 inserting “604, 760, or 761) or”; and

3608

1 (ii) by inserting “or required under
2 section 605(a)” after “report (as defined
3 under section 760 or 761”;

4 (C) in section 801(a) (21 U.S.C. 381(a))—

5 (i) by striking “under section 760 or
6 761” and inserting “under section 605,
7 760, or 761”;

8 (ii) by striking “defined in such sec-
9 tion 760 or 761” and inserting “defined in
10 section 604, 760, or 761”;

11 (iii) by striking “of such section 760
12 or 761” and inserting “of such section
13 605, 760, or 761”; and

14 (iv) by striking “described in such
15 section 760 or 761” and inserting “de-
16 scribed in such section 605, 760, or 761”;
17 and

18 (D) in section 801(b) (21 U.S.C.
19 381(b))—

20 (i) by striking “requirements of sec-
21 tions 760 or 761,” and inserting “require-
22 ments of section 605, 760, or 761”;

23 (ii) by striking “as defined in section
24 760 or 761” and inserting “as defined in
25 section 604, 760, or 761”; and

3609

1 (iii) by striking “with section 760 or
2 761” and inserting “with section 605, 760,
3 or 761”.

4 (b) EFFECTIVE DATES.—

5 (1) IN GENERAL.—The amendments made by
6 subsection (a) shall take effect on the date that is
7 1 year after the date of enactment of this Act.

8 (2) LABELING REQUIREMENT.—Section 609(a)
9 of the Federal Food, Drug, and Cosmetic Act, as
10 added by section 802, shall take effect on the date
11 that is 2 years after the date of enactment of this
12 Act.

13 (c) CONFIDENTIALITY.—

14 (1) IN GENERAL.—The Secretary shall take ap-
15 propriate measures to ensure that there are in effect
16 effective procedures to prevent the unauthorized dis-
17 closure of any trade secret or confidential commer-
18 cial information that is obtained by the Secretary of
19 Health and Human Services pursuant to this sub-
20 title, including the amendments made by this sub-
21 title.

22 (2) CLARIFICATION.—Nothing in this subtitle,
23 including the amendments made by this subtitle,
24 shall be construed to authorize the disclosure of in-
25 formation that is prohibited from disclosure under

3610

1 section 301(j) of the Federal Food, Drug, and Cos-
2 metic Act (21 U.S.C. 331(j)) or section 1905 of title
3 18, United States Code, or that is subject to with-
4 holding under section 552(b)(4) of title 5, United
5 States Code.

6 **SEC. 3504. RECORDS INSPECTION.**

7 Section 704(a)(1) of the Federal Food, Drug, and
8 Cosmetic Act (21 U.S.C. 374(a)(1)) is amended by insert-
9 ing after the second sentence the following: “In the case
10 of a facility (as defined in section 604) that manufactures
11 or processes cosmetic products, the inspection shall extend
12 to all records and other information described in sections
13 605, 606, and 610, when the standard for records inspec-
14 tion under such section applies.”.

15 **SEC. 3505. TALC-CONTAINING COSMETICS.**

16 The Secretary of Health and Human Services—

17 (1) not later than one year after the date of en-
18 actment of this Act, shall promulgate proposed regu-
19 lations to establish and require standardized testing
20 methods for detecting and identifying asbestos in
21 talc-containing cosmetic products; and

22 (2) not later than 180 days after the date on
23 which the public comment period on the proposed
24 regulations closes, shall issue such final regulations.

3611

1 SEC. 3506. PFAS IN COSMETICS.

2 (a) IN GENERAL.—The Secretary of Health and
3 Human Services (referred to in this section as the “Sec-
4 retary”) shall assess the use of perfluoroalkyl and
5 polyfluoroalkyl substances in cosmetic products and the
6 scientific evidence regarding the safety of such use in cos-
7 metic products, including any risks associated with such
8 use. In conducting such assessment, the Secretary may,
9 as appropriate, consult with the National Center for Toxi-
10 cological Research.

11 (b) REPORT.—Not later than 3 years after enactment
12 of this Act, the Secretary shall publish on the website of
13 the Food and Drug Administration a report summarizing
14 the results of the assessment conducted under subsection
15 (a).

16 SEC. 3507. SENSE OF THE CONGRESS ON ANIMAL TESTING.

17 It is the sense of the Congress that animal testing
18 should not be used for the purposes of safety testing on
19 cosmetic products and should be phased out with the ex-
20 ception of appropriate allowances.

21 SEC. 3508. FUNDING.

22 There is authorized to be appropriated \$14,200,000
23 for fiscal year 2023, \$25,960,000 for fiscal year 2024, and
24 \$41,890,000 for each of fiscal years 2025 through 2027,
25 for purposes of conducting the activities under this sub-
26 title (including the amendments made by this subtitle) and

1 hiring personnel required to carry out this subtitle (includ-
2 ing the amendments made by this subtitle).

3 **Subtitle F—Cross-Cutting**
4 **Provisions**

5 **CHAPTER 1—CLINICAL TRIAL DIVERSITY**
6 **AND MODERNIZATION**

7 **SEC. 3601. DIVERSITY ACTION PLANS FOR CLINICAL STUD-**
8 **IES.**

9 (a) DRUGS.—Section 505 of the Federal Food, Drug,
10 and Cosmetic Act (21 U.S.C. 355) is amended by adding
11 at the end the following:

12 “(z)(1) With respect to a clinical investigation of a
13 new drug that is a phase 3 study, as defined in section
14 312.21(e) of title 21, Code of Federal Regulations (or suc-
15 cessor regulations), or, as appropriate, another pivotal
16 study of a new drug (other than bioavailability or bio-
17 equivalence studies), the sponsor of such drug shall submit
18 to the Secretary a diversity action plan.

19 “(2) Such diversity action plan shall include—

20 “(A) the sponsor’s goals for enrollment in such
21 clinical study;

22 “(B) the sponsor’s rationale for such goals; and

23 “(C) an explanation of how the sponsor intends
24 to meet such goals.

1 “(3) The sponsor shall submit to the Secretary such
2 diversity action plan, in the form and manner specified
3 by the Secretary in guidance, as soon as practicable but
4 not later than the date on which the sponsor submits the
5 protocol to the Secretary for such a phase 3 study or other
6 pivotal study of the drug. The sponsor may submit modi-
7 fications to the diversity action plan. Any such modifica-
8 tions shall be in the form and manner specified by the
9 Secretary in guidance.

10 “(4)(A) On the initiative of the Secretary or at the
11 request of a sponsor, the Secretary may waive any require-
12 ment in paragraph (1), (2), or (3) if the Secretary deter-
13 mines that a waiver is necessary based on what is known
14 or what can be determined about the prevalence or inci-
15 dence of the disease or condition for which the new drug
16 is under investigation (including in terms of the patient
17 population that may use the drug), if conducting a clinical
18 investigation in accordance with a diversity action plan
19 would otherwise be impracticable, or if such waiver is nec-
20 essary to protect public health during a public health
21 emergency.

22 “(B) The Secretary shall issue a written response
23 granting or denying a request from a sponsor for a waiver
24 within 60 days of receiving such request.

1 “(5) No diversity action plan shall be required for
2 a submission described in section 561.”.

3 (b) DEVICES.—Section 520(g) of the Federal Food,
4 Drug, and Cosmetic Act (21 U.S.C. 360j(g)) is amended
5 by adding at the end the following:

6 “(9)(A)(i) The sponsor of a device for which submis-
7 sion of an application for an investigational device exemp-
8 tion is required shall submit to the Secretary in such ap-
9 plication a diversity action plan for clinical studies of the
10 device, in the form and manner specified in guidance
11 issued by the Secretary.

12 “(ii) The sponsor of a device for which submission
13 of an application for an investigational device exemption
14 is not required, except for a device being studied as de-
15 scribed in section 812.2(c) of title 21, Code of Federal
16 Regulations (or successor regulations), shall develop a di-
17 versity action plan for any clinical study with respect to
18 the device. Such diversity action plan shall be submitted
19 to the Secretary in any premarket notification under sec-
20 tion 510(k), request for classification under section
21 513(f)(2), or application for premarket approval under
22 section 515 for such device.

23 “(B) A diversity action plan under clause (i) or (ii)
24 of subparagraph (A) shall include—

3615

1 “(i) the sponsor’s goals for enrollment in the
2 clinical study;

3 “(ii) the sponsor’s rationale for such goals; and

4 “(iii) an explanation of how the sponsor intends
5 to meet such goals.

6 “(C)(i) On the initiative of the Secretary or at the
7 request of a sponsor, the Secretary may waive any require-
8 ment in subparagraph (A) or (B) if the Secretary deter-
9 mines that a waiver is necessary based on what is known
10 or can be determined about the prevalence or incidence
11 of the disease or condition for which the device is under
12 investigation (including in terms of the patient population
13 that may use the device), if conducting a clinical investiga-
14 tion in accordance with a diversity action plan would oth-
15 erwise be impracticable, or if such waiver is necessary to
16 protect public health during a public health emergency.

17 “(ii) The Secretary shall issue a written response
18 granting or denying a request from a sponsor for a waiver
19 within 60 days of receiving such request.

20 “(D) No diversity action plan shall be required for
21 a submission described in section 561.”.

22 **SEC. 3602. GUIDANCE ON DIVERSITY ACTION PLANS FOR**
23 **CLINICAL STUDIES.**

24 (a) IN GENERAL.—The Secretary shall update or
25 issue guidance relating to—

1 (1) the format and content of the diversity ac-
2 tion plans required by sections 505(z) and 520(g)(9)
3 of the Federal Food, Drug, and Cosmetic Act (21
4 U.S.C. 355(z); 360j(g)(9)) (as amended by section
5 3601) pertaining to the sponsor's goals for clinical
6 study enrollment, disaggregated by age group, sex,
7 and racial and ethnic demographic characteristics of
8 clinically relevant study populations, and may in-
9 clude characteristics such as geographic location and
10 socioeconomic status, including with respect to—

11 (A) the rationale for the sponsor's enroll-
12 ment goals, which may include—

13 (i) the estimated prevalence or inci-
14 dence in the United States of the disease
15 or condition for which the drug or device
16 is being investigated in the relevant clinical
17 trial, if such estimated prevalence or inci-
18 dence is known or can be determined based
19 on available data;

20 (ii) what is known about the disease
21 or condition for which the drug or device
22 is being investigated;

23 (iii) any relevant pharmacokinetic or
24 pharmacogenomic data;

3617

1 (iv) what is known about the patient
2 population for such disease or condition,
3 including, to the extent data is available—

4 (I) demographic information,
5 which may include age group, sex,
6 race, geographic location, socio-
7 economic status, and ethnicity;

8 (II) non-demographic factors, in-
9 cluding co-morbidities affecting the
10 patient population; and

11 (III) potential barriers to enroll-
12 ing diverse participants, such as pa-
13 tient population size, geographic loca-
14 tion, and socioeconomic status; and

15 (v) any other data or information rel-
16 evant to selecting appropriate enrollment
17 goals, disaggregated by demographic sub-
18 group, such as the inclusion of pregnant
19 and lactating women; and

20 (B) an explanation for how the sponsor in-
21 tends to meet such goals, including demo-
22 graphic-specific outreach and enrollment strate-
23 gies, study-site selection, clinical study inclusion
24 and exclusion practices, and any diversity train-
25 ing for study personnel;

1 (2) submission of any modifications to the di-
2 iversity action plan;

3 (3) considerations for the public posting by a
4 sponsor of key information from the diversity action
5 plan that would be useful to patients and providers
6 on the sponsor's website, as appropriate;

7 (4) criteria that the Secretary will consider in
8 assessing whether to grant a sponsor's request to
9 waive the requirement to submit a diversity action
10 plan under section 505(z)(4) or 520(g)(9)(C) of the
11 Federal Food, Drug, and Cosmetic Act (as amended
12 by section 3601); and

13 (5) how sponsors may include in regular reports
14 otherwise required by the Secretary—

15 (A) the sponsor's progress in meeting the
16 goals referred to in paragraph (1)(A); and

17 (B) any updates needed to be made to a
18 diversity action plan referred to in paragraph
19 (1) to help meet goals referred to in paragraph
20 (1)(A); and

21 (C) if the sponsor does not expect to meet
22 goals referred to in paragraph (1)(A), the spon-
23 sor's reasons for why the sponsor does not ex-
24 pect to meet such goals.

25 (b) ISSUANCE.—The Secretary shall—

1 among demographic subgroups, where appropriate, and
2 other topics, including—

3 (1) how and when to collect and present the
4 prevalence or incidence data on a disease or condi-
5 tion by demographic subgroup, including possible
6 sources for such data and methodologies for assess-
7 ing such data;

8 (2) considerations for the dissemination, as ap-
9 propriate, after approval, of information to the pub-
10 lic on clinical study enrollment demographic data;

11 (3) the establishment of goals for enrollment in
12 clinical trials, including the relevance of the esti-
13 mated prevalence or incidence, as applicable, in the
14 United States of the disease or condition for which
15 the drug or device is being developed; and

16 (4) approaches to support inclusion of under-
17 represented populations and to encourage clinical
18 study participation that reflects the population ex-
19 pected to use the drug or device under study, includ-
20 ing with respect to—

21 (A) the establishment of inclusion and ex-
22 clusion criteria for certain subgroups, such as
23 pregnant and lactating women and individuals
24 with disabilities, including intellectual or devel-
25 opmental disabilities or mental illness;

3621

1 (B) considerations regarding informed con-
2 sent with respect to individuals with intellectual
3 or developmental disabilities or mental illness,
4 including ethical and scientific considerations;

5 (C) the appropriate use of decentralized
6 trials or digital health tools;

7 (D) clinical endpoints;

8 (E) biomarker selection; and

9 (F) studying analysis.

10 (b) PUBLIC DOCKET.—The Secretary shall establish
11 a public comment period to receive written comments re-
12 lated to the topics addressed during each public workshop
13 convened under this section. The public comment period
14 shall remain open for 60 days following the date on which
15 each public workshop is convened.

16 (c) REPORT.—Not later than 180 days after the close
17 of the public comment period for each public workshop
18 convened under this section, the Secretary shall make
19 available on the public website of the Food and Drug Ad-
20 ministration a report on the topics discussed at such work-
21 shop. The report shall include a summary of topics and
22 responses to any recommendations raised in such work-
23 shop.

3622

1 **SEC. 3604. ANNUAL SUMMARY REPORT ON PROGRESS TO**
2 **INCREASE DIVERSITY IN CLINICAL STUDIES.**

3 (a) IN GENERAL.—Beginning not later than 2 years
4 after the date of enactment of this Act, and each year
5 thereafter, the Secretary shall submit to the Congress, and
6 publish on the public website of the Food and Drug Ad-
7 ministration, a report that—

8 (1) summarizes, in aggregate, the diversity ac-
9 tion plans received pursuant to section 505(z) or
10 520(g)(9) of the Federal Food, Drug, and Cosmetic
11 Act, as added by section 3601; and

12 (2) contains information, in the aggregate, on—

13 (A) for drugs, biological products, and de-
14 vices approved, licensed, cleared, or classified
15 under section 505, 515, 510(k), or 513(f)(2) of
16 the Federal Food, Drug, and Cosmetic Act (21
17 U.S.C. 355; 360e; 360(k); and 360(f)(2)), or
18 section 351(a) of the Public Health Service Act
19 (42 U.S.C. 262(a)), whether the clinical studies
20 conducted with respect to such applications met
21 the demographic subgroup enrollment goals
22 from the diversity action plan submitted for
23 such applications; and

24 (B) the reasons provided, if any, for why
25 enrollment goals from submitted diversity ac-
26 tion plans were not met.

1 (b) CONFIDENTIALITY.—Nothing in this section shall
2 be construed as authorizing the Secretary to disclose any
3 information that is a trade secret or confidential informa-
4 tion subject to section 552(b)(4) of title 5, United States
5 Code, or section 1905 of title 18, United States Code.

6 **SEC. 3605. PUBLIC MEETING ON CLINICAL STUDY FLEXI-**
7 **BILITIES INITIATED IN RESPONSE TO COVID-**
8 **19 PANDEMIC.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date on which the COVID–19 emergency period ends, the
11 Secretary shall convene a public meeting to discuss the
12 recommendations provided by the Food and Drug Admin-
13 istration during the COVID–19 emergency period to miti-
14 gate disruption of clinical studies, including recommenda-
15 tions detailed in the guidance entitled “Conduct of Clinical
16 Trials of Medical Products During the COVID–19 Public
17 Health Emergency, Guidance for Industry, Investigators,
18 and Institutional Review Boards”, as updated on August
19 8, 2021, and by any subsequent updates to such guidance.
20 The Secretary shall invite to such meeting representatives
21 from the pharmaceutical and medical device industries
22 who sponsored clinical studies during the COVID–19
23 emergency period and organizations representing patients.

24 (b) TOPICS.—Not later than 90 days after the date
25 on which the public meeting under subsection (a) is con-

1 vened, the Secretary shall make available on the public
2 website of the Food and Drug Administration a report on
3 the topics discussed at such meeting. Such topics shall in-
4 clude discussion of—

5 (1) the actions sponsors took to utilize such rec-
6 ommendations and the frequency at which such rec-
7 ommendations were employed;

8 (2) the characteristics of the sponsors, studies,
9 and patient populations impacted by such rec-
10 ommendations;

11 (3) a consideration of how recommendations in-
12 tended to mitigate disruption of clinical studies dur-
13 ing the COVID–19 emergency period, including any
14 recommendations to consider decentralized clinical
15 studies when appropriate, may have affected access
16 to clinical studies for certain patient populations, es-
17 pecially unrepresented or underrepresented racial
18 and ethnic minorities; and

19 (4) recommendations for incorporating certain
20 clinical study disruption mitigation recommendations
21 into current or additional guidance to improve clin-
22 ical study access and enrollment of diverse patient
23 populations.

24 (c) COVID–19 EMERGENCY PERIOD DEFINED.—In
25 this section, the term “COVID–19 emergency period” has

1 the meaning given the term “emergency period” in section
2 1135(g)(1)(B) of the Social Security Act (42 U.S.C.
3 1320b–5(g)(1)(B)).

4 **SEC. 3606. DECENTRALIZED CLINICAL STUDIES.**

5 (a) GUIDANCE.—The Secretary shall—

6 (1) not later than 1 year after the date of en-
7 actment of this Act, issue or revise draft guidance
8 that includes recommendations to clarify and ad-
9 vance the use of decentralized clinical studies to sup-
10 port the development of drugs and devices, including
11 recommendations for how to advance the use of
12 flexible and novel clinical trial designs and to help
13 improve trial participant engagement, recruitment,
14 enrollment, and retention of a meaningfully diverse
15 clinical population, including with respect to race,
16 ethnicity, age, sex, and geographic location, when
17 appropriate; and

18 (2) not later than 1 year after closing the com-
19 ment period on such draft guidance, finalize such
20 guidance.

21 (b) CONTENT OF GUIDANCE.—The guidance under
22 subsection (a) shall address the following:

23 (1) Recommendations related to digital health
24 technology or other assessment options, such as tele-
25 health, local laboratories, local health care providers,

1 or other options for remote data collection, could
2 support decentralized clinical studies, including guid-
3 ance on considerations for selecting technological
4 platforms and mediums, data collection and use,
5 data integrity and security, and communication to
6 study participants through digital technology.

7 (2) Recommendations for subject recruitment,
8 retention, and engagement, including considerations
9 for sponsors to minimize or reduce burdens for clin-
10 ical study participants through the use of digital
11 health technology, telehealth, local health care pro-
12 viders and laboratories, health care provider home
13 visits, direct-to-participant engagement, electronic
14 informed consent, or other means, as appropriate.

15 (3) Recommendations with respect to the eval-
16 uation of data collected within a decentralized clin-
17 ical study setting.

18 (4) Recommendations for methods of remote
19 data collection, including clinical trial participant ex-
20 perience data, through the use of digital health tech-
21 nologies, telemedicine, local laboratories, local health
22 care providers, or other options for data collection.

23 (5) Considerations for sponsors to minimize or
24 reduce burdens for clinical trial participants associ-
25 ated with participating in a clinical trial, such as the

1 use of digital technologies, telemedicine, local labora-
2 tories, local health care providers, or other data col-
3 lection or assessment options, health care provider
4 home visits, direct-to-participant shipping of inves-
5 tigational drugs and devices, and electronic informed
6 consent, as appropriate.

7 (6) Recommendations regarding conducting de-
8 centralized clinical trials to facilitate and encourage
9 meaningful diversity among clinical trial partici-
10 pants, including with respect to race, ethnicity, age,
11 sex, and geographic location, as appropriate.

12 (7) Recommendations for strategies and meth-
13 ods for recruiting, retaining, and engaging with clin-
14 ical trial participants, including communication re-
15 garding the role of clinical trial participants and
16 community partners to facilitate clinical trial recruit-
17 ment and engagement, including with respect to di-
18 verse and underrepresented populations, as appro-
19 priate.

20 (8) Considerations for review and oversight by
21 sponsors and institutional review boards, including
22 remote trial oversight.

23 (9) Recommendations for decentralized clinical
24 trial protocol designs and processes for evaluating
25 such proposed clinical trial designs.

1 (10) Recommendations related to digital health
2 technology and other remote assessment tools that
3 may support decentralized clinical trials, including
4 guidance on appropriate technological platforms and
5 tools, data collection and use, data integrity, and
6 communication to clinical trial participants through
7 such technology.

8 (11) A description of the manner in which the
9 Secretary will assess or evaluate data collected with-
10 in a decentralized clinical trial to support the devel-
11 opment of the drug or device, if the manner is dif-
12 ferent from that used for a nondecentralized trial.

13 (12) Considerations for sponsors to validate
14 digital technologies and establish appropriate clinical
15 endpoints for use in decentralized trials.

16 (13) Considerations for privacy and security of
17 personally identifiable information of trial partici-
18 pants.

19 (14) Considerations for conducting clinical
20 trials using centralized approaches in conjunction
21 with decentralized approaches.

22 (c) DEFINITION.—In this section, the term “decen-
23 tralized clinical study” means a clinical study in which
24 some or all of the study-related activities occur at a loca-
25 tion separate from the investigator’s location.

1 **SEC. 3607. MODERNIZING CLINICAL TRIALS.**

2 (a) CLARIFYING THE USE OF DIGITAL HEALTH
3 TECHNOLOGIES IN CLINICAL TRIALS.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this Act, the Secretary
6 shall issue or revise draft guidance regarding the ap-
7 propriate use of digital health technologies in clinical
8 trials to help improve recruitment for, retention in,
9 participation in, and data collection during, clinical
10 trials, and provide for novel clinical trial designs uti-
11 lizing such technology for purposes of supporting the
12 development of, and review of applications for, drugs
13 and devices. Not later than 18 months after the
14 public comment period on such draft guidance ends,
15 the Secretary shall issue a revised draft guidance or
16 final guidance.

17 (2) CONTENT.—The guidance described in
18 paragraph (1) shall include—

19 (A) recommendations for data collection
20 methodologies by which sponsors may incor-
21 porate the use of digital health technologies in
22 clinical trials to collect data remotely from trial
23 participants;

24 (B) considerations for privacy and security
25 protections for data collected during a clinical
26 trial, including—

3630

1 (i) recommendations for the protec-
2 tion of trial participant data that are col-
3 lected or used in research using digital
4 health technologies;

5 (ii) compliance with the regulations
6 promulgated under section 264(c) of the
7 Health Insurance Portability and Account-
8 ability Act of 1996 (42 U.S.C. 1320d–2
9 note), subpart B of part 50 of title 21,
10 Code of Federal Regulations, subpart C of
11 part 56 of title 21, Code of Federal Regu-
12 lations, the Federal policy for the protec-
13 tion of human subjects under subpart A of
14 part 46 of title 45, Code of Federal Regu-
15 lations (commonly known as the “Common
16 Rule”), and part 2 of title 42, Code of
17 Federal Regulations (or any successor reg-
18 ulations); and

19 (iii) recommendations for the protec-
20 tion of clinical trial participant data
21 against cybersecurity threats, as applica-
22 ble;

23 (C) considerations on data collection meth-
24 ods to help increase recruitment of clinical trial
25 participants and the level of participation of

3631

1 such participants, reduce burden on clinical
2 trial participants, and optimize data quality;

3 (D) recommendations for the use of elec-
4 tronic methods to obtain informed consent from
5 clinical trial participants, taking into consider-
6 ation applicable Federal law, including subpart
7 B of part 50 of title 21, Code of Federal Regu-
8 lations (or successor regulations), and, as ap-
9 propriate, State law;

10 (E) best practices for communication be-
11 tween sponsors and the Secretary on the devel-
12 opment of data collection methods;

13 (F) the appropriate format to submit such
14 data to the Secretary;

15 (G) a description of the manner in which
16 the Secretary may assess or evaluate data col-
17 lected through digital health technologies to
18 support the development of the drug or device;

19 (H) recommendations regarding the data
20 and information needed to demonstrate that a
21 digital health technology is fit-for-purpose for a
22 clinical trial, and a description of how the Sec-
23 retary will evaluate such data and information;
24 and

1 (I) recommendations for increasing access
2 to, and the use of, digital health technologies in
3 clinical trials to facilitate the inclusion of di-
4 verse and underrepresented populations, as ap-
5 propriate, including considerations for access to,
6 and the use of, digital health technologies in
7 clinical trials by people with disabilities and pe-
8 diatric populations.

9 (b) SEAMLESS AND CONCURRENT CLINICAL
10 TRIALS.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of enactment of this Act, the Secretary
13 shall issue or revise draft guidance on the use of
14 seamless, concurrent, and other innovative clinical
15 trial designs to support the expedited development
16 and review of applications for drugs, as appropriate.
17 Not later than 18 months after the public comment
18 period on such draft guidance ends, the Secretary
19 shall issue a revised draft guidance or final guid-
20 ance.

21 (2) CONTENT.—The guidance described in
22 paragraph (1) shall include—

23 (A) recommendations on the use of expan-
24 sion cohorts and other seamless clinical trial de-
25 signs to assess different aspects of product can-

3633

1 didates in one continuous trial, including how
2 such clinical trial designs can be used as part
3 of meeting the substantial evidence standard
4 under section 505(d) of the Federal Food,
5 Drug, and Cosmetic Act (21 U.S.C. 355(d));

6 (B) recommendations on the use of clinical
7 trial designs that involve the concurrent con-
8 duct of different or multiple clinical trial
9 phases, and the concurrent conduct of pre-
10 clinical testing, to expedite the development of
11 new drugs and facilitate the timely collection of
12 data;

13 (C) recommendations for how to streamline
14 trial logistics and facilitate the efficient collec-
15 tion and analysis of clinical trial data, including
16 any planned interim analyses and how such
17 analyses could be used to streamline the prod-
18 uct development and review processes;

19 (D) considerations to assist sponsors in en-
20 suring the rights, safety, and welfare of clinical
21 trial participants, maintaining compliance with
22 good clinical practice regulations, minimizing
23 risks to clinical trial data integrity, and ensur-
24 ing the reliability of clinical trial results;

3635

1 (b) RECORDS OR OTHER INFORMATION.—

2 (1) ESTABLISHMENTS.—Section 704(a)(4)(A)
3 of the Federal Food, Drug, and Cosmetic Act (21
4 U.S.C. 374(a)(4)(A)) is amended—

5 (A) by striking “an establishment that is
6 engaged in the manufacture, preparation, prop-
7 agation, compounding, or processing of a drug”
8 and inserting “an establishment that is engaged
9 in the manufacture, preparation, propagation,
10 compounding, or processing of a drug or device,
11 or a site or facility that is subject to inspection
12 under paragraph (5)(C),”; and

13 (B) by striking “records requested.” and
14 inserting the following: “records or other infor-
15 mation requested and a rationale for requesting
16 such records or other information in advance of,
17 or in lieu of, an inspection.”.

18 (2) GUIDANCE.—

19 (A) IN GENERAL.—The Secretary shall
20 issue or update guidance describing—

21 (i) circumstances in which the Sec-
22 retary intends to issue requests for records
23 or other information in advance of, or in
24 lieu of, an inspection under section
25 704(a)(4) of the Federal Food, Drug, and

3636

1 Cosmetic Act, as amended by paragraph
2 (1);

3 (ii) processes for responding to such
4 requests electronically or in physical form;
5 and

6 (iii) factors the Secretary intends to
7 consider in evaluating whether such
8 records and other information are provided
9 within a reasonable timeframe, within rea-
10 sonable limits, and in a reasonable man-
11 ner, accounting for resource and other lim-
12 itations that may exist, including for small
13 businesses.

14 (B) **TIMING.**—The Secretary shall—

15 (i) not later than 1 year after the date
16 of enactment of this Act, issue draft guid-
17 ance under subparagraph (A); and

18 (ii) not later than 1 year after the
19 close of the comment period for such draft
20 guidance, issue final guidance under sub-
21 paragraph (A).

22 **SEC. 3612. BIORESEARCH MONITORING INSPECTIONS.**

23 (a) **IN GENERAL.**—Section 704(a) of the Federal
24 Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)) is
25 amended by adding at the end the following:

1 “(5)(A) The Secretary may, to ensure the accuracy
2 and reliability of studies and records or other information
3 described in subparagraph (B) and to assess compliance
4 with applicable requirements under this Act or the Public
5 Health Service Act, enter sites and facilities specified in
6 subparagraph (C) in order to inspect such records or other
7 information.

8 “(B) An inspection under this paragraph shall extend
9 to all records and other information related to the studies
10 and submissions described in subparagraph (E), including
11 records and information related to the conduct, results,
12 and analyses of, and the protection of human and animal
13 trial participants participating in, such studies.

14 “(C)(i) The sites and facilities subject to inspection
15 by the Secretary under this paragraph are those owned
16 or operated by a person described in clause (ii) and which
17 are (or were) utilized by such person in connection with—

18 “(I) developing an application or other submis-
19 sion to the Secretary under this Act or the Public
20 Health Service Act related to marketing authoriza-
21 tion for a product described in paragraph (1);

22 “(II) preparing, conducting, or analyzing the
23 results of a study described in subparagraph (E); or

24 “(III) holding any records or other information
25 described in subparagraph (B).

1 “(ii) A person described in this clause is—

2 “(I) the sponsor of an application or submission
3 specified in subparagraph (E);

4 “(II) a person engaged in any activity described
5 in clause (i) on behalf of such a sponsor, through a
6 contract, grant, or other business arrangement with
7 such sponsor;

8 “(III) an institutional review board, or other in-
9 dividual or entity, engaged by contract, grant, or
10 other business arrangement with a nonsponsor in
11 preparing, collecting, or analyzing records or other
12 information described in subparagraph (B); or

13 “(IV) any person not otherwise described in
14 this clause that conducts, or has conducted, a study
15 described in subparagraph (E) yielding records or
16 other information described in subparagraph (B).

17 “(D)(i) Subject to clause (ii), an entity that owns or
18 operates any site or facility subject to inspection under
19 this paragraph shall provide the Secretary with access to
20 records and other information described in subparagraph
21 (B) that is held by or under the control of such entity,
22 including—

23 “(I) permitting the Secretary to record or copy
24 such information for purposes of this paragraph;

1 “(II) providing the Secretary with access to any
2 electronic information system utilized by such entity
3 to hold, process, analyze, or transfer any records or
4 other information described in subparagraph (B);
5 and

6 “(III) permitting the Secretary to inspect the
7 facilities, equipment, written procedures, processes,
8 and conditions through which records or other infor-
9 mation described in subparagraph (B) is or was gen-
10 erated, held, processed, analyzed, or transferred.

11 “(ii) Nothing in clause (i) shall negate, supersede, or
12 otherwise affect the applicability of provisions, under this
13 or any other Act, preventing or limiting the disclosure of
14 confidential commercial information or other information
15 considered proprietary or trade secret.

16 “(iii) An inspection under this paragraph shall be
17 conducted at reasonable times and within reasonable lim-
18 its and in a reasonable manner.

19 “(E) The studies and submissions described in this
20 subparagraph are each of the following:

21 “(i) Clinical and nonclinical studies submitted
22 to the Secretary in support of, or otherwise related
23 to, applications and other submissions to the Sec-
24 retary under this Act or the Public Health Service

1 Act for marketing authorization of a product de-
2 scribed in paragraph (1).

3 “(ii) Postmarket safety activities conducted
4 under this Act or the Public Health Service Act.

5 “(iii) Any other clinical investigation of—

6 “(I) a drug subject to section 505 or 512
7 of this Act or section 351 of the Public Health
8 Service Act; or

9 “(II) a device subject to section 520(g).

10 “(iv) Any other submissions made under this
11 Act or the Public Health Service Act with respect to
12 which the Secretary determines an inspection under
13 this paragraph is warranted in the interest of public
14 health.

15 “(F) This paragraph clarifies the authority of the
16 Secretary to conduct inspections of the type described in
17 this paragraph and shall not be construed as a basis for
18 inferring that, prior to the date of enactment of this para-
19 graph, the Secretary lacked the authority to conduct such
20 inspections, including under this Act or the Public Health
21 Service Act.”.

22 (b) REVIEW OF PROCESSES AND PRACTICES; GUID-
23 ANCE FOR INDUSTRY.—

24 (1) IN GENERAL.—The Secretary shall—

3641

1 (A) review processes and practices in effect
2 as of the date of enactment of this Act applica-
3 ble to inspections of foreign and domestic sites
4 and facilities described in subparagraph (C)(i)
5 of section 704(a)(5) of the Federal Food, Drug,
6 and Cosmetic Act, as added by subsection (a);
7 and

8 (B) evaluate whether any updates are
9 needed to facilitate the consistency of such
10 processes and practices.

11 (2) GUIDANCE.—

12 (A) IN GENERAL.—The Secretary shall
13 issue guidance describing the processes and
14 practices applicable to inspections of sites and
15 facilities described in subparagraph (C)(i) of
16 section 704(a)(5) of the Federal Food, Drug,
17 and Cosmetic Act, as added by subsection (a),
18 including with respect to the types of records
19 and information required to be provided, best
20 practices for communication between the Food
21 and Drug Administration and industry in ad-
22 vance of or during an inspection or request for
23 records or other information, and other inspec-
24 tions-related conduct, to the extent not specified
25 in existing publicly available Food and Drug

3642

1 Administration guides and manuals for such in-
2 spectations.

3 (B) TIMING.—The Secretary shall—

4 (i) not later than 18 months after the
5 date of enactment of this Act, issue draft
6 guidance under subparagraph (A); and

7 (ii) not later than 1 year after the
8 close of the public comment period for
9 such draft guidance, issue final guidance
10 under subparagraph (A).

11 **SEC. 3613. IMPROVING FOOD AND DRUG ADMINISTRATION**
12 **INSPECTIONS.**

13 (a) RISK FACTORS FOR ESTABLISHMENTS.—Section
14 510(h)(4) of the Federal Food, Drug, and Cosmetic Act
15 (21 U.S.C. 360(h)(4)) is amended—

16 (1) by redesignating subparagraph (F) as sub-
17 paragraph (G); and

18 (2) by inserting after subparagraph (E) the fol-
19 lowing:

20 “(F) The compliance history of establish-
21 ments in the country or region in which the es-
22 tablishment is located that are subject to regu-
23 lation under this Act, including the history of
24 violations related to products exported from

1 such country or region that are subject to such
2 regulation.”.

3 (b) USE OF RECORDS.—Section 704(a)(4) of the
4 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
5 374(a)(4)) is amended—

6 (1) by redesignating subparagraph (C) as sub-
7 paragraph (D); and

8 (2) by inserting after subparagraph (B) the fol-
9 lowing:

10 “(C) The Secretary may rely on any records or other
11 information that the Secretary may inspect under this sec-
12 tion to satisfy requirements that may pertain to a
13 preapproval or risk-based surveillance inspection, or to re-
14 solve deficiencies identified during such inspections, if ap-
15 plicable and appropriate.”.

16 (c) RECOGNITION OF FOREIGN GOVERNMENT IN-
17 SPECTIONS.—Section 809 of the Federal Food, Drug, and
18 Cosmetic Act (21 U.S.C. 384e) is amended—

19 (1) in subsection (a)(1), by inserting
20 “preapproval or” before “risk-based inspections”;
21 and

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

23 “(c) PERIODIC REVIEW.—

24 “(1) IN GENERAL.—Beginning not later than 1
25 year after the date of the enactment of the Food

1 and Drug Omnibus Reform Act of 2022, the Sec-
2 retary shall periodically assess whether additional
3 arrangements and agreements with a foreign govern-
4 ment or an agency of a foreign government, as al-
5 lowed under this section, are appropriate.

6 “(2) REPORTS TO CONGRESS.—Beginning not
7 later than 4 years after the date of the enactment
8 of the Food and Drug Omnibus Reform Act of
9 2022, and every 4 years thereafter, the Secretary
10 shall submit to the Committee on Energy and Com-
11 merce of the House of Representatives and the Com-
12 mittee on Health, Education, Labor, and Pensions
13 of the Senate a report describing the findings and
14 conclusions of each review conducted under para-
15 graph (1).”.

16 **SEC. 3614. GAO REPORT ON INSPECTIONS OF FOREIGN ES-**
17 **TABLISHMENTS MANUFACTURING DRUGS.**

18 (a) IN GENERAL.—Not later than 18 months after
19 the date of the enactment of this Act, the Comptroller
20 General of the United States shall submit to the Com-
21 mittee on Energy and Commerce of the House of Rep-
22 resentatives and the Committee on Health, Education,
23 Labor, and Pensions of the Senate a report on inspections
24 conducted by—

1 (1) the Secretary of foreign establishments pur-
2 suant to subsections (h) and (i) of section 510 and
3 section 704 of the Federal Food, Drug, and Cos-
4 metic Act (21 U.S.C. 360; 374); or

5 (2) a foreign government or an agency of a for-
6 eign government pursuant to section 809 of such
7 Act (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
15 conduct inspections of foreign facilities that could be
16 useful to the Food and Drug Administration to re-
17 view 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 ar-
21 rangements under section 809 of the Federal Food,
22 Drug, and Cosmetic Act (21 U.S.C. 384e) and
23 whether the use of such agreements could be appro-
24 priately expanded;

3646

1 (4) whether the Secretary has accepted reports
2 of inspections of facilities in China and India con-
3 ducted by entities with which they have entered into
4 such an agreement or arrangement;

5 (5) what additional foreign governments or
6 agencies of foreign governments the Secretary has
7 considered entering into a mutual recognition agree-
8 ment with and, if applicable, reasons why the Sec-
9 retary declined to enter into a mutual recognition
10 agreement with such foreign governments or agen-
11 cies;

12 (6) what tools, if any, the Secretary used to fa-
13 cilitate inspections of domestic facilities that could
14 also be effectively utilized to appropriately inspect
15 foreign facilities;

16 (7) what steps the Secretary has taken to iden-
17 tify and evaluate tools and strategies the Secretary
18 may use to continue oversight with respect to inspec-
19 tions when in-person inspections are disrupted;

20 (8) how the Secretary is considering incor-
21 porating alternative tools into the inspection activi-
22 ties conducted pursuant to the Federal Food, Drug,
23 and Cosmetic Act (21 U.S.C. 301 et seq.); and

24 (9) what steps the Secretary has taken to iden-
25 tify and evaluate how the Secretary may use alter-

3647

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
6 pilot program under which the Secretary increases the
7 conduct of unannounced surveillance inspections of foreign
8 human drug establishments and evaluates the differences
9 between such inspections of domestic and foreign human
10 drug establishments, including the impact of announcing
11 inspections to persons who own or operate foreign human
12 drug establishments in advance of an inspection. Such
13 pilot program 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
19 and any other significant differences between each
20 type of inspection;

21 (2) costs and benefits associated with con-
22 ducting announced and unannounced inspections of
23 foreign human drug establishments;

24 (3) barriers to conducting unannounced inspec-
25 tions of foreign human drug establishments and any

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
11 under the Federal Food, Drug, and Cosmetic Act (21
12 U.S.C. 301 et seq.) or the Public Health Service Act (42
13 U.S.C. 201 et seq.).

14 (c) PILOT PROGRAM INITIATION.—The Secretary
15 shall initiate the pilot program under this section not later
16 than 180 days after the date of enactment of this Act.

17 (d) REPORT.—The Secretary shall, not later than
18 180 days following the completion of the pilot program
19 under this section, make available on the website of the
20 Food and Drug Administration a final report on the pilot
21 program 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-

3649

1 tified barriers to conducting unannounced inspec-
2 tions of foreign human drug establishments;

3 (2) findings and any associated recommenda-
4 tions regarding how the Secretary may achieve par-
5 ity between domestic and foreign human drug in-
6 spections; and

7 (3) the number of unannounced inspections
8 during the pilot program that would not be unan-
9 nounced under practices in use as of the date of the
10 enactment 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
15 amended—

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 Ad-
20 ministration and the staff of the Center for Drug Evalua-
21 tion and Research’s Office of Compliance and Drug Short-
22 age Program regarding—

23 “(1) the reviews of reports shared pursuant to
24 section 704(b)(2); and

3650

1 “(2) any feedback or corrective or preventive
2 actions in response to such reports.”; and

3 (2) by amending subsection (f) to read as fol-
4 lows:

5 “(f) TEMPORARY SUNSET.—Subsection (a) shall
6 cease to be effective on the date that is 5 years after the
7 date of enactment of the Food and Drug Administration
8 Safety and Innovation Act. Subsections (b), (c), and (e)
9 shall not be in effect during the period beginning 5 years
10 after the date of enactment of the Food and Drug Admin-
11 istration Safety and Innovation Act and ending on the
12 date of enactment of the Food and Drug Omnibus Reform
13 Act of 2022. Subsections (b), (c), and (e) shall be in effect
14 beginning on the date of enactment of the Food and Drug
15 Omnibus Reform Act of 2022.”.

16 (b) REPORTING.—

17 (1) AMENDMENTS.—Section 506C–1(a) of the
18 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
19 356c–1(a)) is amended—

20 (A) by redesignating paragraphs (3)
21 through (7) as paragraphs (5) through (9), re-
22 spectively;

23 (B) by inserting after paragraph (2) the
24 following:

1 “(3) describes the coordination and alignment
2 activities undertaken pursuant to section 506D(g);

3 “(4) provides the number of reports that were
4 required under section 704(b)(2) to be sent to the
5 appropriate offices of the Food and Drug Adminis-
6 tration with expertise regarding drug shortages, and
7 the number of such reports that were sent;” and

8 (C) in paragraph (5)(A), as so redesign-
9 nated, by striking “paragraph (7)” and insert-
10 ing “paragraph (9)”.

11 (2) APPLICABILITY.—The amendments made
12 by paragraph (1) shall apply with respect to reports
13 submitted under section 506C–1 of the Federal
14 Food, Drug, and Cosmetic Act (21 U.S.C. 356c–1)
15 on or after March 31, 2024.

16 (c) REPORTING OF MUTUAL RECOGNITION AGREE-
17 MENTS FOR INSPECTIONS AND REVIEW ACTIVITIES.—
18 Section 510(h) of the Federal Food, Drug, and Cosmetic
19 Act (21 U.S.C. 360(h)) is amended—

20 (1) in paragraph (6)—

21 (A) in the matter preceding subparagraph
22 (A), by striking “Beginning in 2014, not” and
23 inserting “Not”;

24 (B) by amending subparagraph (A) to read
25 as follows:

3652

1 “(A)(i) the number of domestic and foreign
2 establishments registered pursuant to this sec-
3 tion in the previous fiscal year;

4 “(ii) the number of such registered estab-
5 lishments in each region of interest;

6 “(iii) the number of such domestic estab-
7 lishments and the number of such foreign es-
8 tablishments, including the number of establish-
9 ments in each region of interest, that the Sec-
10 retary inspected 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
14 Public Health Service Act, including the num-
15 ber of inspections to support actions by the Sec-
16 retary on supplemental applications, including
17 changes to manufacturing processes, the Sec-
18 retary conducted in the previous fiscal year;

19 “(v) the number of routine surveillance in-
20 spections the Secretary conducted in the pre-
21 vious fiscal year, including in each region of in-
22 terest;

23 “(vi) the number of for-cause inspections
24 the Secretary conducted in the previous fiscal
25 year, not including inspections described in

1 clause (iv), including in each region of interest;
2 and

3 “(vii) the number of inspections the Sec-
4 retary has recognized pursuant to an agreement
5 entered into pursuant to section 809, or other-
6 wise recognized, for each of the types of inspec-
7 tions described in clauses (v) and (vi), including
8 for inspections of establishments in each region
9 of interest.”;

10 (C) in subparagraph (B), by striking “;
11 and” and inserting a semicolon;

12 (D) in subparagraph (C), by striking the
13 period and inserting “; and”; and

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

15 “(D) the status of the efforts of the Food
16 and Drug Administration to expand its recogni-
17 tion of inspections conducted or recognized by
18 foreign regulatory authorities under section
19 809, including any obstacles to expanding the
20 use of such recognition.”; and

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

22 “(7) REGION OF INTEREST.—For purposes of
23 paragraph (6)(A), the term ‘region of interest’
24 means a foreign geographic region or country, in-
25 cluding the People’s Republic of China, India, the

3654

1 European Union, the United Kingdom, and any
2 other country or geographic region, as the Secretary
3 determines appropriate.”.

4 **SEC. 3617. ENHANCING TRANSPARENCY OF DRUG FACILITY**
5 **INSPECTION TIMELINES.**

6 Section 902 of the FDA Reauthorization Act of 2017
7 (21 U.S.C. 355 note) is amended to read as follows:

8 **“SEC. 902. ANNUAL REPORT ON INSPECTIONS.**

9 “Not later than 120 days after the end of each fiscal
10 year, the Secretary of Health and Human Services shall
11 post on the website of the Food and Drug Administration
12 information related to inspections of facilities necessary
13 for approval of a drug under subsection (c) or (j) of sec-
14 tion 505 of the Federal Food, Drug, and Cosmetic Act
15 (21 U.S.C. 355) or approval of a device under section 515
16 of such Act (21 U.S.C. 360e) that were conducted during
17 the previous fiscal year. Such information shall include the
18 following:

19 “(1) The median time following a request from
20 staff of the Food and Drug Administration review-
21 ing an application or report to the beginning of the
22 inspection, including—

23 “(A) the median time for drugs described
24 in 505(j)(11)(A)(i) of the Federal Food, Drug,
25 and Cosmetic Act (21 U.S.C. 355(j)(11)(A)(i));

3655

1 “(B) the median time for drugs for which
2 a notification has been submitted in accordance
3 with section 506C(a) of such Act (21 U.S.C.
4 356c(a)) during the previous fiscal year; and

5 “(C) the median time for drugs on the
6 drug shortage list in effect under section 506E
7 of such Act (21 U.S.C. 356e) at the time of
8 such request.

9 “(2) The median time from the issuance of a
10 report pursuant to section 704(b) of the Federal
11 Food, Drug, and Cosmetic Act (21 U.S.C. 374(b))
12 to the sending of a warning letter, issuance of an
13 import alert, or holding of a regulatory meeting for
14 inspections for which the Secretary concluded that
15 regulatory or enforcement action was indicated, in-
16 cluding the median time for each category of drugs
17 listed in subparagraphs (A) through (C) of para-
18 graph (1).

19 “(3) The median time from the sending of a
20 warning letter, issuance of an import alert, or hold-
21 ing of a regulatory meeting related to conditions ob-
22 served by the Secretary during an inspection, to the
23 time at which the Secretary concludes that corrective
24 actions to resolve such conditions have been taken.

1 “(4) The number of facilities that failed to im-
2 plement adequate corrective or preventive actions
3 following a report issued pursuant to such section
4 704(b), resulting in a withhold recommendation for
5 an application under review, including the number of
6 such facilities manufacturing each category of drugs
7 listed in subparagraphs (A) through (C) of para-
8 graph (1).”.

9 **CHAPTER 3—MISCELLANEOUS**

10 **SEC. 3621. REGULATION OF CERTAIN PRODUCTS AS DRUGS.**

11 Section 503 of the Federal Food, Drug, and Cosmetic
12 Act (21 U.S.C. 353) is amended by adding at the end the
13 following:

14 “(h)(1) Any contrast agent, radioactive drug, or OTC
15 monograph drug shall be deemed to be a drug under sec-
16 tion 201(g) and not a device under section 201(h).

17 “(2) For purposes of this subsection:

18 “(A) The term ‘contrast agent’ means an arti-
19 cle that is intended for use in conjunction with a
20 medical imaging device, and—

21 “(i) is a diagnostic radiopharmaceutical, as
22 defined in sections 315.2 and 601.31 of title
23 21, Code of Federal Regulations (or any suc-
24 cessor regulations); or

3657

1 “(ii) is a diagnostic agent that improves
2 the visualization of structure or function within
3 the body by increasing the relative difference in
4 signal intensity within the target tissue, struc-
5 ture, or fluid.

6 “(B) The term ‘radioactive drug’ has the mean-
7 ing given such term in section 310.3(n) of title 21,
8 Code of Federal Regulations (or any successor regu-
9 lations), except that such term does not include—

10 “(i) an implant or article similar to an im-
11 plant;

12 “(ii) an article that applies radiation from
13 outside of the body; or

14 “(iii) the radiation source of an article de-
15 scribed in clause (i) or (ii).

16 “(C) The term ‘OTC monograph drug’ has the
17 meaning given such term in section 744L.

18 “(3) Nothing in this subsection shall be construed as
19 allowing for the classification of a product as a drug (as
20 defined in section 201(g)) if such product—

21 “(A) is not described in paragraph (1); and

22 “(B) meets the definition of a device under sec-
23 tion 201(h),

24 unless another provision of this Act otherwise indicates a
25 different classification.

3658

1 “(4) The Secretary shall waive the application fee
2 under sections 736 and 744B for applications for drugs
3 that are—

4 “(A) on the date of enactment of the Prescrip-
5 tion Drug User Fee Amendments of 2022, legally
6 marketed as devices; and

7 “(B) deemed drugs pursuant to paragraph
8 (1)”.

9 **SEC. 3622. WOMEN’S HEALTH RESEARCH ROADMAP.**

10 Not later than 2 years after the date of enactment
11 of this Act, the Office of Women’s Health of the Food
12 and Drug Administration, established under section 1011
13 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
14 399b), shall—

15 (1) review and, as appropriate, update the
16 Women’s Health Research Roadmap issued in De-
17 cember 2015; and

18 (2) brief the Committee on Health, Education,
19 Labor, and Pensions of the Senate and the Com-
20 mittee on Energy and Commerce of the House of
21 Representatives on the review and, as appropriate,
22 any resulting update.

1 **SEC. 3623. STRATEGIC WORKFORCE PLAN AND REPORT.**

2 Chapter VII of the Federal Food, Drug, and Cos-
3 metic Act (21 U.S.C. 371 et seq.) is amended by inserting
4 after section 714A the following:

5 **“SEC. 714B. STRATEGIC WORKFORCE PLAN AND REPORT.**

6 “(a) IN GENERAL.—Not later than September 30,
7 2023, and at least every 4 years thereafter, the Secretary
8 shall develop, begin implementation of, and submit to the
9 appropriate committees of Congress and post on the
10 website of the Food and Drug Administration, a coordi-
11 nated strategy and report to provide direction for the ac-
12 tivities and programs of the Secretary to recruit, hire,
13 train, develop, and retain the workforce needed to fulfill
14 the public health mission of the Food and Drug Adminis-
15 tration, including to facilitate collaboration across centers,
16 to keep pace with new biomedical, technological, and sci-
17 entific advancements, and support the development, re-
18 view, and regulation of medical products. Each such report
19 shall be known as the ‘Food and Drug Administration
20 Strategic Workforce Plan’.

21 “(b) USE OF THE FOOD AND DRUG ADMINISTRATION
22 STRATEGIC WORKFORCE PLAN.—Each center within the
23 Food and Drug Administration shall develop and update,
24 as appropriate, a strategic plan that will be informed by
25 the Food and Drug Administration Strategic Workforce
26 Plans developed under subsection (a).

1 “(c) CONTENTS OF THE FOOD AND DRUG ADMINIS-
2 TRATION STRATEGIC WORKFORCE PLAN.—Each Food
3 and Drug Administration Strategic Workforce Plan under
4 subsection (a) shall—

5 “(1) include agency-wide human capital stra-
6 tegic goals and priorities for recruiting, hiring, train-
7 ing, developing, and retaining a qualified workforce
8 for the Food and Drug Administration;

9 “(2) establish specific actions the Secretary will
10 take to achieve such strategic goals and priorities
11 and address the workforce needs of the Food and
12 Drug Administration in the forthcoming fiscal years;

13 “(3) identify challenges and risks the Secretary
14 will face in meeting its strategic goals and priorities,
15 and the actions the Secretary will take to overcome
16 those challenges and mitigate those risks;

17 “(4) establish performance measures, bench-
18 marks, or other elements that the Secretary will use
19 to measure and evaluate progress in achieving such
20 strategic goals and priorities and the effectiveness of
21 such strategic goals and priorities; and

22 “(5) define functions, capabilities, and gaps in
23 such workforce and identify strategies to recruit,
24 hire, train, develop, and retain such workforce.

3661

1 “(d) CONSIDERATIONS.—In developing each Food
2 and Drug Administration Strategic Workforce Plan under
3 subsection (a), the Secretary shall consider—

4 “(1) the number of employees (including senior
5 leadership and non-senior leadership employees) eli-
6 gible for retirement, the expertise of such employees,
7 and the employing center of such employees;

8 “(2) the vacancy and turnover rates for employ-
9 ees with different types of expertise and from dif-
10 ferent centers, including any changes or trends re-
11 lated to such rates;

12 “(3) the results of the Federal Employee View-
13 point Survey for employees of the Food and Drug
14 Administration, including any changes or trends re-
15 lated to such results;

16 “(4) rates of pay for different types of posi-
17 tions, including rates for different types of expertise
18 within the same field (such as differences in pay be-
19 tween different medical specialists), and how such
20 rates of pay impact the ability of the Secretary to
21 achieve the strategic goals and priorities described in
22 subsection (c);

23 “(5) the statutory hiring authorities used to
24 hire Food and Drug Administration employees, and

1 the time to hire across different hiring authorities;
2 and

3 “(6) any other timely and relevant information,
4 as the Secretary determines appropriate.

5 “(e) EVALUATION OF PROGRESS.—Each Food and
6 Drug Administration Strategic Workforce Plan issued
7 pursuant to subsection (a), with the exception of the first
8 such Food and Drug Administration Strategic Workforce
9 Plan, shall include an evaluation of—

10 “(1) the progress the Secretary has made,
11 based on the performance measures, benchmarks,
12 and other elements that measure successful recruit-
13 ment, hiring, training, development, and retention
14 activities; and

15 “(2) whether actions taken in response to the
16 Plan improved the capacity of the Food and Drug
17 Administration to achieve the strategic goals and
18 priorities described in subsection (c)(1).

19 “(f) ADDITIONAL CONSIDERATIONS.—The Food and
20 Drug Administration Strategic Workforce Plan issued in
21 fiscal year 2023 shall address the effect of the COVID-
22 19 pandemic on hiring, retention, and other workforce
23 challenges for the Food and Drug Administration, includ-
24 ing protecting such workforce during public health emer-
25 gencies.”.

3663

1 **SEC. 3624. ENHANCING FOOD AND DRUG ADMINISTRATION**
2 **HIRING AUTHORITY FOR SCIENTIFIC, TECH-**
3 **NICAL, AND PROFESSIONAL PERSONNEL.**

4 Section 714A of the Federal Food, Drug, and Cos-
5 metic Act (21 U.S.C. 379d–3a) is amended—

6 (1) in subsection (a)—

7 (A) by inserting “, including cross-cutting
8 operational positions,” after “professional posi-
9 tions”; and

10 (B) by inserting “and the regulation of
11 food and cosmetics” after “medical products”;
12 and

13 (2) in subsection (d)(1)—

14 (A) in the matter preceding subparagraph
15 (A)—

16 (i) by striking “the 21st Century
17 Cures Act” and inserting “the Food and
18 Drug Omnibus Reform Act of 2022”; and

19 (ii) by striking “that examines the ex-
20 tent” and all that follows through “, in-
21 cluding” and inserting “that includes”;

22 (B) in subparagraph (A)—

23 (i) by inserting “updated” before
24 “analysis”; and

25 (ii) by striking “; and” and inserting
26 a semicolon;

3664

1 (C) by redesignating subparagraph (B) as
2 subparagraph (C);

3 (D) by inserting after subparagraph (A)
4 the following:

5 “(B) an analysis of how the Secretary has
6 used the authorities provided under this section,
7 and a plan for how the Secretary will use the
8 authority under this section, and other applica-
9 ble hiring authorities, for employees of the
10 Food and Drug Administration; and”;

11 (E) in the matter preceding clause (i) of
12 subparagraph (C), as so redesignated, by strik-
13 ing “a recruitment” and inserting “an updated
14 recruitment”.

15 **SEC. 3625. FACILITIES MANAGEMENT.**

16 (a) PDUFA AUTHORITY.—Section 736(g)(2) of the
17 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
18 379h(g)(2)) is amended—

19 (1) in subparagraph (A)(ii)—

20 (A) by striking “shall be available to de-
21 fray” and inserting the following: “shall be
22 available—

23 “(I) for fiscal year 2023, to de-
24 fray”;

3665

1 (B) by striking the period and inserting “;
2 and”; and

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

4 “(II) for fiscal year 2024 and
5 each subsequent fiscal year, to defray
6 the costs of the resources allocated for
7 the process for the review of human
8 drug applications (including such
9 costs for an additional number of full-
10 time equivalent positions in the De-
11 partment of Health and Human Serv-
12 ices to be engaged in such process),
13 only if the sum of the amounts allo-
14 cated by the Secretary for such costs,
15 excluding costs paid from fees col-
16 lected under this section, plus other
17 costs for the maintenance, renovation,
18 and repair of facilities and acquisition,
19 maintenance, and repair of fixtures,
20 furniture, and other necessary mate-
21 rials and supplies in connection with
22 the process for the review of human
23 drug applications, is no less than the
24 amount allocated for such costs, ex-
25 cluding any such costs paid from fees

3666

1 collected under this section, for fiscal
2 year 1997, multiplied by the adjust-
3 ment factor.”; and

4 (2) in subparagraph (B), by striking “for the
5 process for the review of human drug applications”
6 and inserting “as described in subclause (I) or (II)
7 of such subparagraph, as applicable”.

8 (b) BSUFA AUTHORITY.—Section 744H(f)(2) of the
9 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–
10 52(f)(2)) is amended—

11 (1) in subparagraph (B)(i)—

12 (A) by striking “available for a fiscal year
13 beginning after fiscal year 2012” and inserting
14 the following: “available—

15 “(I) for fiscal year 2023,”;

16 (B) by striking “the fiscal year involved.”
17 and inserting “such fiscal year; and”; and

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

19 “(II) for fiscal year 2024 and
20 each subsequent fiscal year, to defray
21 the costs of the process for the review
22 of biosimilar biological product appli-
23 cations (including such costs for an
24 additional number of full-time equiva-
25 lent positions in the Department of

3667

1 Health and Human Services to be en-
2 gaged in such process), only if the
3 sum of the amounts allocated by the
4 Secretary for such costs, excluding
5 costs paid from fees collected under
6 this section, plus other costs for the
7 maintenance, renovation, and repair
8 of facilities and acquisition, mainte-
9 nance, and repair of fixtures, fur-
10 niture, and other necessary materials
11 and supplies in connection with the
12 process for the review of biosimilar bi-
13 ological product applications, is no
14 less than \$20,000,000, multiplied by
15 the adjustment factor applicable to
16 the fiscal year involved.”; and

17 (2) in subparagraph (C), by striking “subpara-
18 graph (B) in any fiscal year if the costs described
19 in such subparagraph” and inserting “subparagraph
20 (B)(i) in any fiscal year if the costs allocated as de-
21 scribed in subclause (I) or (II) of such subpara-
22 graph, as applicable,”.

23 (c) GDUFA AUTHORITY.—Section 744B of the Fed-
24 eral Food, Drug, and Cosmetic Act (21 U.S.C. 379j–42)
25 is amended—

3668

1 (1) in subsection (e)(2), by striking
2 “744A(11)(C)” and inserting “744A(12)(C)”; and

3 (2) in subsection (i)(2)—

4 (A) in subparagraph (A)(ii)—

5 (i) by striking “available for a fiscal
6 year beginning after fiscal year 2012” and
7 inserting the following: “available—

8 “(I) for fiscal year 2023,”;

9 (ii) by striking “the fiscal year in-
10 volved.” and inserting “such fiscal year;
11 and”; and

12 (iii) by adding at the end the fol-
13 lowing:

14 “(II) for fiscal year 2024 and
15 each subsequent fiscal year, to defray
16 the costs of human generic drug ac-
17 tivities (including such costs for an
18 additional number of full-time equiva-
19 lent positions in the Department of
20 Health and Human Services to be en-
21 gaged in such activities), only if the
22 sum of the amounts allocated by the
23 Secretary for such costs, excluding
24 costs paid from fees collected under
25 this section, plus other costs for the

3669

1 maintenance, renovation, and repair
2 of facilities and acquisition, mainte-
3 nance, and repair of fixtures, fur-
4 niture, and other necessary materials
5 and supplies in connection with
6 human generic drug activities, is no
7 less than \$97,000,000 multiplied by
8 the adjustment factor defined in sec-
9 tion 744A(3) applicable to the fiscal
10 year involved.”; and

11 (B) in subparagraph (B), by striking “for
12 human generic activities” and inserting “as de-
13 scribed in subclause (I) or (II) of such subpara-
14 graph, as applicable,”.

15 (d) MDUFA AUTHORITY.—Section 738 of the Fed-
16 eral Food, Drug, and Cosmetic Act (21 U.S.C. 379j), as
17 amended by section 3309, is further amended—

18 (1) in subsection (e)(2)(B)(iii), by inserting “,
19 if extant,” after “national taxing authority”;

20 (2) in subsection (h)(2)—

21 (A) in subparagraph (A)(ii)—

22 (i) by striking “shall be available to
23 defray” and inserting the following: “shall
24 be available—

3670

1 “(I) for fiscal year 2023, to de-
2 fray”;

3 (ii) by striking the period and insert-
4 ing “; and”; and

5 (iii) by adding at the end the fol-
6 lowing:

7 “(II) for fiscal year 2024 and
8 each subsequent fiscal year, to defray
9 the costs of the resources allocated for
10 the process for the review of device
11 applications (including such costs for
12 an additional number of full-time
13 equivalent positions in the Depart-
14 ment of Health and Human Services
15 to be engaged in such process), only if
16 the sum of the amounts allocated by
17 the Secretary for such costs, excluding
18 costs paid from fees collected under
19 this section, plus other costs for the
20 maintenance, renovation, and repair
21 of facilities and acquisition, mainte-
22 nance, and repair of fixtures, fur-
23 niture and other necessary materials
24 and supplies in connection with the
25 process for the review of device appli-

3671

1 cations, is no less than the amount al-
2 located for such costs, excluding any
3 such costs paid from fees collected
4 under this section, for fiscal year
5 2009 multiplied by the adjustment
6 factor.”; and

7 (B) in subparagraph (B)(i), in the matter
8 preceding subclause (I), by striking “for the
9 process for the review of device applications”
10 and inserting “as described in subclause (I) or
11 (II) of such subparagraph, as applicable”; and
12 (3) in subsection (g)(3), by striking
13 “737(9)(C)” and inserting “737(10)(C)”.

14 (e) TECHNICAL CORRECTION.—

15 (1) IN GENERAL.—Section 905(b)(2) of the
16 FDA Reauthorization Act of 2017 (Public Law 115–
17 52) is amended by striking “Section 738(h) of the
18 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
19 379j(h)) is amended” and inserting “Subsection (g)
20 of section 738 of the Federal Food, Drug, and Cos-
21 metic Act (21 U.S.C. 379j), as so redesignated by
22 section 203(f)(2)(B)(i), is amended”.

23 (2) EFFECTIVE DATE.—The amendment made
24 by paragraph (1) shall take effect as though in-

3672

1 cluded in the enactment of section 905 of the FDA
2 Reauthorization Act of 2017 (Public Law 115–52).

3 **SEC. 3626. USER FEE PROGRAM TRANSPARENCY AND AC-**
4 **COUNTABILITY.**

5 (a) PDUFA.—

6 (1) REAUTHORIZATION; REPORTING REQUIRE-
7 MENTS.—Section 736B(a) of the Federal Food,
8 Drug, and Cosmetic Act (21 U.S.C. 379h–2(a)) is
9 amended—

10 (A) in paragraph (1)—

11 (i) in subparagraph (B)—

12 (I) in clause (vii), by striking “;
13 and” and inserting a semicolon;

14 (II) in clause (viii), by striking
15 the period and inserting “; and”; and

16 (III) by adding at the end the
17 following:

18 “(ix) the number of investigational
19 new drug applications submitted per fiscal
20 year, including for each review division.”;
21 and

22 (ii) by adding at the end the following
23 flush text:

24 “Nothing in subparagraph (B) shall be construed to
25 authorize the disclosure of information that is pro-

3673

1 hibited from disclosure under section 301(j) of this
2 Act or section 1905 of title 18, United States Code,
3 or that is subject to withholding under section
4 552(b)(4) of title 5, United States Code.”;

5 (B) by adding at the end of paragraph
6 (3)(B) the following:

7 “(v) For fiscal years 2023 and 2024,
8 of the meeting requests from sponsors for
9 which the Secretary has determined that a
10 face-to-face meeting is appropriate, the
11 number of face-to-face meetings requested
12 by sponsors to be conducted in person (in
13 such manner as the Secretary shall pre-
14 scribe on the website of the Food and
15 Drug Administration), and the number of
16 such in-person meetings granted by the
17 Secretary, with both such numbers
18 disaggregated by the relevant agency cen-
19 ter.”; and

20 (C) in paragraph (4)—

21 (i) by amending subparagraph (A) to
22 read as follows:

23 “(A) data, analysis, and discussion of the
24 changes in the number of individuals hired as
25 agreed upon in the letters described in section

3674

1 1001(b) of the Prescription Drug User Fee
2 Amendments of 2022 and the number of re-
3 maining vacancies, the number of full-time
4 equivalents funded by fees collected pursuant to
5 section 736, and the number of full-time
6 equivalents funded by budget authority at the
7 Food and Drug Administration by each division
8 within the Center for Drug Evaluation and Re-
9 search, the Center for Biologics Evaluation and
10 Research, the Office of Regulatory Affairs, and
11 the Office of the Commissioner;”;

12 (ii) by amending subparagraph (B) to
13 read as follows:

14 “(B) data, analysis, and discussion of the
15 changes in the fee revenue amounts and costs
16 for the process for the review of human drug
17 applications, including identifying—

18 “(i) drivers of such changes; and

19 “(ii) changes in the average total cost
20 per full-time equivalent in the prescription
21 drug review program;”;

22 (iii) in subparagraph (C), by striking
23 the period and inserting “; and”; and

24 (iv) by adding at the end the fol-
25 lowing:

3675

1 “(D) data, analysis, and discussion of the
2 changes in the average full-time equivalent
3 hours required to complete review of each type
4 of human drug application.”.

5 (2) REAUTHORIZATION.—Section 736B(f) of
6 the Federal Food, Drug, and Cosmetic Act (21
7 U.S.C. 379h–2(f)) is amended—

8 (A) by redesignating paragraphs (4)
9 through (6) as paragraphs (5) through (7), re-
10 spectively;

11 (B) by inserting after paragraph (3) the
12 following:

13 “(4) UPDATES TO CONGRESS.—The Secretary,
14 in consultation with regulated industry, shall provide
15 regular updates on negotiations on the reauthoriza-
16 tion of this part 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
19 of Representatives.”; and

20 (C) in paragraph (7), as so redesignated—

21 (i) in subparagraph (A)—

22 (I) by striking “Before pre-
23 senting the recommendations devel-
24 oped under paragraphs (1) through

3676

1 (5) to the Congress, the” and insert-
2 ing “The”; and

3 (II) by inserting “, not later than
4 30 days after each such negotiation
5 meeting” before the period at the end;
6 and

7 (ii) in subparagraph (B), by inserting
8 “, in sufficient detail,” after “shall sum-
9 marize”.

10 (b) MDUFA.—

11 (1) REAUTHORIZATION; REPORTING REQUIRE-
12 MENTS.—Section 738A(a)(1)(A) of the Federal
13 Food, Drug, and Cosmetic Act (21 U.S.C. 379j-
14 1(a)(1)(A)) is amended—

15 (A) in clause (ii)—

16 (i) in subclause (II), by striking “;
17 and” and inserting a semicolon;

18 (ii) in subclause (III), by striking the
19 period and inserting a semicolon; and

20 (iii) by adding at the end the fol-
21 lowing:

22 “(IV) the number of investiga-
23 tional device exemption applications
24 submitted under section 520(g) per

3677

1 fiscal year, including for each review
2 division; and

3 “(V) the number of expedited de-
4 velopment and priority review requests
5 and designations under section 515B
6 per fiscal year, including for each re-
7 view division.

8 Nothing in this clause shall be construed
9 to authorize the disclosure of information
10 that is prohibited from disclosure under
11 section 301(j) of this Act or section 1905
12 of title 18, United States Code, or that is
13 subject to withholding under section
14 552(b)(4) of title 5, United States Code.”;
15 and

16 (B) in clause (iv) (relating to rationale for
17 MDUFA program changes)—

18 (i) by amending subclause (I) to read
19 as follows:

20 “(I) data, analysis, and discus-
21 sion of the changes in the number of
22 individuals hired as agreed upon in
23 the letters described in section
24 2001(b) of the Medical Device User
25 Fee Amendments of 2022 and the

3678

1 number of remaining vacancies, the
2 number of full-time equivalents fund-
3 ed by fees collected pursuant to sec-
4 tion 738, and the number of full time
5 equivalents funded by budget author-
6 ity at the Food and Drug Administra-
7 tion by each division within the Cen-
8 ter for Devices and Radiological
9 Health, the Center for Biologics Eval-
10 uation and Research, the Office of
11 Regulatory Affairs, and the Office of
12 the Commissioner;”;

13 (ii) by amending subclause (II) to
14 read as follows:

15 “(II) data, analysis, and discus-
16 sion of the changes in the fee revenue
17 amounts and costs for the process for
18 the review of device applications, in-
19 cluding identifying—

20 “(aa) drivers of such
21 changes; and

22 “(bb) changes in the average
23 total cost per full-time equivalent
24 in the medical device review pro-
25 gram;”;

3679

1 (iii) in subclause (III), by striking the
2 period and inserting “; and”; and

3 (iv) by adding at the end the fol-
4 lowing:

5 “(IV) data, analysis, and discus-
6 sion of the changes in the average
7 full-time equivalent hours required to
8 complete review of medical device ap-
9 plication types.”.

10 (2) REAUTHORIZATION.—Section 738A(b) of
11 the Federal Food, Drug, and Cosmetic Act (21
12 U.S.C. 379j–1(b)) is amended—

13 (A) by redesignating paragraphs (4)
14 through (6) as paragraphs (5) through (7), re-
15 spectively;

16 (B) by inserting after paragraph (3) the
17 following:

18 “(4) UPDATES TO CONGRESS.—The Secretary,
19 in consultation with regulated industry, shall provide
20 regular updates on negotiations on the reauthoriza-
21 tion of this part to the Committee on Health, Edu-
22 cation, Labor, and Pensions of the Senate and the
23 Committee on Energy and Commerce of the House
24 of Representatives.”; and

25 (C) in paragraph (7), as so redesignated—

3680

1 (i) in subparagraph (A)—

2 (I) by striking “Before pre-
3 senting the recommendations devel-
4 oped under paragraphs (1) through
5 (5) to the Congress, the” and insert-
6 ing “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 sum-
13 marize”.

14 (c) GDUFA.—

15 (1) REAUTHORIZATION; REPORTING REQUIRE-
16 MENTS.—Section 744C(a)(3) of the Federal Food,
17 Drug, and Cosmetic Act (21 U.S.C. 379j–43(a)(3))
18 is 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 3001(b) of the Generic Drug User Fee Amend-
25 ments of 2022 and the number of remaining va-

3681

1 cancies, the number of full-time equivalents
2 funded by fees collected pursuant to section
3 744B, and the number of full time equivalents
4 funded by budget authority at the Food and
5 Drug Administration by each division within
6 the Center for Drug Evaluation and Research,
7 the Center for Biologics Evaluation and Re-
8 search, the Office of Regulatory Affairs, and
9 the Office of the Commissioner;”;

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
14 for human generic drug activities, including—

15 “(i) identifying drivers of such
16 changes; and

17 “(ii) changes in the total average cost
18 per full-time equivalent in the generic drug
19 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

1 hours required to complete review of each type
2 of abbreviated new drug application.”.

3 (2) REAUTHORIZATION.—Section 744C(f) of
4 the Federal Food, Drug, and Cosmetic Act (21
5 U.S.C. 379j–43(f)) is amended—

6 (A) by redesignating paragraphs (4)
7 through (6) as paragraphs (5) through (7), re-
8 spectively;

9 (B) by inserting after paragraph (3) the
10 following:

11 “(4) UPDATES TO CONGRESS.—The Secretary,
12 in consultation with regulated industry, shall provide
13 regular updates on negotiations on the reauthoriza-
14 tion of this part to the Committee on Health, Edu-
15 cation, Labor, and Pensions of the Senate and the
16 Committee on Energy and Commerce of the House
17 of Representatives.”; and

18 (C) in paragraph (7), as so redesignated—

19 (i) in subparagraph (A)—

20 (I) by striking “Before pre-
21 senting the recommendations devel-
22 oped under paragraphs (1) through
23 (5) to the Congress, the” and insert-
24 ing “The”; and

3683

1 (II) by inserting “, not later than
2 30 days after each such negotiation
3 meeting” before the period at the end;
4 and

5 (ii) in subparagraph (B), by inserting
6 “, in sufficient detail,” after “shall sum-
7 marize”.

8 (d) BSUFA.—

9 (1) REAUTHORIZATION; REPORTING REQUIRE-
10 MENTS.—Section 744I(a)(4) of the Federal Food,
11 Drug, and Cosmetic Act (21 U.S.C. 379j–53(a)(4))
12 is amended—

13 (A) by amending subparagraph (A) to read
14 as follows:

15 “(A) data, analysis, and discussion of the
16 changes in the number of individuals hired as
17 agreed upon in the letters described in section
18 4001(b) of the Biosimilar User Fee Amend-
19 ments of 2022 and the number of remaining va-
20 cancies, the number of full-time equivalents
21 funded by fees collected pursuant to section
22 744H, and the number of full time equivalents
23 funded by budget authority at the Food and
24 Drug Administration by each division within
25 the Center for Drug Evaluation and Research,

3684

1 the Center for Biologics Evaluation and Re-
2 search, the Office of Regulatory Affairs, and
3 the Office of the Commissioner;”;

4 (B) by amending subparagraph (B) to read
5 as follows:

6 “(B) data, analysis, and discussion of the
7 changes in the fee revenue amounts and costs
8 for the process for the review of biosimilar bio-
9 logical product applications, including identi-
10 fying—

11 “(i) drivers of such changes; and

12 “(ii) changes in the average total cost
13 per full-time equivalent in the biosimilar
14 biological product review program;”;

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

17 (D) by adding at the end the following:

18 “(D) data, analysis, and discussion of the
19 changes in the average full-time equivalent
20 hours required to complete review of each type
21 of biosimilar biological product application.”.

22 (2) REAUTHORIZATION.—Section 744I(f) of the
23 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
24 379j–53(f)) is amended—

3685

1 (A) by redesignating paragraphs (2) and
2 (3) as paragraphs (5) and (6), respectively;

3 (B) by inserting after paragraph (1) the
4 following:

5 “(2) PRIOR PUBLIC INPUT.—Prior to beginning
6 negotiations with the regulated industry on the reau-
7 thorization of this part, the Secretary shall—

8 “(A) publish a notice in the Federal Reg-
9 ister requesting public input on the reauthoriza-
10 tion;

11 “(B) hold a public meeting at which the
12 public may present its views on the reauthoriza-
13 tion;

14 “(C) provide a period of 30 days after the
15 public meeting to obtain written comments from
16 the public suggesting changes to this part; and

17 “(D) publish the comments on the Food
18 and Drug Administration’s website.

19 “(3) PERIODIC CONSULTATION.—Not less fre-
20 quently than once every month during negotiations
21 with the regulated industry, the Secretary shall hold
22 discussions with representatives of patient and con-
23 sumer advocacy groups to continue discussions of
24 their views on the reauthorization and their sugges-

3686

1 tions for changes to this part as expressed under
2 paragraph (2).

3 “(4) UPDATES TO CONGRESS.—The Secretary,
4 in consultation with regulated industry, shall provide
5 regular updates on negotiations on the reauthoriza-
6 tion of this part to the Committee on Health, Edu-
7 cation, Labor, and Pensions of the Senate and the
8 Committee on Energy and Commerce of the House
9 of Representatives.”; and

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

11 “(7) MINUTES OF NEGOTIATION MEETINGS.—

12 “(A) PUBLIC AVAILABILITY.—The Sec-
13 retary shall make publicly available, on the pub-
14 lic website of the Food and Drug Administra-
15 tion, minutes of all negotiation meetings con-
16 ducted under this subsection between the Food
17 and Drug Administration and the regulated in-
18 dustry, not later than 30 days after each such
19 negotiation meeting.

20 “(B) CONTENT.—The minutes described
21 under subparagraph (A) shall summarize, in
22 sufficient detail, any substantive proposal made
23 by any party to the negotiations as well as sig-
24 nificant controversies or differences of opinion
25 during the negotiations and their resolution.”.

3687

1 **SEC. 3627. IMPROVING INFORMATION TECHNOLOGY SYS-**
2 **TEMS OF THE FOOD AND DRUG ADMINISTRA-**
3 **TION.**

4 (a) FDA STRATEGIC INFORMATION TECHNOLOGY
5 PLAN.—

6 (1) IN GENERAL.—Not later than September
7 30, 2023, and at least every 4 years thereafter, the
8 Secretary shall develop and submit to the appro-
9 priate committees of Congress and post on the
10 website of the Food and Drug Administration, a co-
11 ordinated information technology strategic plan to
12 modernize the information technology systems of the
13 Food and Drug Administration. Each such report
14 shall be known as the “Food and Drug Administra-
15 tion Strategic Information Technology Plan”. The
16 first such report may include the Data and Tech-
17 nology Modernization Strategy, as set forth in the
18 letters described in section 1001(b) of the FDA User
19 Fee Reauthorization Act of 2022 (division F of Pub-
20 lic Law 117–180).

21 (2) CONTENT OF STRATEGIC PLAN.—The Food
22 and Drug Administration Strategic Information
23 Technology Plan under paragraph (1) shall in-
24 clude—

25 (A) agency-wide strategic goals and prior-
26 ities for modernizing the information technology

3688

1 systems of the Food and Drug Administration
2 to maximize the efficiency and effectiveness of
3 such systems for enabling the Food and Drug
4 Administration to fulfill its public health mis-
5 sion;

6 (B) specific activities and strategies for
7 achieving the goals and priorities identified
8 under subparagraph (A), and specific mile-
9 stones, metrics, and performance measures for
10 assessing progress against such strategic goals
11 and priorities;

12 (C) specific activities and strategies for im-
13 proving and streamlining internal coordination
14 and communication within the Food and Drug
15 Administration, including for activities and
16 communications related to signals of potential
17 public health concerns;

18 (D) challenges and risks the Food and
19 Drug Administration will face in meeting its
20 strategic goals and priorities, and the activities
21 the Food and Drug Administration will under-
22 take to overcome those challenges and mitigate
23 those risks;

24 (E) the ways in which the Food and Drug
25 Administration will use the Plan to guide and

3689

1 coordinate the projects and activities of the
2 Food and Drug Administration across its of-
3 fices and centers; and

4 (F) a skills inventory, needs assessment,
5 gap analysis, and initiatives to address skills
6 gaps as part of a strategic approach to informa-
7 tion technology human capital planning.

8 (3) EVALUATION OF PROGRESS.—Each Food
9 and Drug Administration Strategic Information
10 Technology Plan issued pursuant to this subsection,
11 with the exception of the first such Food and Drug
12 Administration Strategic Information Technology
13 Plan, shall include an evaluation of—

14 (A) the progress the Secretary has made,
15 based on the metrics, benchmarks, and other
16 milestones that measure successful development
17 and implementation of information technology
18 systems; and

19 (B) whether actions taken in response to
20 the previous Plan improved the capacity of the
21 Food and Drug Administration to achieve the
22 strategic goals and priorities set forth in such
23 previous Plans.

24 (b) GAO REPORT.—

1 (1) IN GENERAL.—Not later than September
2 30, 2026, the Comptroller General of the United
3 States shall submit to the Committee on Health,
4 Education, Labor, and Pensions of the Senate and
5 the Committee on Energy and Commerce of the
6 House of Representatives a report assessing the im-
7 plementation of the Food and Drug Administration
8 Strategic Information Technology Plan adopted pur-
9 suant to subsection (a).

10 (2) CONTENT OF REPORT.—The report re-
11 quired under paragraph (1) shall include an assess-
12 ment of—

13 (A) the development and implementation of
14 the Food and Drug Administration Strategic
15 Information Technology Plan, including the suf-
16 ficiency of the plan, progress of the Food and
17 Drug Administration in meeting the results-ori-
18 ented goals, milestones, and performance meas-
19 ures identified in such plan and any gaps in
20 such implementation;

21 (B) the efficiency and effectiveness of the
22 Food and Drug Administration’s expenditures
23 on information technology systems over the pre-
24 ceding 10 fiscal years, including the implemen-
25 tation by the Food and Drug Administration of

1 the Technology Modernization Action Plan and
2 Data Modernization Action Plan;

3 (C) challenges posed by the information
4 technology systems of the Food and Drug Ad-
5 ministration for carrying out the Food and
6 Drug Administration's public health mission,
7 including on meeting user fee agreement per-
8 formance goals, conducting inspections, re-
9 sponding to identified safety concerns, and
10 keeping pace with new scientific and medical
11 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 in-
18 formation 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

3692

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 Admin-
6 istration, including—

7 (A) taking receipt, tracking, managing,
8 and prioritizing confidential informant com-
9 plaints;

10 (B) taking receipt of common carrier pack-
11 ages to the Food and Drug Administration;

12 (C) the organizational structure and man-
13 agement of the mailroom;

14 (D) the organizational structure and man-
15 agement of the Office of the Executive Secre-
16 tariat;

17 (E) the total number of employees and
18 contractors in the mailroom including those
19 working remotely and those working in person;

20 (F) the total number of employees and
21 contractors in the Office of the Executive Secre-
22 tariat;

23 (G) the number of vacant positions in the
24 mailroom;

3693

1 (H) the number of vacant positions in the
2 Office of the Executive Secretariat;

3 (I) the average number of days for re-
4 sponse to correspondence received by the Office
5 of the Secretariat;

6 (J) the extent to which there is a backlog
7 of common carrier packages received by the
8 mailroom and the number of common carrier
9 packages in any backlog;

10 (K) the extent to which there is a backlog
11 of correspondence in the Office of the Executive
12 Secretariat that has not been appropriately re-
13 sponded to by the Food and Drug Administra-
14 tion and the number of correspondence or com-
15 mon carrier packages in any backlog;

16 (L) a rationale for the failure of the Office
17 of the Executive Secretariat to respond to cor-
18 respondence in any backlog and the position of
19 the decision-making official who determined not
20 to respond to such correspondence;

21 (M) the number of whistleblower cor-
22 respondence received, including within each
23 agency center;

3694

1 (N) the amount of resources expended for
2 the mailroom, including a breakdown of budget
3 authority and user fee dollars;

4 (O) the amount of resources expended for
5 the Office of the Executive Secretariat and cor-
6 respondence-related activities, including a
7 breakdown of budget authority and user fee dol-
8 lars; and

9 (P) the performance of third-party con-
10 tractors responsible for correspondence-related
11 activities with respect to the receipt and track-
12 ing of correspondence, and efforts by the Food
13 and Drug Administration to improve perform-
14 ance by such contractors; and

15 (2) the development and implementation of new
16 or revised policies and procedures of the Food and
17 Drug Administration to monitor and ensure—

18 (A) the effective receipt, tracking, man-
19 aging, and prioritization of such complaints;
20 and

21 (B) the effective receipt of common carrier
22 packages to the Food and Drug Administration.

23 (b) ANNUAL REPORT.—Not later than the end of
24 each of fiscal years 2023 and 2024, the Secretary shall
25 issue a report to the Committee on Health, Education,

3695

1 Labor, and Pensions of the Senate and the Committee on
2 Energy and Commerce of the House of Representatives
3 on the implementation of the new or revised policies of
4 the Food and Drug Administration reported under sub-
5 section (a)(2), and since such implementation—

6 (1) the volume of incoming common carrier
7 packages to the mailroom;

8 (2) the volume of incoming correspondence to
9 the Office of the Executive Secretariat;

10 (3) the extent to which new backlogs occur in
11 the processing of common carrier packages received
12 by the mailroom;

13 (4) the extent to which new backlogs occur in
14 the processing of correspondence received by the Of-
15 fice of the Executive Secretariat;

16 (5) the length of time required to resolve each
17 such backlog;

18 (6) any known issues of unreasonable delays in
19 correspondence being provided to the intended re-
20 cipient, or in correspondence being lost, and the
21 measures taken to remedy such delays or lost items;

22 (7) the average number of days it takes to re-
23 spond to correspondence received by the Office of
24 the Executive Secretariat;

3697

1 (1) With respect to drugs, such guidance shall
2 address the use of such data and evidence to support
3 the approval of a drug application under section 505
4 of the Federal Food, Drug, and Cosmetic Act (21
5 U.S.C. 355) or a biological product application
6 under section 351 of the Public Health Service Act
7 (42 U.S.C. 262), and to support an investigational
8 use exemption submission under section 505(i) of
9 the Federal Food, Drug, and Cosmetic Act (21
10 U.S.C. 355(i)) or section 351(a)(3) of the Public
11 Health Service Act (42 U.S.C. 262(a)(3)). Such
12 guidance shall include considerations for the inclu-
13 sion, in such applications and submissions, of real
14 world data and real world evidence obtained as a re-
15 sult of the use of drugs authorized for emergency
16 use under section 564 of the Federal Food, Drug,
17 and Cosmetic Act (21 U.S.C. 360bbb-3), and con-
18 siderations for standards and methodologies for col-
19 lection and analysis of real world evidence included
20 in such applications and submissions, as appro-
21 priate.

22 (2) With respect to devices, such guidance shall
23 address the use of such data and evidence to support
24 the approval, clearance, or classification of a device
25 pursuant to an application or submission submitted

3698

1 under section 510(k), 513(f)(2), or 515 of the Fed-
2 eral Food, Drug, and Cosmetic Act (21 U.S.C.
3 360(k), 360e(f)(2), 360e), to support an investiga-
4 tional use exemption submission under section
5 520(g) of such Act (21 U.S.C. 360j(g)), and to sup-
6 port a determination by the Secretary for purposes
7 of section 353 of the Public Health Service Act (42
8 U.S.C. 263a) (including the category described
9 under subsection (d)(3) of such section). Such guid-
10 ance shall include considerations for the inclusion, in
11 such applications and submissions, of real world
12 data and real world evidence obtained as a result of
13 the use of devices authorized for emergency use
14 under section 564 of the Federal Food, Drug, and
15 Cosmetic Act (21 U.S.C. 360bbb-3), including con-
16 siderations related to a determination under section
17 353(d)(3) of the Public Health Service Act (42
18 U.S.C. 263a(d)(3)), and considerations for stand-
19 ards and methodologies for collection and analysis of
20 real world evidence included in such applications,
21 submissions, or determinations, as appropriate.

22 (b) REPORT TO CONGRESS.—Not later than 2 years
23 after the end of the public health emergency declared by
24 the Secretary under section 319 of the Public Health Serv-
25 ice Act (42 U.S.C. 247d) on January 31, 2020, with re-

1 spect to COVID–19, the Secretary shall submit a report
2 to the Committee on Health, Education, Labor, and Pen-
3 sions of the Senate and the Committee on Energy and
4 Commerce of the House of Representatives on—

5 (1) the number of applications, submissions, or
6 requests submitted for clearance, approval, or au-
7 thorization under section 505, 510(k), 513(f)(2), or
8 515 of the Federal Food, Drug, and Cosmetic Act
9 (21 U.S.C. 355, 360(k), 360e(f)(2), 360e) or section
10 351 of the Public Health Service Act (42 U.S.C.
11 262), for which an authorization under section 564
12 of the Federal Food, Drug, and Cosmetic Act (21
13 U.S.C. 360bbb–3) was previously granted;

14 (2) of the number of applications so submitted,
15 the number of such applications—

16 (A) for which real world evidence was sub-
17 mitted and used to support a regulatory deci-
18 sion; and

19 (B) for which real world evidence was sub-
20 mitted and determined to be insufficient to sup-
21 port a regulatory decision; and

22 (3) a summary explanation of why, in the case
23 of applications described in paragraph (2)(B), real
24 world evidence could not be used to support regu-
25 latory decisions.

1 (c) INFORMATION DISCLOSURE.—Nothing in this
2 section shall be construed to authorize the disclosure of
3 information that is prohibited from disclosure under sec-
4 tion 1905 of title 18, United States Code, or subject to
5 withholding under subsection (b)(4) of section 552 of title
6 5, United States Code (commonly referred to as the
7 “Freedom of Information Act”).

8 **SEC. 3630. FACILITATING EXCHANGE OF PRODUCT INFOR-**
9 **MATION PRIOR TO APPROVAL.**

10 (a) IN GENERAL.—Section 502 of the Federal Food,
11 Drug, and Cosmetic Act (21 U.S.C. 352) is amended—

12 (1) in paragraph (a)—

13 (A) by striking “drugs for coverage” and
14 inserting “drugs or devices for coverage”; and

15 (B) by striking “drug” each place it ap-
16 pears and inserting “drug or device”, respec-
17 tively;

18 (2) in paragraphs (a)(1) and (a)(2)(B), by
19 striking “under section 505 or under section 351 of
20 the Public Health Service Act” and inserting “under
21 section 505, 510(k), 513(f)(2), or 515 of this Act or
22 section 351 of the Public Health Service Act”;

23 (3) in paragraph (a)(1)—

24 (A) by striking “under section 505 or
25 under section 351(a) of the Public Health Serv-

3701

1 ice Act” and inserting “under section 505,
2 510(k), 513(f)(2), or 515 of this Act or section
3 351 of the Public Health Service Act”; and

4 (B) by striking “in section 505(a) or in
5 subsections (a) and (k) of section 351 of the
6 Public Health Service Act” and inserting “in
7 section 505, 510(k), 513(f)(2), or 515 of this
8 Act or section 351 of the Public Health Service
9 Act”; and

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

11 “(gg)(1) Unless its labeling bears adequate directions
12 for use in accordance with paragraph (f), except that (in
13 addition to drugs or devices that conform with exemptions
14 pursuant to such paragraph) no drug or device shall be
15 deemed to be misbranded under such paragraph through
16 the provision of truthful and not misleading product infor-
17 mation to a payor, formulary committee, or other similar
18 entity with knowledge and expertise in the area of health
19 care economic analysis carrying out its responsibilities for
20 the selection of drugs or devices for coverage or reimburse-
21 ment if the product information relates to an investiga-
22 tional drug or device or investigational use of a drug or
23 device that is approved, cleared, granted marketing au-
24 thorization, or licensed under section 505, 510(k),

1 513(f)(2), or 515 of this Act or section 351 of the Public
2 Health Service Act (as applicable), provided—

3 “(A) the product information includes—

4 “(i) a clear statement that the investiga-
5 tional drug or device or investigational use of a
6 drug or device has not been approved, cleared,
7 granted marketing authorization, or licensed
8 under section 505, 510(k), 513(f)(2), or 515 of
9 this Act or section 351 of the Public Health
10 Service Act (as applicable) and that the safety
11 and effectiveness of such drug or device for
12 such use has not been established;

13 “(ii) information related to the stage of de-
14 velopment of the drug or device involved, such
15 as—

16 “(I) the status of any study or studies
17 in which the investigational drug or device
18 or investigational use is being investigated;

19 “(II) how the study or studies relate
20 to the overall plan for the development of
21 the drug or device; and

22 “(III) whether an application, pre-
23 market notification, or request for classi-
24 fication for the investigational drug or de-
25 vice or investigational use has been sub-

1 mitted to the Secretary and when such a
2 submission is planned;

3 “(iii) in the case of information that in-
4 cludes factual presentations of results from
5 studies, which shall not be selectively presented,
6 a description of—

7 “(I) all material aspects of study de-
8 sign, methodology, and results; and

9 “(II) all material limitations related
10 to the study design, methodology, and re-
11 sults;

12 “(iv) where applicable, a prominent state-
13 ment disclosing the indication or indications for
14 which the Secretary has approved, granted mar-
15 keting authorization, cleared, or licensed the
16 product pursuant to section 505, 510(k),
17 513(f)(2), or 515 of this Act or section 351 of
18 the Public Health Service Act, and a copy of
19 the most current required labeling; and

20 “(v) updated information, if previously
21 communicated information becomes materially
22 outdated as a result of significant changes or as
23 a result of new information regarding the prod-
24 uct or its review status; and

1 “(B) the product information does not in-
2 clude—

3 “(i) information that represents that an
4 unapproved product—

5 “(I) has been approved, cleared,
6 granted marketing authorization, or li-
7 censed under section 505, 510(k),
8 513(f)(2), or 515 of this Act or section
9 351 of the Public Health Service Act (as
10 applicable); or

11 “(II) has otherwise been determined
12 to be safe or effective for the purpose or
13 purposes for which the drug or device is
14 being studied; or

15 “(ii) information that represents that an
16 unapproved use of a drug or device that has
17 been so approved, granted marketing authoriza-
18 tion, cleared, or licensed—

19 “(I) is so approved, granted mar-
20 keting authorization, cleared, or licensed;
21 or

22 “(II) that the product is safe or effec-
23 tive for the use or uses for which the drug
24 or device is being studied.

1 “(2) For purposes of this paragraph, the term ‘prod-
2 uct information’ includes—

3 “(A) information describing the drug or device
4 (such as drug class, device description, and fea-
5 tures);

6 “(B) information about the indication or indica-
7 tions being investigated;

8 “(C) the anticipated timeline for a possible ap-
9 proval, clearance, marketing authorization, or licen-
10 sure pursuant to section 505, 510(k), 513, or 515
11 of this Act or section 351 of the Public Health Serv-
12 ice Act;

13 “(D) drug or device pricing information;

14 “(E) patient utilization projections;

15 “(F) product-related programs or services; and

16 “(G) factual presentations of results from stud-
17 ies that do not characterize or make conclusions re-
18 garding safety or efficacy.”.

19 (b) GAO STUDY AND REPORT.—Beginning on the
20 date that is 5 years and 6 months after the date of enact-
21 ment of this Act, the Comptroller General of the United
22 States shall conduct a study on the provision and use of
23 information pursuant to section 502(gg) of the Federal
24 Food, Drug, and Cosmetic Act, as added by this sub-
25 section (a), between manufacturers of drugs and devices

1 (as defined in section 201 of the Federal Food, Drug, and
2 Cosmetic Act (21 U.S.C. 321)) and entities described in
3 such section 502(gg). Such study shall include an analysis
4 of the following:

5 (1) The types of information communicated be-
6 tween such manufacturers and payors.

7 (2) The manner of communication between
8 such manufacturers and payors.

9 (3)(A) Whether such manufacturers file an ap-
10 plication for approval, marketing authorization,
11 clearance, or licensing of a new drug or device or the
12 new use of a drug or device that is the subject of
13 communication between such manufacturers and
14 payors under section 502(gg) of the Federal Food,
15 Drug, and Cosmetic Act, as added by subsection (a).

16 (B) How frequently the Food and Drug Admin-
17 istration approves, grants marketing authorization,
18 clears, or licenses the new drug or device or new use.

19 (C) The timeframe between the initial commu-
20 nications permitted under section 502(gg) of the
21 Federal Food, Drug, and Cosmetic Act, as added by
22 subsection (a), regarding an investigational drug or
23 device or investigational use, and the initial mar-
24 keting of such drug or device.

3707

1 **SEC. 3631. STREAMLINING BLOOD DONOR INPUT.**

2 Chapter 35 of title 44, United States Code, shall not
3 apply to the collection of information to which a response
4 is voluntary and that is initiated by the Secretary to solicit
5 information from blood donors or potential blood donors
6 to support the development of recommendations by the
7 Secretary, acting through the Commissioner of Food and
8 Drugs, concerning blood donation.

9 **TITLE IV—MEDICARE**
10 **PROVISIONS**

11 **Subtitle A—Medicare Extenders**

12 **SEC. 4101. EXTENSION OF INCREASED INPATIENT HOS-**
13 **PITAL PAYMENT ADJUSTMENT FOR CERTAIN**
14 **LOW-VOLUME HOSPITALS.**

15 (a) IN GENERAL.—Section 1886(d)(12) of the Social
16 Security Act (42 U.S.C. 1395ww(d)(12)) is amended—

17 (1) in subparagraph (B), in the matter pre-
18 ceding clause (i), by striking “during the portion of
19 fiscal year 2023 beginning on December 24, 2022,
20 and ending on September 30, 2023, and in fiscal
21 year 2024” and inserting “in fiscal year 2025”;

22 (2) in subparagraph (C)(i)—

23 (A) in the matter preceding subclause

24 (I)—

25 (i) by striking “or portion of a fiscal
26 year”; and

3708

1 (ii) by striking “through 2022 and the
2 portion of fiscal year 2023 beginning on
3 October 1, 2022, and ending on December
4 23, 2022’” and inserting “through 2024”;

5 (B) in subclause (III), by striking
6 “through 2022 and the portion of fiscal year
7 2023 beginning on October 1, 2022, and ending
8 on December 23, 2022’” and inserting
9 “through 2024”; and

10 (C) in subclause (IV), by striking “the por-
11 tion of fiscal year 2023 beginning on December
12 24, 2022, and ending on September 30, 2023,
13 and fiscal year 2024” and inserting “fiscal year
14 2025”; and

15 (3) in subparagraph (D)—

16 (A) in the matter preceding clause (i), by
17 striking “through 2022 or during the portion of
18 fiscal year 2023 beginning on October 1, 2022,
19 and ending on December 23, 2022’” and in-
20 serting “through 2024”; and

21 (B) in clause (ii), by striking “through
22 2022 and the portion of fiscal year 2023 begin-
23 ning on October 1, 2022, and ending on De-
24 cember 23, 2022’” and inserting “through
25 2024”.

1 (b) IMPLEMENTATION.—Notwithstanding any other
2 provision of law, the Secretary of Health and Human
3 Services may implement the provisions of, including the
4 amendments made by, this section by program instruction
5 or otherwise.

6 **SEC. 4102. EXTENSION OF THE MEDICARE-DEPENDENT**
7 **HOSPITAL PROGRAM.**

8 (a) IN GENERAL.—Section 1886(d)(5)(G) of the So-
9 cial Security Act (42 U.S.C. 1395ww(d)(5)(G)) is amend-
10 ed—

11 (1) in clause (i), by striking “December 24,
12 2022” and inserting “October 1, 2024”; and

13 (2) in clause (ii)(II), by striking “December 24,
14 2022” and inserting “October 1, 2024”.

15 (b) CONFORMING AMENDMENTS.—

16 (1) EXTENSION OF TARGET AMOUNTS.—Section
17 1886(b)(3)(D) of the Social Security Act (42 U.S.C.
18 1395ww(b)(3)(D)) is amended—

19 (A) in the matter preceding clause (i), by
20 striking “December 24, 2022” and inserting
21 “October 1, 2024”; and

22 (B) in clause (iv), by striking “fiscal year
23 2022 and the portion of fiscal year 2023 begin-
24 ning on October 1, 2022, and ending on De-

3710

1 cember 23, 2022,” and inserting “fiscal year
2 2024”.

3 (2) PERMITTING HOSPITALS TO DECLINE RE-
4 CLASSIFICATION.—Section 13501(e)(2) of the Omni-
5 bus Budget Reconciliation Act of 1993 (42 U.S.C.
6 1395ww note) is amended by striking “fiscal year
7 2000 through fiscal year 2022, or the portion of fis-
8 cal year 2023 beginning on October 1, 2022, and
9 ending on December 23, 2022” and inserting “or
10 fiscal year 2000 through fiscal year 2024”.

11 **SEC. 4103. EXTENSION OF ADD-ON PAYMENTS FOR AMBU-**
12 **LANCE SERVICES.**

13 Section 1834(l) of the Social Security Act (42 U.S.C.
14 1395m(l)) is amended—

15 (1) in paragraph (12)(A), by striking “January
16 1, 2023” and inserting “January 1, 2025”; and

17 (2) in paragraph (13), by striking “January 1,
18 2023” in each place it appears and inserting “Janu-
19 ary 1, 2025” in each such place.

3711

1 **Subtitle B—Other Expiring**
2 **Medicare Provisions**

3 **SEC. 4111. EXTENDING INCENTIVE PAYMENTS FOR PAR-**
4 **TICIPATION IN ELIGIBLE ALTERNATIVE PAY-**
5 **MENT MODELS.**

6 (a) IN GENERAL.—Section 1833(z) of the Social Se-
7 curity Act (42 U.S.C. 1395l(z)) is amended—

8 (1) in paragraph (1)(A)—

9 (A) by striking “2024” and inserting
10 “2025”; and

11 (B) by inserting “(or, with respect to
12 2025, 3.5 percent)” after “5 percent”;

13 (2) in paragraph (2)—

14 (A) in subparagraph (B)—

15 (i) in the header, by striking “2024”
16 and inserting “2025”; and

17 (ii) in the matter preceding clause (i),
18 by striking “2024” and inserting “2025”;

19 (B) in subparagraph (C)—

20 (i) in the header, by striking “2025”
21 and inserting “2026”; and

22 (ii) in the matter preceding clause (i),
23 by striking “2025” and inserting “2026”;

24 and

3712

1 (C) in subparagraph (D), by striking
2 “2023 and 2024” and inserting “2023, 2024,
3 and 2025”; and

4 (3) in paragraph (4)(B), by inserting “(or, with
5 respect to 2025, 3.5 percent)” after “5 percent”.

6 (b) CONFORMING AMENDMENTS.—Section
7 1848(q)(1)(C)(iii) of the Social Security Act (42 U.S.C.
8 1395w–4(q)(1)(C)(iii)) is amended—

9 (1) in subclause (II), by striking “2024” and
10 inserting “2025”; and

11 (2) in subclause (III), by striking “2025” and
12 inserting “2026”.

13 **SEC. 4112. EXTENSION OF SUPPORT FOR PHYSICIANS AND**
14 **OTHER PROFESSIONALS IN ADJUSTING TO**
15 **MEDICARE PAYMENT CHANGES.**

16 Section 1848 of the Social Security Act (42 U.S.C.
17 1395w–4) is amended—

18 (1) in subsection (c)(2)(B)(iv)(V), by striking
19 “2021 or 2022” and inserting “2021, 2022, 2023,
20 or 2024”; and

21 (2) in subsection (t)—

22 (A) in the subsection header, by striking
23 “2021 AND 2022” and inserting “2021
24 THROUGH 2024”;

25 (B) in paragraph (1)—

3713

1 (i) in the matter preceding subpara-
2 graph (A), by striking “during 2021 and
3 2022” and inserting “during 2021, 2022,
4 2023, and 2024”; and

5 (ii) in subparagraph (A), by striking
6 at the end “and”;

7 (iii) in subparagraph (B), by striking
8 at the end the period and inserting a semi-
9 colon; and

10 (iv) by adding at the end the following
11 new subparagraphs:

12 “(C) such services furnished on or after
13 January 1, 2023, and before January 1, 2024,
14 by 2.5 percent; and

15 “(D) such services furnished on or after
16 January, 1, 2024, and before January 1, 2025,
17 by 1.25 percent.”; and

18 (C) in paragraph (2)(C)—

19 (i) in the subparagraph header, by
20 striking “2021 AND 2022” and inserting
21 “2021 THROUGH 2024”;

22 (ii) by striking “for services furnished
23 in 2021 or 2022” and inserting “for serv-
24 ices furnished in 2021, 2022, 2023, or
25 2024”; and

3714

1 (iii) by striking “or 2022, respec-
2 tively” and inserting “, 2022, 2023, or
3 2024, respectively”.

4 **SEC. 4113. ADVANCING TELEHEALTH BEYOND COVID-19.**

5 (a) REMOVING GEOGRAPHIC REQUIREMENTS AND
6 EXPANDING ORIGINATING SITES FOR TELEHEALTH
7 SERVICES.—Section 1834(m) of the Social Security Act
8 (42 U.S.C. 1395m(m)) is amended—

9 (1) in paragraph (2)(B)(iii)—

10 (A) by striking “With” and inserting “In
11 the case that the emergency period described in
12 section 1135(g)(1)(B) ends before December
13 31, 2024, with”; and

14 (B) by striking “that are furnished during
15 the 151-day period beginning on the first day
16 after the end of the emergency period described
17 in section 1135(g)(1)(B)” and inserting “that
18 are furnished during the period beginning on
19 the first day after the end of such emergency
20 period and ending December 31, 2024”; and

21 (2) in paragraph (4)(C)(iii)—

22 (A) by striking “With” and inserting “In
23 the case that the emergency period described in
24 section 1135(g)(1)(B) ends before December
25 31, 2024, with”; and

3715

1 (B) by striking “that are furnished during
2 the 151-day period beginning on the first day
3 after the end of the emergency period described
4 in section 1135(g)(1)(B)” and inserting “that
5 are furnished during the period beginning on
6 the first day after the end of such emergency
7 period and ending on December 31, 2024”.

8 (b) EXPANDING PRACTITIONERS ELIGIBLE TO FUR-
9 NISH TELEHEALTH SERVICES.—Section 1834(m)(4)(E)
10 of the Social Security Act (42 U.S.C. 1395m(m)(4)(E))
11 is amended by striking “and, for the 151-day period begin-
12 ning on the first day after the end of the emergency period
13 described in section 1135(g)(1)(B)” and inserting “and,
14 in the case that the emergency period described in section
15 1135(g)(1)(B) ends before December 31, 2024, for the pe-
16 riod beginning on the first day after the end of such emer-
17 gency period and ending on December 31, 2024”.

18 (c) EXTENDING TELEHEALTH SERVICES FOR FED-
19 ERALLY QUALIFIED HEALTH CENTERS AND RURAL
20 HEALTH CLINICS.—Section 1834(m)(8)(A) of the Social
21 Security Act (42 U.S.C. 1395m(m)(8)(A)) is amended by
22 striking “during the 151-day period beginning on the first
23 day after the end of such emergency period” and inserting
24 “in the case that such emergency period ends before De-
25 cember 31, 2024, during the period beginning on the first

1 day after the end of such emergency period and ending
2 on December 31, 2024”.

3 (d) DELAYING THE IN-PERSON REQUIREMENTS
4 UNDER MEDICARE FOR MENTAL HEALTH SERVICES
5 FURNISHED THROUGH TELEHEALTH AND TELE-
6 COMMUNICATIONS TECHNOLOGY.—

7 (1) DELAY IN REQUIREMENTS FOR MENTAL
8 HEALTH SERVICES FURNISHED THROUGH TELE-
9 HEALTH.—Section 1834(m)(7)(B)(i) of the Social
10 Security Act (42 U.S.C. 1395m(m)(7)(B)(i)) is
11 amended, in the matter preceding subclause (I), by
12 striking “on or after the day that is the 152nd day
13 after the end of the period at the end of the emer-
14 gency sentence described in section 1135(g)(1)(B))”
15 and inserting “on or after January 1, 2025 (or, if
16 later, the first day after the end of the emergency
17 period described in section 1135(g)(1)(B))”.

18 (2) MENTAL HEALTH VISITS FURNISHED BY
19 RURAL HEALTH CLINICS.—Section 1834(y) of the
20 Social Security Act (42 U.S.C. 1395m(y)) is amend-
21 ed—

22 (A) in the heading, by striking “TO HOS-
23 PICE PATIENTS”; and

24 (B) in paragraph (2), by striking “prior to
25 the day that is the 152nd day after the end of

3717

1 the emergency period described in section
2 1135(g)(1)(B))” and inserting “prior to Janu-
3 ary 1, 2025 (or, if later, the first day after the
4 end of the emergency period described in sec-
5 tion 1135(g)(1)(B))”.

6 (3) MENTAL HEALTH VISITS FURNISHED BY
7 FEDERALLY QUALIFIED HEALTH CENTERS.—Section
8 1834(o)(4) of the Social Security Act (42 U.S.C.
9 1395m(o)(4) is amended—

10 (A) in the heading, by striking “TO HOS-
11 PICE PATIENTS”; and

12 (B) in subparagraph (B), by striking
13 “prior to the day that is the 152nd day after
14 the end of the emergency period described in
15 section 1135(g)(1)(B))” and inserting “prior to
16 January 1, 2025 (or, if later, the first day after
17 the end of the emergency period described in
18 section 1135(g)(1)(B))”.

19 (e) ALLOWING FOR THE FURNISHING OF AUDIO-
20 ONLY TELEHEALTH SERVICES.—Section 1834(m)(9) of
21 the Social Security Act (42 U.S.C. 1395m(m)(9)) is
22 amended by striking “The Secretary shall continue to pro-
23 vide coverage and payment under this part for telehealth
24 services identified in paragraph (4)(F)(i) as of the date
25 of the enactment of this paragraph that are furnished via

3718

1 an audio-only telecommunications system during the 151-
2 day period beginning on the first day after the end of the
3 emergency period described in section 1135(g)(1)(B)” and
4 inserting “In the case that the emergency period described
5 in section 1135(g)(1)(B) ends before December 31, 2024,
6 the Secretary shall continue to provide coverage and pay-
7 ment under this part for telehealth services identified in
8 paragraph (4)(F)(i) as of the date of the enactment of
9 this paragraph that are furnished via an audio-only com-
10 munications system during the period beginning on the
11 first day after the end of such emergency period and end-
12 ing on December 31, 2024”.

13 (f) USE OF TELEHEALTH TO CONDUCT FACE-TO-
14 FACE ENCOUNTER PRIOR TO RECERTIFICATION OF ELI-
15 GIBILITY FOR HOSPICE CARE DURING EMERGENCY PE-
16 RIOD.—Section 1814(a)(7)(D)(i)(II) of the Social Security
17 Act (42 U.S.C. 1395f(a)(7)(D)(i)(II)) is amended by
18 striking “and during the 151-day period beginning on the
19 first day after the end of such emergency period” and in-
20 serting “and, in the case that such emergency period ends
21 before December 31, 2024, during the period beginning
22 on the first day after the end of such emergency period
23 described in such section 1135(g)(1)(B) and ending on
24 December 31, 2024”.

3719

1 (g) STUDY ON TELEHEALTH AND MEDICARE PRO-
2 GRAM INTEGRITY.—

3 (1) IN GENERAL.—

4 (A) STUDY.—The Secretary shall conduct
5 a study using medical record review, as de-
6 scribed in subparagraph (C), on program integ-
7 rity related to telehealth services under part B
8 of title XVIII of the Social Security Act (42
9 U.S.C. 1395j et seq.).

10 (B) SCOPE OF STUDY.—In conducting the
11 study under subparagraph (A), the Secretary
12 shall review and analyze information (to the ex-
13 tent that such information is available) on the
14 duration of telehealth services furnished, the
15 types of telehealth services furnished, and, to
16 the extent feasible, the impact of the telehealth
17 services furnished on future utilization of health
18 care services by Medicare beneficiaries, such as
19 the utilization of additional telehealth services
20 or in-person services, including hospitalizations
21 and emergency department visits. The Sec-
22 retary may also review and analyze information
23 on—

24 (i) any geographic differences in utili-
25 zation of telehealth services;

3720

1 (ii) documentation of the care and
2 methods of delivery associated with tele-
3 health services; and

4 (iii) other areas, as determined appro-
5 priate by the Secretary.

6 (C) MEDICAL RECORD REVIEW.—In con-
7 ducting the study under subparagraph (A), the
8 Secretary shall conduct medical record review of
9 a sample of claims for telehealth services with
10 dates of service during the period beginning on
11 January 1, 2022, and ending on December 31,
12 2024. For such claims with a date of service
13 during the emergency period described in sec-
14 tion 1135(g)(1)(B) of the Social Security Act
15 (42 U.S.C. 1320b–5(g)(1)(B)), the Secretary
16 shall only conduct medical record review of
17 those claims that have undergone standard pro-
18 gram integrity review (as defined in paragraph
19 (2)(B)), as determined appropriate by the Sec-
20 retary.

21 (D) REPORTS.—

22 (i) INTERIM REPORT.—Not later than
23 October 1, 2024, the Secretary shall sub-
24 mit to the Committee on Finance of the
25 Senate and the Committee on Energy and

3721

1 Commerce and the Committee on Ways
2 and Means of the House of Representa-
3 tives an interim report on the study con-
4 ducted under subparagraph (A).

5 (ii) FINAL REPORT.—Not later than
6 April 1, 2026, the Secretary shall submit
7 to the Committee on Finance of the Senate
8 and the Committee on Energy and Com-
9 merce and the Committee on Ways and
10 Means of the House of Representatives a
11 final report on the study conducted under
12 subparagraph (A).

13 (2) DEFINITIONS.—In this subsection:

14 (A) SECRETARY.—The term “Secretary”
15 means the Secretary of Health and Human
16 Services.

17 (B) STANDARD PROGRAM INTEGRITY RE-
18 VIEW.—The term “standard program integrity
19 review” refers to the review of any claim that
20 requires a review of the associated medical
21 record by the Secretary to determine the med-
22 ical necessity of the services furnished or to
23 identify potential fraud.

24 (C) TELEHEALTH SERVICE.—The term
25 “telehealth service” has the meaning given that

3722

1 term in section 1834(m)(4)(F) of the Social Se-
2 curity Act (42 U.S.C. 1395(m)(4)(F)).

3 (3) FUNDING.—In addition to amounts other-
4 wise available, there is appropriated to the Centers
5 for Medicare & Medicaid Services Program Manage-
6 ment Account for fiscal year 2023, out of any
7 amounts in the Treasury not otherwise appropriated,
8 \$10,000,000, to remain available until expended, for
9 purposes of carrying out this subsection.

10 (h) PROGRAM INSTRUCTION AUTHORITY.—Notwith-
11 standing any other provision of law, the Secretary of
12 Health and Human Services may implement the provisions
13 of, including amendments made by, this section through
14 program instruction or otherwise.

15 **SEC. 4114. REVISED PHASE-IN OF MEDICARE CLINICAL LAB-**
16 **ORATORY TEST PAYMENT CHANGES.**

17 (a) REVISED PHASE-IN OF REDUCTIONS FROM PRI-
18 VATE PAYOR RATE IMPLEMENTATION.—Section
19 1834A(b)(3) of the Social Security Act (42 U.S.C.
20 1395m–1(b)(3)) is amended—

21 (1) in subparagraph (A), by striking “through
22 2025” and inserting “through 2026”; and

23 (2) in subparagraph (B)—

24 (A) in clause (ii), by striking “and 2022”
25 and inserting “through 2023”; and

3723

1 (B) in clause (iii), by striking “2023
2 through 2025” and inserting “2024 through
3 2026”.

4 (b) REVISED REPORTING PERIOD FOR REPORTING
5 OF PRIVATE SECTOR PAYMENT RATES FOR ESTABLISH-
6 MENT OF MEDICARE PAYMENT RATES.—Section
7 1834A(a)(1)(B) of the Social Security Act (42 U.S.C.
8 1395m–1(a)(1)(B)) is amended—

9 (1) in clause (i), by striking “December 31,
10 2022” and inserting “December 31, 2023”; and

11 (2) in clause (ii)—

12 (A) by striking “January 1, 2023” and in-
13 serting “January 1, 2024”; and

14 (B) by striking “March 31, 2023” and in-
15 serting “March 31, 2024”.

16 **Subtitle C—Medicare Mental** 17 **Health Provisions**

18 **SEC. 4121. COVERAGE OF MARRIAGE AND FAMILY THERA-** 19 **PIST SERVICES AND MENTAL HEALTH COUN-** 20 **SELOR SERVICES UNDER PART B OF THE** 21 **MEDICARE PROGRAM.**

22 (a) COVERAGE OF SERVICES.—

23 (1) IN GENERAL.—Section 1861(s)(2) of the
24 Social Security Act (42 U.S.C. 1395x(s)(2)) is
25 amended—

1 (A) in subparagraph (GG), by striking
2 “and” after the semicolon at the end;

3 (B) in subparagraph (HH), by striking the
4 period at the end and inserting “; and”; and

5 (C) by adding at the end the following new
6 subparagraph:

7 “(II) marriage and family therapist services (as
8 defined in subsection (III)(1)) and mental health
9 counselor services (as defined in subsection
10 (III)(3));”.

11 (2) DEFINITIONS.—Section 1861 of the Social
12 Security Act (42 U.S.C. 1395x) is amended by add-
13 ing at the end the following new subsection:

14 “(III) MARRIAGE AND FAMILY THERAPIST SERVICES;
15 MARRIAGE AND FAMILY THERAPIST; MENTAL HEALTH
16 COUNSELOR SERVICES; MENTAL HEALTH COUNSELOR.—

17 “(1) MARRIAGE AND FAMILY THERAPIST SERV-
18 ICES.—The term ‘marriage and family therapist
19 services’ means services furnished by a marriage and
20 family therapist (as defined in paragraph (2)) for
21 the diagnosis and treatment of mental illnesses
22 (other than services furnished to an inpatient of a
23 hospital), which the marriage and family therapist is
24 legally authorized to perform under State law (or
25 the State regulatory mechanism provided by State

1 law) of the State in which such services are fur-
2 nished, as would otherwise be covered if furnished by
3 a physician or as an incident to a physician's profes-
4 sional service.

5 “(2) MARRIAGE AND FAMILY THERAPIST.—The
6 term ‘marriage and family therapist’ means an indi-
7 vidual who—

8 “(A) possesses a master’s or doctor’s de-
9 gree which qualifies for licensure or certification
10 as a marriage and family therapist pursuant to
11 State law of the State in which such individual
12 furnishes the services described in paragraph
13 (1);

14 “(B) is licensed or certified as a marriage
15 and family therapist by the State in which such
16 individual furnishes such services;

17 “(C) after obtaining such degree has per-
18 formed at least 2 years of clinical supervised ex-
19 perience in marriage and family therapy; and

20 “(D) meets such other requirements as
21 specified by the Secretary.

22 “(3) MENTAL HEALTH COUNSELOR SERV-
23 ICES.—The term ‘mental health counselor services’
24 means services furnished by a mental health coun-
25 selor (as defined in paragraph (4)) for the diagnosis

1 and treatment of mental illnesses (other than serv-
2 ices furnished to an inpatient of a hospital), which
3 the mental health counselor is legally authorized to
4 perform under State law (or the State regulatory
5 mechanism provided by the State law) of the State
6 in which such services are furnished, as would other-
7 wise be covered if furnished by a physician or as in-
8 cident to a physician's professional service.

9 “(4) MENTAL HEALTH COUNSELOR.—The term
10 ‘mental health counselor’ means an individual who—

11 “(A) possesses a master's or doctor's de-
12 gree which qualifies for licensure or certification
13 as a mental health counselor, clinical profes-
14 sional counselor, or professional counselor
15 under the State law of the State in which such
16 individual furnishes the services described in
17 paragraph (3);

18 “(B) is licensed or certified as a mental
19 health counselor, clinical professional counselor,
20 or professional counselor by the State in which
21 the services are furnished;

22 “(C) after obtaining such a degree has per-
23 formed at least 2 years of clinical supervised ex-
24 perience in mental health counseling; and

3727

1 “(D) meets such other requirements as
2 specified by the Secretary.”.

3 (3) AMOUNT OF PAYMENT.—Section 1833(a)(1)
4 of the Social Security Act (42 U.S.C. 1395l(a)(1)),
5 as amended by section 11101(b) of Public Law 117–
6 169, is further amended—

7 (A) by striking “, and (EE)” and inserting
8 “(EE)”; and

9 (B) by inserting before the semicolon at
10 the end the following: “and (FF) with respect
11 to marriage and family therapist services and
12 mental health counselor services under section
13 1861(s)(2)(II), the amounts paid shall be 80
14 percent of the lesser of the actual charge for
15 the services or 75 percent of the amount deter-
16 mined for payment of a psychologist under sub-
17 paragraph (L)”.

18 (4) EXCLUSION OF MARRIAGE AND FAMILY
19 THERAPIST SERVICES AND MENTAL HEALTH COUN-
20 SELOR SERVICES FROM SKILLED NURSING FACILITY
21 PROSPECTIVE PAYMENT SYSTEM.—Section
22 1888(e)(2)(A)(ii) of the Social Security Act (42
23 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting
24 “marriage and family therapist services (as defined
25 in section 1861(lll)(1)), mental health counselor

1 services (as defined in section 1861(III)(3)),” after
2 “qualified psychologist services.”

3 (5) INCLUSION OF MARRIAGE AND FAMILY
4 THERAPISTS AND MENTAL HEALTH COUNSELORS AS
5 PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.—Sec-
6 tion 1842(b)(18)(C) of the Social Security Act (42
7 U.S.C. 1395u(b)(18)(C)) is amended by adding at
8 the end the following new clauses:

9 “(vii) A marriage and family therapist (as de-
10 fined in section 1861(III)(2)).

11 “(viii) A mental health counselor (as defined in
12 section 1861(III)(4)).”

13 (b) COVERAGE OF CERTAIN MENTAL HEALTH SERV-
14 ICES PROVIDED IN CERTAIN SETTINGS.—

15 (1) RURAL HEALTH CLINICS AND FEDERALLY
16 QUALIFIED HEALTH CENTERS.—Section
17 1861(aa)(1)(B) of the Social Security Act (42
18 U.S.C. 1395x(aa)(1)(B)) is amended by striking “or
19 by a clinical social worker (as defined in subsection
20 (hh)(1))” and inserting “, by a clinical social worker
21 (as defined in subsection (hh)(1)), by a marriage
22 and family therapist (as defined in subsection
23 (III)(2)), or by a mental health counselor (as defined
24 in subsection (III)(4))”.

3729

1 (2) HOSPICE PROGRAMS.—Section
2 1861(dd)(2)(B)(i)(III) of the Social Security Act (42
3 U.S.C. 1395x(dd)(2)(B)(i)(III)) is amended by in-
4 serting “, marriage and family therapist, or mental
5 health counselor” after “social worker”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section shall apply with respect to services furnished
8 on or after January 1, 2024.

9 **SEC. 4122. ADDITIONAL RESIDENCY POSITIONS.**

10 (a) IN GENERAL.—Section 1886(h) of the Social Se-
11 curity Act (42 U.S.C. 1395ww(h)) is amended—

12 (1) in paragraph (4)(F)(i), by striking “and
13 (9)” and inserting “(9), and (10)”;

14 (2) in paragraph (4)(H)(i), by striking “and
15 (9)” and inserting “(9), and (10)”;

16 (3) by adding at the end the following new
17 paragraph:

18 “(10) DISTRIBUTION OF ADDITIONAL RESI-
19 DENCY POSITIONS IN PSYCHIATRY AND PSYCHIATRY
20 SUBSPECIALTIES.—

21 “(A) ADDITIONAL RESIDENCY POSI-
22 TIONS.—

23 “(i) IN GENERAL.—For fiscal year
24 2026, the Secretary shall, subject to the
25 succeeding provisions of this paragraph, in-

3730

1 crease the otherwise applicable resident
2 limit for each qualifying hospital (as de-
3 fined in subparagraph (F)) that submits a
4 timely application under this subparagraph
5 by such number as the Secretary may ap-
6 prove effective beginning July 1 of the fis-
7 cal year of the increase.

8 “(ii) NUMBER AVAILABLE FOR DIS-
9 TRIBUTION.—The aggregate number of
10 such positions made available under this
11 paragraph shall be equal to 200.

12 “(iii) DISTRIBUTION FOR PSYCHIATRY
13 OR PSYCHIATRY SUBSPECIALTY
14 RESIDENCIES.—At least 100 of the posi-
15 tions made available under this paragraph
16 shall be distributed for a psychiatry or psy-
17 chiatry subspecialty residency (as defined
18 in subparagraph (F)).

19 “(iv) TIMING.—The Secretary shall
20 notify hospitals of the number of positions
21 distributed to the hospital under this para-
22 graph as a result of an increase in the oth-
23 erwise applicable resident limit by January
24 31 of the fiscal year of the increase. Such

3731

1 increase shall be effective beginning July 1
2 of such fiscal year.

3 “(B) DISTRIBUTION.—For purposes of
4 providing an increase in the otherwise applica-
5 ble resident limit under subparagraph (A), the
6 following shall apply:

7 “(i) CONSIDERATIONS IN DISTRIBUTION.—In determining for which qualifying
8 hospitals such an increase is provided
9 under subparagraph (A), the Secretary
10 shall take into account the demonstrated
11 likelihood of the hospital filling the posi-
12 tions made available under this paragraph
13 within the first 5 training years beginning
14 after the date the increase would be effec-
15 tive, as determined by the Secretary.

16 “(ii) MINIMUM DISTRIBUTION FOR
17 CERTAIN CATEGORIES OF HOSPITALS.—
18 With respect to the aggregate number of
19 such positions available for distribution
20 under this paragraph, the Secretary shall
21 distribute not less than 10 percent of such
22 aggregate number to each of the following
23 categories of hospitals:
24

3732

1 “(I) Hospitals that are located in
2 a rural area (as defined in section
3 1886(d)(2)(D)) or are treated as
4 being located in a rural area pursuant
5 to section 1886(d)(8)(E).

6 “(II) Hospitals in which the ref-
7 erence resident level of the hospital
8 (as specified in subparagraph (F)(iii))
9 is greater than the otherwise applica-
10 ble resident limit.

11 “(III) Hospitals in States with—

12 “(aa) new medical schools
13 that received ‘Candidate School’
14 status from the Liaison Com-
15 mittee on Medical Education or
16 that received ‘Pre-Accreditation’
17 status from the American Osteo-
18 pathic Association Commission
19 on Osteopathic College Accredita-
20 tion on or after January 1, 2000,
21 and that have achieved or con-
22 tinue to progress toward ‘Full
23 Accreditation’ status (as such
24 term is defined by the Liaison
25 Committee on Medical Edu-

3733

1 cation) or toward ‘Accreditation’
2 status (as such term is defined
3 by the American Osteopathic As-
4 sociation Commission on Osteo-
5 pathic College Accreditation); or

6 “(bb) additional locations
7 and branch campuses established
8 on or after January 1, 2000, by
9 medical schools with ‘Full Ac-
10 creditation’ status (as such term
11 is defined by the Liaison Com-
12 mittee on Medical Education) or
13 ‘Accreditation’ status (as such
14 term is defined by the American
15 Osteopathic Association Commis-
16 sion on Osteopathic College Ac-
17 creditation).

18 “(IV) Hospitals that serve areas
19 designated as health professional
20 shortage areas under section
21 332(a)(1)(A) of the Public Health
22 Service Act, as determined by the Sec-
23 retary.

24 “(iii) PRO RATA APPLICATION.—The
25 Secretary shall ensure that each qualifying

1 hospital that submits a timely application
2 under subparagraph (A) receives at least 1
3 (or a fraction of 1) of the positions made
4 available under this paragraph before any
5 qualifying hospital receives more than 1 of
6 such positions.

7 “(C) REQUIREMENTS.—

8 “(i) LIMITATION.—A hospital may not
9 receive more than 10 additional full-time
10 equivalent residency positions under this
11 paragraph.

12 “(ii) PROHIBITION ON DISTRIBUTION
13 TO HOSPITALS WITHOUT AN INCREASE
14 AGREEMENT.—No increase in the other-
15 wise applicable resident limit of a hospital
16 may be made under this paragraph unless
17 such hospital agrees to increase the total
18 number of full-time equivalent residency
19 positions under the approved medical resi-
20 dency training program of such hospital by
21 the number of such positions made avail-
22 able by such increase under this para-
23 graph.

24 “(iii) REQUIREMENT FOR HOSPITALS
25 TO EXPAND PROGRAMS.—If a hospital that

1 receives an increase in the otherwise appli-
2 cable resident limit under this paragraph
3 would be eligible for an adjustment to the
4 otherwise applicable resident limit for par-
5 ticipation in a new medical residency train-
6 ing program under section 413.79(e)(3) of
7 title 42, Code of Federal Regulations (or
8 any successor regulation), the hospital
9 shall ensure that any positions made avail-
10 able under this paragraph are used to ex-
11 pand an existing program of the hospital,
12 and not for participation in a new medical
13 residency training program.

14 “(D) APPLICATION OF PER RESIDENT
15 AMOUNTS FOR NONPRIMARY CARE.—With re-
16 spect to additional residency positions in a hos-
17 pital attributable to the increase provided under
18 this paragraph, the approved FTE per resident
19 amounts are deemed to be equal to the hospital
20 per resident amounts for nonprimary care com-
21 puted under paragraph (2)(D) for that hospital.

22 “(E) PERMITTING FACILITIES TO APPLY
23 AGGREGATION RULES.—The Secretary shall
24 permit hospitals receiving additional residency
25 positions attributable to the increase provided

1 under this paragraph to, beginning in the fifth
2 year after the effective date of such increase,
3 apply such positions to the limitation amount
4 under paragraph (4)(F) that may be aggre-
5 gated pursuant to paragraph (4)(H) among
6 members of the same affiliated group.

7 “(F) DEFINITIONS.—In this paragraph:

8 “(i) OTHERWISE APPLICABLE RESI-
9 DENT LIMIT.—The term ‘otherwise appli-
10 cable resident limit’ means, with respect to
11 a hospital, the limit otherwise applicable
12 under subparagraphs (F)(i) and (H) of
13 paragraph (4) on the resident level for the
14 hospital determined without regard to this
15 paragraph but taking into account para-
16 graphs (7)(A), (7)(B), (8)(A), (8)(B), and
17 (9)(A).

18 “(ii) PSYCHIATRY OR PSYCHIATRY
19 SUBSPECIALTY RESIDENCY.—The term
20 ‘psychiatry or psychiatry subspecialty resi-
21 dency’ means a residency in psychiatry as
22 accredited by the Accreditation Council for
23 Graduate Medical Education for the pur-
24 pose of preventing, diagnosing, and treat-
25 ing mental health disorders.

1 “(iii) QUALIFYING HOSPITAL.—The
2 term ‘qualifying hospital’ means a hospital
3 described in any of subclauses (I) through
4 (IV) of subparagraph (B)(ii).

5 “(iv) REFERENCE RESIDENT
6 LEVEL.—The term ‘reference resident
7 level’ means, with respect to a hospital, the
8 resident level for the most recent cost re-
9 porting period of the hospital ending on or
10 before the date of enactment of this para-
11 graph, for which a cost report has been
12 settled (or, if not, submitted (subject to
13 audit)), as determined by the Secretary.

14 “(v) RESIDENT LEVEL.—The term
15 ‘resident level’ has the meaning given such
16 term in paragraph (7)(C)(i).”.

17 (b) IME.—Section 1886(d)(5)(B) of the Social Secu-
18 rity Act (42 U.S.C. 1395ww(d)(5)(B)) is amended—

19 (1) in clause (v), in the third sentence, by strik-
20 ing “and (h)(9)” and inserting “(h)(9), and
21 (h)(10)”;

22 (2) by moving clause (xii) 4 ems to the left; and

23 (3) by adding at the end the following new
24 clause:

1 “(xiii) For discharges occurring on or after
2 July 1, 2026, insofar as an additional payment
3 amount under this subparagraph is attributable to
4 resident positions distributed to a hospital under
5 subsection (h)(10), the indirect teaching adjustment
6 factor shall be computed in the same manner as pro-
7 vided under clause (ii) with respect to such resident
8 positions.”.

9 (c) PROHIBITION ON JUDICIAL REVIEW.—Section
10 1886(h)(7)(E) of the Social Security Act (42 U.S.C.
11 1395ww—4(h)(7)(E)) is amended by inserting “para-
12 graph (10),” after “paragraph (8),”.

13 **SEC. 4123. IMPROVING MOBILE CRISIS CARE IN MEDICARE.**

14 (a) PAYMENT FOR PSYCHOTHERAPY FOR CRISIS
15 SERVICES FURNISHED IN AN APPLICABLE SITE OF SERV-
16 ICE.—

17 (1) IN GENERAL.—Section 1848(b) of the So-
18 cial Security Act (42 U.S.C. 1395w—4(b)) is amend-
19 ed by adding at the end the following new para-
20 graph:

21 “(12) PAYMENT FOR PSYCHOTHERAPY FOR CRI-
22 SIS SERVICES FURNISHED IN AN APPLICABLE SITE
23 OF SERVICE.—

24 “(A) IN GENERAL.—The Secretary shall
25 establish new HCPCS codes under the fee

1 schedule established under this subsection for
2 services described in subparagraph (B) that are
3 furnished on or after January 1, 2024.

4 “(B) SERVICES DESCRIBED.—The services
5 described in this subparagraph are psycho-
6 therapy for crisis services that are a furnished
7 in an applicable site of service.

8 “(C) AMOUNT OF PAYMENT.—For services
9 described in subparagraph (B) that are fur-
10 nished to an individual in a year (beginning
11 with 2024), in lieu of the fee schedule amount
12 that would otherwise be determined under this
13 subsection for such year, the fee schedule
14 amount for such services for such year shall be
15 equal to 150 percent of the fee schedule amount
16 for non-facility sites of service for such year de-
17 termined for services identified, as of January
18 1, 2022, by HCPCS codes 90839 and 90840
19 (and any succeeding codes).

20 “(D) DEFINITIONS.—In this paragraph:

21 “(i) APPLICABLE SITE OF SERVICE.—
22 The term ‘applicable site of service’ means
23 a site of service other than a site where the
24 facility rate under the fee schedule under

3740

1 this subsection applies and other than an
2 office setting.

3 “(ii) PSYCHOTHERAPY FOR CRISIS
4 SERVICES.—The code descriptions for serv-
5 ices described in subparagraph (B) shall be
6 the same as the code descriptions for serv-
7 ices identified, as of January 1, 2022, by
8 HCPCS codes 90839 and 90840 (and any
9 succeeding codes), except that such new
10 codes shall be limited to services furnished
11 in an applicable site of service.”.

12 (2) WAIVER OF BUDGET NEUTRALITY.—Section
13 1848(e)(2)(B)(iv) of such Act (42 U.S.C. 1395w-
14 4(c)(2)(B)(iv)) is amended—

15 (A) in subclause (IV), by striking “and” at
16 the end;

17 (B) in subclause (V), by striking the period
18 at the end and inserting “; and” and

19 (C) by adding at the end the following new
20 subclause:

21 “(VI) subsection (b)(12) shall
22 not be taken into account in applying
23 clause (ii)(II) for 2024.”.

24 (b) EDUCATION AND OUTREACH.—Not later than
25 January 1, 2024, the Secretary shall use existing commu-

3741

1 nications mechanisms to provide education and outreach
2 to stakeholders with respect to the ability of health profes-
3 sionals to bill for psychotherapy for crisis services under
4 the Medicare physician fee schedule under section 1848
5 of the Social Security Act (42 U.S.C. 1395w-4) when such
6 services are furnished in an applicable site of service to
7 a Medicare beneficiary who is experiencing a mental or
8 behavioral health crisis.

9 (c) OPEN DOOR FORUM.—Not later than January 1,
10 2024, the Secretary shall convene stakeholders and ex-
11 perts for an open door forum or other appropriate mecha-
12 nism to discuss current Medicare program coverage and
13 payment policies for services that can be furnished to pro-
14 vide care to a Medicare beneficiary who is experiencing
15 a mental or behavioral health crisis.

16 (d) EDUCATION AND OUTREACH ON THE USE OF
17 PEER SUPPORT SPECIALISTS AND OTHER AUXILIARY
18 PERSONNEL IN FURNISHING OF PSYCHOTHERAPY FOR
19 CRISIS SERVICES AND BEHAVIORAL HEALTH INTEGRA-
20 TION SERVICES.—Not later than January 1, 2024, the
21 Secretary shall use existing communication mechanisms to
22 provide education and outreach to providers of services,
23 physicians, and practitioners with respect to the ability of
24 auxiliary personnel, including peer support specialists, to

1 participate, consistent with applicable requirements for
2 auxiliary personnel, in the furnishing of—

3 (1) psychotherapy for crisis services billed
4 under the Medicare physician fee schedule under
5 section 1848 of the Social Security Act (42 U.S.C.
6 1395w-4), as well as other services that can be fur-
7 nished to a Medicare beneficiary experiencing a men-
8 tal or behavioral health crisis; and

9 (2) behavioral health integration services.

10 (e) DEFINITIONS.—In this section:

11 (1) APPLICABLE SITE OF SERVICE.—The term
12 “applicable site of service” has the meaning given
13 that term in section 1848(b)(12)(D)(i) of the Social
14 Security Act, as added by subsection (a).

15 (2) BEHAVIORAL HEALTH INTEGRATION SERV-
16 ICES.—The term “behavioral health integration serv-
17 ices” means services identified, as of January 1,
18 2022, by HCPCS codes 99484, 99492, 99493,
19 99494, and G2214 (and any successor or similar
20 codes as determined appropriate by the Secretary).

21 (3) PSYCHOTHERAPY FOR CRISIS SERVICES.—
22 The term “psychotherapy for crisis services” means
23 services described in 1848(b)(12)(D)(ii) of the Social
24 Security Act, as added by subsection (a).

1 (4) SECRETARY.—The term “Secretary” means
2 the Secretary of Health and Human Services.

3 **SEC. 4124. ENSURING ADEQUATE COVERAGE OF OUT-**
4 **PATIENT MENTAL HEALTH SERVICES UNDER**
5 **THE MEDICARE PROGRAM.**

6 (a) MODIFICATION OF DEFINITION OF PARTIAL HOS-
7 PITALIZATION SERVICES.—Section 1861(ff)(1) of the So-
8 cial Security Act (42 U.S.C. 1395x(ff)(1)) is amended by
9 inserting “for an individual determined (not less fre-
10 quently than monthly) by a physician to have a need for
11 such services for a minimum of 20 hours per week” after
12 “prescribed by a physician”.

13 (b) COVERAGE OF INTENSIVE OUTPATIENT SERV-
14 ICES.—

15 (1) SCOPE OF BENEFITS.—

16 (A) COMMUNITY MENTAL HEALTH CEN-
17 TERS.—Section 1832(a)(2)(J) of the Social Se-
18 curity Act (42 U.S.C. 1395k(a)(2)(J)) is
19 amended by inserting “and intensive outpatient
20 services” after “partial hospitalization serv-
21 ices”.

22 (B) INCIDENT-TO SERVICES.—Section
23 1861(s)(2)(B) is amended by inserting “or in-
24 tensive outpatient services” after “partial hos-
25 pitalization services”.

1 (2) DEFINITION.—Section 1861(ff) of the So-
2 cial Security Act (42 U.S.C. 1395x(ff)) is amend-
3 ed—

4 (A) in the header, by inserting “; Intensive
5 Outpatient Services” after “Partial Hospitaliza-
6 tion Services”; and

7 (B) by adding at the end the following new
8 paragraph:

9 “(4) The term ‘intensive outpatient services’ has the
10 meaning given the term ‘partial hospitalization services’
11 in paragraph (1), except that—

12 “(A) section 1835(a)(2)(F)(i) shall not apply;

13 “(B) the reference in such paragraph to an in-
14 dividual ‘determined (not less frequently than
15 monthly) by a physician to have a need for such
16 services for a minimum of 20 hours per week’ shall
17 be treated as a reference to an individual ‘deter-
18 mined (not less frequently than once every other
19 month) by a physician to have a need for such serv-
20 ices for a minimum of 9 hours per week’; and

21 “(C) the reference to ‘a community mental
22 health center (as defined in subparagraph (B))’ in
23 paragraph (3) shall be treated as a reference to ‘a
24 community mental health center (as defined in sub-

3745

1 paragraph (B)), a Federally qualified health center,
2 or a rural health clinic’.”.

3 (3) EXCLUSION FROM CALCULATION OF CER-
4 TAIN TREATMENT COSTS.—Section 1833(c)(2) of the
5 Social Security Act (42 U.S.C. 1395l(c)(2)) is
6 amended by inserting “or intensive outpatient serv-
7 ices” after “partial hospitalization services”.

8 (4) CONFORMING AMENDMENTS.—

9 (A) INTENSIVE OUTPATIENT SERVICES.—
10 Section 1861(aa) of the Social Security Act (42
11 U.S.C. 1395x(aa)) is amended—

12 (i) in paragraph (1)—

13 (I) in subparagraph (B), by
14 striking “and” at the end;

15 (II) in subparagraph (C), by add-
16 ing “and” at the end; and

17 (III) by inserting after subpara-
18 graph (C) the following new subpara-
19 graph:

20 “(D) intensive outpatient services (as defined in
21 section 1861(ff)(4)),”; and

22 (ii) in paragraph (3), by striking
23 “through (C)” and inserting “through
24 (D)”.

3746

1 (B) PROVIDER OF SERVICES.—Section
2 1866(e)(2) of the Social Security Act (42
3 U.S.C. 1395cc(e)(2)) is amended by inserting “,
4 or intensive outpatient services (as described in
5 section 1861(ff)(4))” after “partial hospitaliza-
6 tion services (as described in section
7 1861(ff)(1))”.

8 (c) SPECIAL PAYMENT RULE FOR FQHCs AND
9 RHCs.—Section 1834 of the Social Security Act (42
10 U.S.C. 1395m) is amended—

11 (1) in subsection (o), by adding at the end the
12 following new paragraph:

13 “(5) SPECIAL PAYMENT RULE FOR INTENSIVE
14 OUTPATIENT SERVICES.—

15 “(A) IN GENERAL.—In the case of inten-
16 sive outpatient services furnished by a Federally
17 qualified health center, the payment amount for
18 such services shall be equal to the amount that
19 would have been paid under this title for such
20 services had such services been covered OPD
21 services furnished by a hospital.

22 “(B) EXCLUSION.—Costs associated with
23 intensive outpatient services shall not be used
24 to determine the amount of payment for Feder-
25 ally qualified health center services under the

3747

1 prospective payment system under this sub-
2 section.”; and

3 (2) in subsection (y)—

4 (A) in the header, by striking “TO HOS-
5 PICE 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 inten-
11 sive outpatient services furnished by a rural
12 health clinic, the payment amount for such
13 services shall be equal to the amount that would
14 have been paid under this title for such services
15 had such services been covered OPD services
16 furnished by a hospital.

17 “(B) EXCLUSION.—Costs associated with
18 intensive outpatient services shall not be used
19 to 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
24 this section shall apply with respect to items and services
25 furnished on or after January 1, 2024.

3748

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
10 collect data and information as the Secretary
11 determines appropriate to revise payments
12 under the system described in paragraph (1) for
13 psychiatric hospitals and psychiatric units pur-
14 suant to subparagraph (D) and for other pur-
15 poses as determined appropriate by the Sec-
16 retary. The Secretary shall begin to collect such
17 data by not 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
22 to ancillary services;

23 “(ii) the required intensity of behav-
24 ioral monitoring, such as cognitive deficit,
25 suicide ideations, violent behavior, and
26 need for physical restraint; and

1 “(iii) interventions, such as detoxifica-
2 tion services for substance abuse, depend-
3 ence on respirator, total parenteral nutri-
4 tional support, dependence on renal dialy-
5 sis, and 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 sub-
13 section or section 124 of the Medicare,
14 Medicaid, and SCHIP Balanced Budget
15 Refinement Act of 1999, for rate year
16 2025 (and for any subsequent rate year, if
17 determined appropriate by the Secretary),
18 the Secretary shall, by regulation, imple-
19 ment revisions to the methodology for de-
20 termining the payment rates under the
21 system described in paragraph (1) for psy-
22 chiatric hospitals and psychiatric units, as
23 the Secretary determines to be appropriate.
24 Such revisions may be based on a review of

3750

1 data and information collected under sub-
2 paragraph (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
8 furnishing services at such hospitals and
9 units, including considerations for patient
10 complexity and prior admission to an inpa-
11 tient psychiatric facility, which may be
12 based on review of data and information
13 collected under subparagraph (A), as the
14 Secretary 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.”.

3751

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)
12 the following new subparagraph:

13 “(E) STANDARDIZED PATIENT ASSESS-
14 MENT DATA.—

15 “(i) IN GENERAL.—For rate year
16 2028 and each subsequent rate year, in ad-
17 dition to such data on the quality measures
18 described 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

3752

1 an individual (and may be submitted more
2 frequently as the Secretary determines ap-
3 propriate).

4 “(ii) STANDARDIZED PATIENT AS-
5 SESSMENT DATA DESCRIBED.—For pur-
6 poses of clause (i), the standardized pa-
7 tient assessment data described in this
8 clause, with respect to a psychiatric hos-
9 pital or psychiatric unit, is data with re-
10 spect to the following 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.

3753

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 im-
10 plement a standardized assessment in-
11 strument that provides for the sub-
12 mission of standardized patient as-
13 sessment data under this title with re-
14 spect to psychiatric hospitals and psy-
15 chiatric units which enables compari-
16 son of such assessment data across all
17 such hospitals and units to which such
18 data are applicable.

19 “(II) FUNDING.—The Secretary
20 shall provide for the transfer, from
21 the Federal Hospital Insurance Trust
22 Fund under section 1817 to the Cen-
23 ters for Medicare & Medicaid Services
24 Program Management Account, of

3754

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
5 striking “subparagraph (C)” and inserting
6 “subparagraphs (C) and (F)”; and

7 (2) by adding at the end the following new
8 paragraph:

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
16 than rate year 2031, in addition to any revi-
17 sions pursuant to paragraph (5), the Secretary
18 shall, by regulation, implement revisions to the
19 methodology for determining the payment rates
20 under the system described in paragraph (1) for
21 psychiatric hospitals and psychiatric units, as
22 the Secretary determines to be appropriate, to
23 take into account the patient assessment data
24 described in paragraph (4)(E)(ii).

1 “(B) BUDGET NEUTRALITY.—Revisions in
2 payment implemented pursuant to subpara-
3 graph (A) for a rate year shall result in the
4 same estimated amount of aggregate expendi-
5 tures under this title for psychiatric hospitals
6 and psychiatric units furnished in the rate year
7 as would have been made under this title for
8 such care in such rate year if such revisions
9 had not been implemented.”.

10 (c) IMPROVEMENTS THROUGH INCLUSION OF PA-
11 TIENTS’ PERSPECTIVE ON CARE QUALITY MEASURE.—
12 Section 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”.

3756

1 **SEC. 4126. EXCEPTION FOR PHYSICIAN WELLNESS PRO-**
2 **GRAMS.**

3 (a) IN GENERAL.—Section 1877(e) of the Social Se-
4 curity Act (42 U.S.C. 1395nn(e)) is amended by adding
5 at the end the following:

6 “(9) PHYSICIAN WELLNESS PROGRAMS.—A
7 bona fide mental health or behavioral health im-
8 provement or maintenance program offered to a phy-
9 sician by an 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
20 and resiliency of such physician;

21 “(iii) is set out in a written policy, ap-
22 proved in advance of the operation of the
23 program by the governing body of the enti-
24 ty providing such program (and which
25 shall be updated accordingly in advance to

3757

1 substantial changes to the operation of
2 such program), 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
11 the qualifications of such personnel)
12 conducting the program; and

13 “(V) the method by which such
14 entity will evaluate the use and suc-
15 cess of 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 en-
22 tity or otherwise have clinical privileges at
23 such entity;

24 “(v) is offered to all such physicians
25 on the same terms and conditions and

3758

1 without regard to the volume or value of
2 referrals or other business generated by a
3 physician for 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 pro-
20 gram, nor the value of such program, are con-
21 tingent upon the number or value of referrals
22 made by a physician to such entity or the
23 amount or value of other business generated by
24 such physician for the entity.”.

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
25 the program by the governing body of the

3760

1 entity providing such program (and which
2 shall be updated accordingly in advance to
3 substantial changes to the operation of
4 such program), 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
11 program;

12 “(dd) the personnel (including
13 the qualifications of such personnel)
14 implementing the program; and

15 “(ee) the method by which such
16 entity will evaluate the use and suc-
17 cess 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
24 staff of such entity or otherwise have clin-
25 ical privileges at such entity;

3761

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
4 or value of referrals or other business gen-
5 erated by a physician or clinician for such
6 entity;

7 “(VI) is evidence-based and conducted
8 by a qualified health professional; and

9 “(VII) meets such other requirements
10 the Secretary may impose by regulation as
11 needed to protect against program or pa-
12 tient abuse;

13 “(ii) such entity is—

14 “(I) a hospital;

15 “(II) an ambulatory surgical center;

16 “(III) a community health center;

17 “(IV) a rural emergency hospital;

18 “(V) a skilled nursing facility; or

19 “(VI) any similar entity, as deter-
20 mined by the Secretary; and

21 “(iii) neither the provision of such pro-
22 gram, nor the value of such program, are con-
23 tingent upon the number or value of referrals
24 made by a physician or other clinician to such

1 entity or the amount or value of other business
2 generated by such physician for the entity.”.

3 **SEC. 4127. CONSIDERATION OF SAFE HARBOR UNDER THE**
4 **ANTI-KICKBACK STATUTE FOR CERTAIN CON-**
5 **TINGENCY MANAGEMENT INTERVENTIONS.**

6 Section 1128D(a) of the Social Security Act (42
7 U.S.C. 1320a–7d(a)) is amended by adding at the end the
8 following new paragraph:

9 “(3) CONSIDERATION OF SAFE HARBOR FOR
10 CERTAIN CONTINGENCY MANAGEMENT INTERVEN-
11 TIONS.—

12 “(A) IN GENERAL.—Not later than one
13 year after the date of the enactment of this
14 paragraph, the Inspector General shall conduct
15 a review on whether to establish a safe harbor
16 described in paragraph (1)(A)(ii) for evidence-
17 based contingency management incentives and
18 the parameters for such a safe harbor. In con-
19 ducting the review under the previous sentence,
20 the Inspector General shall consider the extent
21 to which providing such a safe harbor for evi-
22 dence-based contingency management incentives
23 may result in any of the factors described in
24 paragraph (2).

1 “(B) REPORT.—Not later than two years
2 after the date of the enactment of this para-
3 graph, the Secretary and the Inspector General
4 shall submit to Congress recommendations, in-
5 cluding based on the review conducted under
6 subparagraph (A), for improving access to evi-
7 dence-based contingency management interven-
8 tions while ensuring quality of care, ensuring fi-
9 delity to evidence-based practices, and including
10 strong program integrity safeguards that pre-
11 vent increased waste, fraud, and abuse and pre-
12 vent medically unnecessary or inappropriate
13 items or services reimbursed in whole or in part
14 by a Federal health care program.”.

15 **SEC. 4128. PROVIDER OUTREACH AND REPORTING ON CER-**
16 **TAIN BEHAVIORAL HEALTH INTEGRATION**
17 **SERVICES.**

18 (a) OUTREACH.—The Secretary of Health and
19 Human Services (in this section referred to as the “Sec-
20 retary”) shall conduct outreach to physicians and appro-
21 priate non-physician practitioners participating under the
22 Medicare program under title XVIII of the Social Security
23 Act (42 U.S.C. 1395 et seq.) with respect to behavioral
24 health integration services described by any of HCPCS
25 codes 99492 through 99494 or 99484 (or any successor

1 code). Such outreach shall include a comprehensive, one-
2 time education initiative to inform such physicians and
3 practitioners of the inclusion of such services as a covered
4 benefit under the Medicare program, including describing
5 the requirements to bill for such codes and the require-
6 ments for beneficiary eligibility for such services.

7 (b) REPORTS TO CONGRESS.—

8 (1) PROVIDER OUTREACH.—Not later than 1
9 year after the date of the completion of the edu-
10 cation initiative described in subsection (a), the Sec-
11 retary shall submit to the Committee on Ways and
12 Means and the Committee on Energy and Commerce
13 of the House of Representatives and the Committee
14 on Finance of the Senate a report on the outreach
15 conducted under such subsection. Such report shall
16 include a description of the methods used for such
17 outreach.

18 (2) UTILIZATION RATES.—Not later than 18
19 months after the date of the completion of the edu-
20 cation initiative described in subsection (a), and two
21 years thereafter, the Secretary shall submit to the
22 Committee on Ways and Means and the Committee
23 on Energy and Commerce of the House of Rep-
24 resentatives and the Committee on Finance of the
25 Senate a report on the number of Medicare bene-

1 ficiaries (including those beneficiaries accessing serv-
2 ices in rural and underserved areas) who, during the
3 preceding year, were furnished services described in
4 subsection (a) for which payment was made under
5 title XVIII of the Social Security Act (42 U.S.C.
6 1395 et seq.).

7 **SEC. 4129. OUTREACH AND REPORTING ON OPIOID USE**
8 **DISORDER TREATMENT SERVICES FUR-**
9 **NISHED BY OPIOID TREATMENT PROGRAMS.**

10 (a) OUTREACH.—

11 (1) PROVIDER OUTREACH.—The Secretary of
12 Health and Human Services (in this section referred
13 to as the “Secretary”) shall conduct outreach to
14 physicians and appropriate non-physician practi-
15 tioners participating under the Medicare program
16 under title XVIII of the Social Security Act (42
17 U.S.C. 1395 et seq.) with respect to opioid use dis-
18 order treatment services furnished by an opioid
19 treatment program (as defined in section 1861(jjj)
20 of the Social Security Act (42 U.S.C. 1395x(jjj))).
21 Such outreach shall include a comprehensive, one-
22 time education initiative to inform such physicians
23 and practitioners of the inclusion of such services as
24 a covered benefit under the Medicare program, in-
25 cluding describing the requirements for billing and

1 the requirements for beneficiary eligibility for such
2 services.

3 (2) BENEFCIARY OUTREACH.—The Secretary
4 shall conduct outreach to Medicare beneficiaries with
5 respect to opioid use disorder treatment services fur-
6 nished by an opioid treatment program (as defined
7 in section 1861(jjj) of the Social Security Act (42
8 U.S.C. 1395x(jjj))), including a comprehensive, one-
9 time education initiative informing such beneficiaries
10 about the eligibility requirements to receive such
11 services.

12 (b) REPORTS TO CONGRESS.—

13 (1) OUTREACH.—Not later than 1 year after
14 the date of the completion of the education initia-
15 tives described in subsection (a), the Secretary shall
16 submit to the Committee on Ways and Means and
17 the Committee on Energy and Commerce of the
18 House of Representatives and the Committee on Fi-
19 nance of the Senate a report on the outreach con-
20 ducted under such subsection. Such report shall in-
21 clude a description of the methods used for such
22 outreach.

23 (2) UTILIZATION RATES.—Not later than 18
24 months after the date of the completion of the edu-
25 cation initiatives described in subsection (a), and

3767

1 two years thereafter, the Secretary shall submit to
2 the Committee on Ways and Means and the Com-
3 mittee on Energy and Commerce of the House of
4 Representatives and the Committee on Finance of
5 the Senate a report on the number of Medicare
6 beneficiaries who, during the preceding year, were
7 furnished opioid use disorder treatment services by
8 an opioid treatment program (as defined in section
9 1861(jjj) of the Social Security Act (42 U.S.C.
10 1395x(jjj))) for which payment was made under title
11 XVIII of such Act (42 U.S.C. 1395 et seq.).

12 **SEC. 4130. GAO STUDY AND REPORT COMPARING COV-**
13 **ERAGE OF MENTAL HEALTH AND SUBSTANCE**
14 **USE DISORDER BENEFITS AND NON-MENTAL**
15 **HEALTH AND SUBSTANCE USE DISORDER**
16 **BENEFITS.**

17 (a) STUDY.—

18 (1) IN GENERAL.—The Comptroller General of
19 the United States (in this section referred to as the
20 “Comptroller General”) shall conduct a study that
21 compares the mental health and substance use dis-
22 order benefits offered by Medicare Advantage plans
23 (including specialized MA plans for special needs in-
24 dividuals, as defined in section 1859(b)(6) of the So-

1 cial Security Act (42 U.S.C. 1395w-28(b)(6)) under
2 part C of title XVIII of such Act with—

3 (A) benefits (other than mental health and
4 substance use disorder benefits) offered by such
5 Medicare Advantage plans; and

6 (B) the mental health and substance use
7 disorder benefits under the original Medicare
8 fee-for-service program under parts A and B of
9 such title XVIII.

10 (2) ANALYSIS.—To the extent data is available
11 and reliable, the study under paragraph (1) shall in-
12 clude an analysis of—

13 (A) out-of-pocket expenses for in-network
14 care;

15 (B) the use of prior authorization and
16 other utilization management tools;

17 (C) the mental health and substance use
18 disorder benefits offered; and

19 (D) other items determined appropriate by
20 the Comptroller General.

21 (3) PLAN AND SERVICE SPECIFIC.—To the ex-
22 tent practicable, the study under paragraph (1) shall
23 examine differences by type of Medicare Advantage
24 plan and type of item or service.

1 (4) BOTH REQUIRED AND SUPPLEMENTAL BEN-
2 EFITS.—For purposes of the study under paragraph
3 (1), benefits offered by Medicare Advantage plans
4 (including specialized MA plans for special needs in-
5 dividuals) under part C of title XVIII of the Social
6 Security Act shall include both and differentiate be-
7 tween—

8 (A) benefits under the original Medicare
9 fee-for-service program, as described in section
10 1852(a)(1)(B) of such Act (42 U.S.C. 1395w-
11 22(a)(1)(B)); and

12 (B) supplemental health care benefits, as
13 described in section 1852(a)(3)(A) of such Act
14 (42 U.S.C. 1395w-22(a)(3)(A)).

15 (b) REPORT.—Not later than 30 months after the
16 date of the enactment of this Act, the Comptroller General
17 shall submit to Congress a report on the study conducted
18 under subsection (a).

19 **Subtitle D—Other Medicare** 20 **Provisions**

21 **SEC. 4131. TEMPORARY INCLUSION OF AUTHORIZED ORAL** 22 **ANTIVIRAL DRUGS AS COVERED PART D** 23 **DRUG.**

24 Section 1860D-2(e)(1) of the Social Security Act (42
25 U.S.C. 1395w-102(e)(1)) is amended—

3770

1 (1) in subparagraph (A), by striking at the end
2 “or”;

3 (2) in subparagraph (B), by striking the comma
4 at the end and inserting “; or”; and

5 (3) by inserting after subparagraph (B) the fol-
6 lowing new subparagraph:

7 “(C) for the period beginning on the date
8 of the enactment of this subparagraph and end-
9 ing on December 31, 2024, an oral antiviral
10 drug that may be dispensed only upon a pre-
11 scription and is authorized under section 564 of
12 the Federal Food, Drug, and Cosmetic Act, on
13 the basis of the declaration published in the
14 Federal Register by the Secretary of Health
15 and Human Services on April 1, 2020 (85 Fed.
16 Reg. 18250 et seq.),”.

17 **SEC. 4132. RESTORATION OF CBO ACCESS TO CERTAIN**
18 **PART D PAYMENT DATA.**

19 Section 1860D–15(f)(2) of the Social Security Act
20 (42 U.S.C. 1395w–115(f)(2)) is amended—

21 (1) in subparagraph (B), by striking at the end
22 “and”;

23 (2) in subparagraph (C), by striking at the end
24 the period and inserting “; and”; and

3771

1 (3) by adding at the end the following new sub-
2 paragraph:

3 “(D) by the Director of the Congressional
4 Budget Office for the purposes of analysis of
5 programs authorized under the Social Security
6 Act, as applicable, and the fulfilment of such
7 Director’s duties under the Congressional
8 Budget and Impoundment Control Act of
9 1974.”.

10 **SEC. 4133. MEDICARE COVERAGE OF CERTAIN**
11 **LYMPHEDEMA COMPRESSION TREATMENT**
12 **ITEMS.**

13 (a) COVERAGE.—

14 (1) IN GENERAL.—Section 1861 of the Social
15 Security Act (42 U.S.C. 1395x), as amended by sec-
16 tion 4121(a), is amended—

17 (A) in subsection (s)(2)—

18 (i) in subparagraph (HH), by striking
19 “and” after the semicolon at the end;

20 (ii) in subparagraph (II), by striking
21 the period at the end and inserting “;
22 and”; and

23 (iii) by adding at the end the fol-
24 lowing new subparagraph:

3772

1 “(JJ) lymphedema compression treatment
2 items (as defined in subsection (mmm));” and

3 (B) by adding at the end the following new
4 subsection:

5 “(mmm) LYMPHEDEMA COMPRESSION TREATMENT
6 ITEMS.—The term ‘lymphedema compression treatment
7 items’ means standard and custom fitted gradient com-
8 pression garments and other items determined by the Sec-
9 retary that are—

10 “(1) furnished on or after January 1, 2024, to
11 an individual with a diagnosis of lymphedema for the
12 treatment of such condition;

13 “(2) primarily and customarily used to serve a
14 medical purpose and for the treatment of
15 lymphedema, as determined by the Secretary; and

16 “(3) prescribed by a physician (or a physician
17 assistant, nurse practitioner, or a clinical nurse spe-
18 cialist (as those terms are defined in section
19 1861(aa)(5)) to the extent authorized under State
20 law).”.

21 (2) PAYMENT.—

22 (A) IN GENERAL.—Section 1833(a)(1) of
23 the Social Security Act (42 U.S.C. 1395l(a)(1))
24 , as amended by section 4121(a), is amended—

3773

1 (i) by striking “and” before “(FF)”;

2 and

3 (ii) by inserting before the semicolon
4 at the end the following: “, and (GG) with
5 respect to lymphedema compression treat-
6 ment items (as defined in section
7 1861(mmm)), the amount paid shall be
8 equal to 80 percent of the lesser of the ac-
9 tual charge or the amount determined
10 under the payment basis determined under
11 section 1834(z)”.

12 (B) PAYMENT BASIS AND LIMITATIONS.—
13 Section 1834 of the Social Security Act (42
14 U.S.C. 1395m) is amended by adding at the
15 end the following new subsection:

16 “(z) PAYMENT FOR LYMPHEDEMA COMPRESSION
17 TREATMENT ITEMS.—

18 “(1) IN GENERAL.—The Secretary shall deter-
19 mine an appropriate payment basis for lymphedema
20 compression treatment items (as defined in section
21 1861(mmm)). In making such a determination, the
22 Secretary may take into account payment rates for
23 such items under State plans (or waivers of such
24 plans) under title XIX, the Veterans Health Admin-
25 istration, and group health plans and health insur-

3774

1 ance coverage (as such terms are defined in section
2 2791 of the Public Health Service Act), and such
3 other information as the Secretary determines ap-
4 propriate.

5 “(2) FREQUENCY LIMITATION.—No payment
6 may be made under this part for lymphedema com-
7 pression treatment items furnished other than at
8 such frequency as the Secretary may establish.

9 “(3) APPLICATION OF COMPETITIVE ACQUISI-
10 TION.—In the case of lymphedema compression
11 treatment items that are included in a competitive
12 acquisition program in a competitive acquisition area
13 under section 1847(a)—

14 “(A) the payment basis under this sub-
15 section for such items furnished in such area
16 shall be the payment basis determined under
17 such competitive acquisition program; and

18 “(B) the Secretary may use information on
19 the payment determined under such competitive
20 acquisition programs to adjust the payment
21 amount otherwise determined under this sub-
22 section for an area that is not a competitive ac-
23 quisition area under section 1847, and in the
24 case of such adjustment, paragraphs (8) and
25 (9) of section 1842(b) shall not be applied.”.

3775

1 (3) CONFORMING AMENDMENT.—Section
2 1847(a)(2) of the Social Security Act (42 U.S.C.
3 1395w-3(a)(2)) is amended by adding at the end
4 the following new subparagraph:

5 “(D) LYMPHEDEMA COMPRESSION TREAT-
6 MENT ITEMS.—Lymphedema compression treat-
7 ment items (as defined in section 1861(mmm))
8 for which payment would otherwise be made
9 under section 1834(z).”.

10 (b) INCLUSION IN REQUIREMENTS FOR SUPPLIERS
11 OF MEDICAL EQUIPMENT AND SUPPLIES.—Section 1834
12 of the Social Security Act (42 U.S.C. 1395m) is amend-
13 ed—

14 (1) in subsection (a)(20)(D), by adding at the
15 end the following new clause:

16 “(iv) Lymphedema compression treat-
17 ment items (as defined in section
18 1861(mmm)).”.

19 (2) in subsection (j)(5)—

20 (A) by redesignating subparagraphs (E)
21 and (F) as subparagraphs (F) and (G), respec-
22 tively; and

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

3776

1 “(E) lymphedema compression treatment
2 items (as defined in section 1861(mmm));”.

3 **SEC. 4134. PERMANENT IN-HOME BENEFIT FOR IVIG SERV-**
4 **ICES.**

5 (a) **COVERAGE.**—Section 1861 of the Social Security
6 Act (42 U.S.C. 1395x) is amended—

7 (1) in subsection (s)(2)(Z) by inserting “, and
8 items and services furnished on or after January 1,
9 2024, related to the administration of intravenous
10 immune globulin,” after “globulin”; and

11 (2) in subsection (zz), by inserting “furnished
12 before January 1, 2024,” after “but not including
13 items or services”.

14 (b) **PAYMENT.**—Section 1842(o) of the Social Secu-
15 rity Act (42 U.S.C. 1395u(o)) is amended by adding at
16 the end the following new paragraph:

17 “(8) In the case of intravenous immune glob-
18 ulin described in section 1861(s)(2)(Z) that are fur-
19 nished on or after January 1, 2024, to an individual
20 by a supplier in the patient’s home, the Secretary
21 shall provide for a separate bundled payment to the
22 supplier for all items and services related to the ad-
23 ministration of such intravenous immune globulin to
24 such individual in the patient’s home during a cal-
25 endar day in an amount that the Secretary deter-

3777

1 mines to be appropriate, which may be based on the
2 payment established pursuant to subsection (d) of
3 section 101 of the Medicare IVIG Access and
4 Strengthening Medicare and Repaying Taxpayers
5 Act of 2012. For purposes of the preceding sen-
6 tence, such separate bundled payment shall not
7 apply in the case of an individual receiving home
8 health services under section 1895.”.

9 (c) CLARIFICATION WITH RESPECT TO PAYMENT
10 FOR THE IN-HOME ADMINISTRATION OF IVIG ITEMS AND
11 SERVICES.—Section 1834(j)(5) of the Social Security Act
12 (42 U.S.C. 1395m(j)(5)) is amended—

13 (1) by redesignating subparagraphs (E) and
14 (F) as subparagraphs (F) and (G), respectively; and

15 (2) by inserting after subparagraph (D) the fol-
16 lowing new subparagraph:

17 “(E) items and services related to the ad-
18 ministration of intravenous immune globulin
19 furnished on or after January 1, 2024, as de-
20 scribed in section 1861(zz);”.

21 (d) COINSURANCE.—Section 1833(a)(1) of the Social
22 Security Act (42 U.S.C. 1395l(a)(1), as amended by sec-
23 tion 4121(a) and section 4133(a), is amended—

24 (1) by striking “and” before “(GG)”; and

3778

1 (2) by inserting before the semicolon at the end
2 the following: “, and (HH) with respect to items and
3 services related to the administration of intravenous
4 immune globulin furnished on or after January 1,
5 2024, as described in section 1861(zz), the amounts
6 paid shall be the lesser of the 80 percent of the ac-
7 tual charge or the payment amount established
8 under section 1842(o)(8)”.

9 (e) **ADDITIONAL FUNDING FOR MEDICARE IVIG**
10 **DEMONSTRATION PROJECT.—**

11 (1) **FUNDING.—**There is authorized to be ap-
12 propriated, and there is hereby appropriated, out of
13 any monies in the Treasury not otherwise appro-
14 priated, \$4,300,000 for purposes of paying for items
15 and services furnished under the demonstration
16 project established by the Medicare IVIG Access and
17 Strengthening Medicare and Repaying Taxpayers
18 Act of 2012 (42 U.S.C. 1395l note).

19 (2) **SUPPLEMENT, NOT SUPPLANT.—**Any
20 amounts appropriated pursuant to this subsection
21 shall be in addition to any other amounts otherwise
22 appropriated pursuant to any other provision of law.

3779

1 **SEC. 4135. ACCESS TO NON-OPIOID TREATMENTS FOR PAIN**
2 **RELIEF.**

3 (a) IN GENERAL.—Section 1833(t) of the Social Se-
4 curity Act (42 U.S.C. 1395l(t)) is amended—

5 (1) in paragraph (2)(E), by inserting “and tem-
6 porary additional payments for non-opioid treat-
7 ments for pain relief under paragraph (16)(G),”
8 after “payments under paragraph (6)”; and

9 (2) in paragraph (16), by adding at the end the
10 following new subparagraph:

11 “(G) TEMPORARY ADDITIONAL PAYMENTS
12 FOR NON-OPIOID TREATMENTS FOR PAIN RE-
13 LIEF.—

14 “(i) IN GENERAL.—Notwithstanding
15 any other provision of this subsection, with
16 respect to a non-opioid treatment for pain
17 relief (as defined in clause (iv)) furnished
18 on or after January 1, 2025, and before
19 January 1, 2028, the Secretary shall not
20 package payment for such non-opioid
21 treatment for pain relief into a payment
22 for a covered OPD service (or group of
23 services), and shall make an additional
24 payment as specified in clause (ii) for such
25 non-opioid treatment for pain relief.

3780

1 “(ii) AMOUNT OF PAYMENT.—Subject
2 to the limitation under clause (iii), the
3 amount of the payment specified in this
4 clause is, with respect to a non-opioid
5 treatment for pain relief that is—

6 “(I) a drug or biological product,
7 the amount of payment for such drug
8 or biological determined under section
9 1847A that exceeds the portion of the
10 otherwise applicable Medicare OPD
11 fee schedule that the Secretary deter-
12 mines is associated with the drug or
13 biological; or

14 “(II) a medical device, the
15 amount of the hospital’s charges for
16 the device, adjusted to cost, that ex-
17 ceeds the portion of the otherwise ap-
18 plicable Medicare OPD fee schedule
19 that the Secretary determines is asso-
20 ciated with the device.

21 “(iii) LIMITATION.—The additional
22 payment amount specified in clause (ii)
23 shall not exceed the estimated average of
24 18 percent of the OPD fee schedule
25 amount for the OPD service (or group of

3781

1 services) with which the non-opioid treat-
2 ment for pain relief is furnished, as deter-
3 mined by the Secretary.

4 “(iv) DEFINITION OF NON-OPIOID
5 TREATMENT FOR PAIN RELIEF.—In this
6 subparagraph, the term ‘non-opioid treat-
7 ment for pain relief’ means a drug, biologi-
8 cal product, or medical device that—

9 “(I) in the case of a drug or bio-
10 logical product, has a label indication
11 approved by the Food and Drug Ad-
12 ministration to reduce postoperative
13 pain, or produce postsurgical or re-
14 gional analgesia, without acting upon
15 the body’s opioid receptors;

16 “(II) in case of a medical device,
17 is used to deliver a therapy to reduce
18 postoperative pain, or produce post-
19 surgical or regional analgesia, and
20 has—

21 “(aa) an application under
22 section 515 of the Federal Food,
23 Drug, and Cosmetic Act that has
24 been approved with respect to the
25 device, been cleared for market

3782

1 under section 510(k) of such Act,
2 or is exempt from the require-
3 ments of section 510(k) of such
4 Act pursuant to subsection (l) or
5 (m) or section 510 of such Act or
6 section 520(g) of such Act; and

7 “(bb) demonstrated the abil-
8 ity to replace, reduce, or avoid
9 intraoperative or postoperative
10 opioid use or the quantity of
11 opioids prescribed in a clinical
12 trial or through data published in
13 a peer-reviewed journal;

14 “(III) does not receive transi-
15 tional pass-through payment under
16 paragraph (6); and

17 “(IV) has payment that is pack-
18 aged into a payment for a covered
19 OPD service (or group of services).”.

20 (b) AMBULATORY SURGICAL CENTER PAYMENT SYS-
21 TEM.—Section 1833(i) of the Social Security Act (42
22 U.S.C. 1395l(i)) is amended by adding at the end the fol-
23 lowing new paragraph:

24 “(10) TEMPORARY ADDITIONAL PAYMENTS FOR
25 NON-OPIOID TREATMENTS FOR PAIN RELIEF.—

1 “(A) IN GENERAL.—In the case of surgical
2 services furnished on or after January 1, 2025,
3 and before January 1, 2028, the payment sys-
4 tem described in paragraph (2)(D)(i) shall pro-
5 vide, in a budget-neutral manner, for an addi-
6 tional payment for a non-opioid treatment for
7 pain relief (as defined in clause (iv) of sub-
8 section (t)(16)(G)) furnished as part of such
9 services in the amount specified in clause (ii) of
10 such subsection, subject to the limitation under
11 clause (iii) of such subsection.

12 “(B) TRANSITION.—A drug or biological
13 that meets the requirements of section 416.174
14 of title 42, Code of Federal Regulations (or any
15 successor regulation) and is a non-opioid treat-
16 ment for pain relief (as defined in clause (iv) of
17 subsection (t)(16)(G)) shall receive additional
18 payment in the amount specified in clause (ii)
19 of such subsection, subject to the limitation
20 under clause (iii) of such subsection.”.

21 (c) EVALUATION OF COVERAGE AND PAYMENT FOR
22 NON-OPIOID THERAPIES AND THERAPEUTIC SERVICES
23 FOR PAIN MANAGEMENT.—

24 (1) REPORT TO CONGRESS.—Not later than
25 January 1, 2028, the Secretary of Health and

1 Human Services (in this subsection referred to as
2 the “Secretary”) shall submit to Congress a re-
3 port—

4 (A) identifying limitations, gaps, barriers
5 to access, or deficits in Medicare coverage or re-
6 imbursement for restorative therapies, behav-
7 ioral approaches, and complementary and inte-
8 grative health services that are identified in the
9 Pain Management Best Practices Inter-Agency
10 Task Force Report and that have demonstrated
11 the ability to replace or reduce opioid consump-
12 tion;

13 (B) recommending actions to address the
14 limitations, gaps, barriers to access, or deficits
15 identified under subparagraph (A) to improve
16 Medicare coverage and reimbursement for such
17 therapies, approaches, and services; and

18 (C) comparing, for the 12-month period
19 following the first 6 months in which additional
20 payment for non-opioid treatments for pain re-
21 lief (as defined in clause (iv) of section
22 1833(t)(16)(G) of the Social Security Act, as
23 added by subsection (a)) is made under such
24 section 1833(t)(16)(G)—

3785

1 (i) with respect to Medicare bene-
2 ficiaries who received a non-opioid treat-
3 ment for pain relief (as so defined) as part
4 of a covered OPD service, the quantity of
5 opioids administered, dispensed, and pre-
6 scribed for the same covered OPD service,
7 including postoperative management; and

8 (ii) with respect to Medicare bene-
9 ficiaries who did not receive a non-opioid
10 treatment for pain relief (as so defined) as
11 part of the same covered OPD service in
12 clause (i)), the quantity of opioids adminis-
13 tered, dispensed, and prescribed for the
14 same covered OPD service, including post-
15 operative management.

16 (2) REPORTING STANDARD AND PUBLIC CON-
17 SULTATION.—In developing the report described in
18 paragraph (1), the Secretary shall compare results
19 from nationally represented samples of beneficiaries
20 and consult with relevant stakeholders as determined
21 appropriate by the Secretary.

22 (3) EXCLUSIVE TREATMENT.—Any drug, bio-
23 logical product, or medical device that is a non-
24 opioid treatment for pain relief (as defined in section
25 1833(t)(16)(G)(iv) of the Social Security Act, as

3786

1 added by subsection (a)) shall not be considered a
2 therapeutic service for purposes of the report under
3 paragraph (1).

4 **SEC. 4136. TECHNICAL AMENDMENTS TO MEDICARE SEPA-**
5 **RATE PAYMENT FOR DISPOSABLE NEGATIVE**
6 **PRESSURE WOUND THERAPY DEVICES.**

7 (a) IN GENERAL.—Section 1834(s) of the Social Se-
8 curity Act (42 U.S.C. 1395m(s)) is amended—

9 (1) by amending paragraph (3) to read as fol-
10 lows:

11 “(3) PAYMENT.—

12 “(A) IN GENERAL.—The separate payment
13 amount established under this paragraph for an
14 applicable disposable device for a year shall be
15 equal to—

16 “(i) for a year before 2024, the
17 amount of the payment that would be
18 made under section 1833(t) (relating to
19 payment for covered OPD services) for the
20 year for the Level I Healthcare Common
21 Procedure Coding System (HCPCS) code
22 for which the description for a professional
23 service includes the furnishing of such de-
24 vice;

3787

1 “(ii) for 2024, the supply price used
2 to determine the relative value for the serv-
3 ice under the fee schedule under section
4 1848 (as of January 1, 2022) for the ap-
5 plicable disposable device, updated by the
6 specified adjustment described in subpara-
7 graph (B) for such year; and

8 “(iii) for 2025 and each subsequent
9 year, the payment amount established
10 under this paragraph for such device for
11 the previous year, updated by the specified
12 adjustment described in subparagraph (B)
13 for such year.

14 “(B) SPECIFIED ADJUSTMENT.—

15 “(i) IN GENERAL.—For purposes of
16 subparagraph (A), the specified adjustment
17 described in this subparagraph for a year
18 is equal to—

19 “(I) the percentage increase in
20 the consumer price index for all urban
21 consumers (United States city aver-
22 age) for the 12-month period ending
23 in June of the previous year; minus

3788

1 “(II) the productivity adjustment
2 described in section
3 1886(b)(3)(B)(xi)(II) for such year.

4 “(ii) CLARIFICATION ON APPLICATION
5 OF THE PRODUCTIVITY ADJUSTMENT.—
6 The application of clause (i)(II) may result
7 in a specified adjustment of less than 0.0
8 for a year, and may result in the separate
9 payment amount under this subsection for
10 an applicable device for a year being less
11 than such separate payment amount for
12 such device for the preceding year.

13 “(C) EXCLUSION OF NURSING AND THER-
14 APY SERVICES FROM SEPARATE PAYMENT.—
15 With respect to applicable devices furnished on
16 or after January 1, 2024, the separate payment
17 amount determined under this paragraph shall
18 not include payment for nursing or therapy
19 services described in section 1861(m). Payment
20 for such nursing or therapy services shall be
21 made under the prospective payment system es-
22 tablished under section 1895 and shall not be
23 separately billable.”; and

24 (2) by adding at the end the following new
25 paragraph:

1 “(4) IMPLEMENTATION.—As part of submitting
2 claims for the separate payment established under
3 this subsection, beginning with 2024, the Secretary
4 shall accept and process claims submitted using the
5 type of bill that is most commonly used by home
6 health agencies to bill services under a home health
7 plan of care.”.

8 **SEC. 4137. EXTENSION OF CERTAIN HOME HEALTH RURAL**
9 **ADD-ON PAYMENTS.**

10 Subsection (b)(1)(B) of section 421 of the Medicare
11 Prescription Drug, Improvement, and Modernization Act
12 of 2003 (Public Law 108–173; 117 Stat. 2283; 42 U.S.C.
13 1395fff note), as amended by section 5201(b) of the Def-
14 icit Reduction Act of 2005 (Public Law 109–171; 120
15 Stat. 46), section 3131(c) of the Patient Protection and
16 Affordable Care Act (Public Law 111–148; 124 Stat.
17 428), section 210 of the Medicare Access and CHIP Reau-
18 thorization Act of 2015 (Public Law 114–10; 129 Stat.
19 151), and section 50208 of the Bipartisan Budget Act of
20 2018 (Public Law 115–123; 132 Stat. 187) is amended—

21 (1) in clause (iii), by striking “and” at the end;

22 and

23 (2) by adding at the end the following new
24 clause:

1 “(v) in the case of episodes and visits
2 ending during 2023, by 1 percent; and”.

3 **SEC. 4138. REMEDYING ELECTION REVOCATIONS RELAT-**
4 **ING TO ADMINISTRATION OF COVID-19 VAC-**
5 **CINES.**

6 (a) IN GENERAL.—Section 1821(b)(5)(A) of the So-
7 cial Security Act (42 U.S.C. 1395i-5(b)(5)(A)) is amend-
8 ed—

9 (1) in clause (i), by striking “or” or at the end;

10 (2) in clause (ii), by striking the period at the
11 end and inserting “, or”; and

12 (3) by adding at the end the following new
13 clause:

14 “(iii) effective beginning on the date
15 of the enactment of this clause, that is a
16 COVID-19 vaccine and its administration
17 described in section 1861(s)(10)(A).”.

18 (b) SPECIAL RULES FOR COVID-19 VACCINES RE-
19 LATING TO REVOCATION OF ELECTION.—Notwith-
20 standing paragraphs (3) and (4) of section 1821(b) of the
21 Social Security Act (42 U.S.C. 1395i-5(b)), in the case
22 of an individual with a revocation of an election under
23 such section prior to the date of enactment of this Act
24 by reason of receiving a COVID-19 vaccine and its admin-
25 istration described in section 1861(s)(10)(A) of such Act

3791

1 (42 U.S.C. 1395x(s)(10)(A)), the following rules shall
2 apply:

3 (1) Beginning on such date of enactment, such
4 individual may make an election under such section,
5 which shall take effect immediately upon its execu-
6 tion, if such individual would be eligible to make
7 such an election if they had not received such
8 COVID-19 vaccine and its administration.

9 (2) Such revoked election shall not be taken
10 into account for purposes of determining the effec-
11 tive date for an election described in subparagraph
12 (A) or (B) of such paragraph (4).

13 **SEC. 4139. PAYMENT RATES FOR DURABLE MEDICAL**
14 **EQUIPMENT UNDER THE MEDICARE PRO-**
15 **GRAM.**

16 (a) AREAS OTHER THAN RURAL AND NONCONTIG-
17 UOUS AREAS.—The Secretary shall implement section
18 414.210(g)(9)(v) of title 42, Code of Federal Regulations
19 (or any successor regulation), to apply the transition rule
20 described in the first sentence of such section to all appli-
21 cable items and services furnished in areas other than
22 rural or noncontiguous areas (as such terms are defined
23 for purposes of such section) through the remainder of the
24 duration of the emergency period described in section
25 1135(g)(1)(B) of the Social Security Act (42 U.S.C.

1 1320b–5(g)(1)(B)) or December 31, 2023, whichever is
2 later.

3 (b) ALL AREAS.—The Secretary shall not implement
4 section 414.210(g)(9)(vi) of title 42, Code of Federal Reg-
5 ulations (or any successor regulation) until the date imme-
6 diately following the last day of the emergency period de-
7 scribed in section 1135(g)(1)(B) of the Social Security Act
8 (42 U.S.C. 1320b–5(g)(1)(B)), or January 1, 2024,
9 whichever is later.

10 (c) IMPLEMENTATION.—Notwithstanding any other
11 provision of law, the Secretary may implement the provi-
12 sions of this section by program instruction or otherwise.

13 **SEC. 4140. EXTENDING ACUTE HOSPITAL CARE AT HOME**
14 **WAIVERS AND FLEXIBILITIES.**

15 Title XVIII of the Social Security Act (42 U.S.C.
16 1395 et seq.) is amended by inserting after section 1866F
17 the following new section:

18 **“SEC. 1866G. EXTENSION OF ACUTE HOSPITAL CARE AT**
19 **HOME INITIATIVE.**

20 “(a) IN GENERAL.—

21 “(1) EXTENSION.—With respect to inpatient
22 hospital admissions occurring during the period be-
23 ginning on the first day after the end of the emer-
24 gency period described in section 1135(g)(1)(B) and
25 ending on December, 31, 2024, the Secretary of

1 Health and Human Services shall grant waivers and
2 flexibilities (as described in paragraph (2)) to an in-
3 dividual hospital that submits a request for such
4 waivers and flexibilities and meets specified criteria
5 (as described in paragraph (3)) in order to partici-
6 pate in the Acute Hospital Care at Home initiative
7 of the Secretary.

8 “(2) ACUTE HOSPITAL CARE AT HOME WAIVERS
9 AND FLEXIBILITIES.—For the purposes of para-
10 graph (1), the waivers and flexibilities described in
11 this paragraph are the following waivers and flexi-
12 bilities that were made available to individual hos-
13 pitals under the Acute Hospital Care at Home ini-
14 tiative of the Secretary during the emergency period
15 described in section 1135(g)(1)(B):

16 “(A) Subject to paragraph (3)(D), waiver
17 of the requirements to provide 24-hour nursing
18 services on premises and for the immediate
19 availability of a registered nurse under section
20 482.23(b) of title 42, Code of Federal Regula-
21 tions (or any successor regulation), and the
22 waivers of the physical environment and Life
23 Safety Code requirements under section 482.41
24 of title 42, Code of Federal Regulations (or any
25 successor regulation).

3794

1 “(B) Flexibility to allow a hospital to fur-
2 nish inpatient services, including routine serv-
3 ices, outside the hospital under arrangements,
4 as described in Medicare Program: Hospital
5 Outpatient Prospective Payment and Ambula-
6 tory Surgical Center Payment Systems and
7 Quality Reporting Programs; Organ Acquisi-
8 tion; Rural Emergency Hospitals: Payment
9 Policies, Conditions of Participation, Provider
10 Enrollment, Physician Self-Referral; New Serv-
11 ice Category for Hospital Outpatient Depart-
12 ment Prior Authorization Process; Overall Hos-
13 pital Quality Star Rating; COVID–19 (87 Fed.
14 Reg. 71748 et seq.).

15 “(C) Waiver of the telehealth requirements
16 under clause (i) of section 1834(m)(4)(C), as
17 amended by section 4113(a) of the Health Ex-
18 tenders, Improving Access to Medicare, Med-
19 icaid, and CHIP, and Strengthening Public
20 Health Act of 2022, such that the originating
21 sites described in clause (ii) of such section
22 shall include the home or temporary residence
23 of the individual.

24 “(D) Other waivers and flexibilities that,
25 as of the date of enactment of this section, were

1 in place for such initiative during such emer-
2 gency period.

3 “(3) SPECIFIED CRITERIA.—For purposes of
4 paragraph (1), the specified criteria for granting
5 such waivers and flexibilities to individual hospitals
6 are:

7 “(A) The hospital shall indicate to the Sec-
8 retary the criteria it would use to ensure that
9 hospital services be furnished only to an indi-
10 vidual who requires an inpatient level of care,
11 and shall require that a physician document in
12 the medical record of each such individual that
13 the individual meets such criteria.

14 “(B) The hospital and any other entities
15 providing services under arrangements with the
16 hospital shall ensure that the standard of care
17 to treat an individual at home is the same as
18 the standard of care to treat such individual as
19 an inpatient of the hospital.

20 “(C) The hospital shall ensure that an in-
21 dividual is only eligible for services under para-
22 graph (1) if the individual is a hospital inpa-
23 tient or is a patient of the hospital’s emergency
24 department for whom the hospital determines

1 that an inpatient level of care is required (as
2 described 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, en-
16 sure the safety of individuals and analyze
17 costs of such care.

18 “(ii) Undertake the study described in
19 subsection (b).

20 “(F) The hospital meets such other re-
21 quirements and conditions as the Secretary de-
22 termines 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

1 hospital) if the Secretary determines that the hos-
2 pital no longer meets the criteria described in para-
3 graph (3).

4 “(b) STUDY AND REPORT.—

5 “(1) IN GENERAL.—The Secretary shall con-
6 duct 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;

3798

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
8 Home initiative and furnished in the inpa-
9 tient 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
15 title 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,

3799

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
7 Secretary 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
14 Security 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
17 inserting “Subject to subparagraph (K), a cat-
18 egory”; and

19 (2) by adding at the end the following new sub-
20 paragraph:

21 “(K) PASS-THROUGH EXTENSION FOR
22 CERTAIN DEVICES.—

23 “(i) IN GENERAL.—In the case of a
24 device whose period of pass-through status
25 under this paragraph will end on Decem-

3800

1 ber 31, 2022, such pass-through status
2 shall be extended for a 1-year period be-
3 ginning on 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 de-
8 vice (as determined by the Secretary) from
9 the payment amount under this subsection
10 for a covered OPD service (or group of
11 services) with which it is packaged.

12 “(iii) NO APPLICATION OF AGGRE-
13 GATE LIMIT OR BUDGET NEUTRALITY.—
14 Notwithstanding any other provision of
15 this subsection, this subparagraph shall
16 not be taken into account—

17 “(I) in applying the limit on an-
18 nual aggregate adjustments under
19 subparagraph (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

3801

1 Service may implement the amendments made by sub-
2 section (a) 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
8 Social Security Act (42 U.S.C. 1395fff(b)(3)(D), the Sec-
9 retary of Health and Human Services (referred to in this
10 section as the “Secretary”) shall, on the date of the notice
11 of proposed rulemaking, make available through the inter-
12 net website of the Centers for Medicare & Medicaid Serv-
13 ices the following:

14 (1) Electronic data files showing the Centers
15 for Medicare & Medicaid Services simulation of 60-
16 day episodes under the home health prospective pay-
17 ment 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
23 actual 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

1 1895(b)(2)(B) and 1895(b)(4)(B) of the Social Se-
2 curity 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 re-
14 spect to the home health prospective payment sys-
15 tem rate for calendar year 2023.

16 (2) REQUIREMENT.—At least 30 days before
17 the forum, meeting, or other mechanism referred to
18 in paragraph (1), the Secretary shall make available
19 through the internet website of the Centers for
20 Medicare & Medicaid Services the items described in
21 paragraphs (1) and (2) of subsection (a) with re-
22 spect to the home health prospective payment sys-
23 tem rate for calendar year 2023 as finalized in the
24 final rule entitled “Medicare Program; Calendar
25 Year 2023 Home Health Prospective Payment Sys-

1 tem Rate Update; Home Health Quality Reporting
2 Program Requirements; Home Health Value-Based
3 Purchasing Expanded Model Requirements; and
4 Home Infusion Therapy Services Requirements”
5 published in the Federal Register on November 4,
6 2022 (87 Fed. Reg. 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
10 1895(b)(3)(D), to restrict the Secretary’s discretion in es-
11 tablishing the methodology to implement such section, or
12 to suggest that the Secretary’s promulgation of the meth-
13 odology implementing such Calendar Year 2023 home
14 health final rule was inadequate under Chapter 5 of title
15 5, United States Code (commonly known as the “Adminis-
16 trative Procedures 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 So-
21 cial Security Act (42 U.S.C. 1395ww(l)(2)(B)) is amend-
22 ed—

23 (1) by striking “PAYMENTS.—Such ratio” and
24 inserting “PAYMENTS.—

3804

1 “(i) IN GENERAL.—Subject to clause
2 (ii), such ratio”; and

3 (2) by adding at the end the following new
4 clause:

5 “(ii) EXCEPTION TO ANNUAL LIMITA-
6 TION FOR EACH OF 2010 THROUGH 2019.—
7 For each of 2010 through 2019, the limi-
8 tation under clause (i) on the total amount
9 of additional payments for nursing and al-
10 lied health education to be distributed to
11 hospitals under this subsection for portions
12 of cost reporting periods occurring in the
13 year shall not apply to such payments
14 made in such year to those hospitals that,
15 as of the date of the enactment of this
16 clause, are operating a school of nursing, a
17 school of allied health, or a school of nurs-
18 ing and allied health.”.

19 (b) NO AFFECT ON PAYMENTS FOR DIRECT GRAD-
20 UATE MEDICAL EDUCATION.—Section 1886(h)(3)(D)(iii)
21 of the Social Security Act (42 U.S.C.
22 1395ww(h)(3)(D)(iii)) is amended by adding at the end
23 the following sentence: “In applying the preceding sen-
24 tence for each of 2010 through 2019, the Secretary shall
25 not take into account any increase in the total amount

3805

1 of such additional payment amounts for such nursing and
2 allied health education for portions of cost reporting peri-
3 ods occurring in the year pursuant to the application of
4 paragraph (2)(B)(ii) of such subsection.”.

5 (c) **RETROACTIVE APPLICATION.**—The amendments
6 made by this section shall apply to payments made for
7 portions of cost reporting periods occurring in 2010
8 through 2019.

9 (d) **FUNDING.**—In addition to amounts otherwise
10 available, there is appropriated to the Centers for Medi-
11 care & Medicaid Services Program Management Account
12 for fiscal year 2023, out of any amounts in the Treasury
13 not otherwise appropriated, \$3,000,000, to remain avail-
14 able until expended, for purposes of carrying out the
15 amendments made by this section.

16 **Subtitle E—Health Care Tax** 17 **Provisions**

18 **SEC. 4151. EXTENSION OF SAFE HARBOR FOR ABSENCE OF** 19 **DEDUCTIBLE FOR TELEHEALTH.**

20 (a) **IN GENERAL.**—Section 223(c)(2)(E) of the Inter-
21 nal Revenue Code of 1986 is amended by striking “In the
22 case of plan years” and all that follows through “a plan”
23 and inserting “In the case of—

24 “(i) months beginning after March
25 31, 2022, and before January 1, 2023, and

3806

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
11 years to which paragraph (2)(E) applies)”.

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to plan years beginning after De-
14 cember 31, 2022.

15 **Subtitle F—Offsets**

16 **SEC. 4161. REDUCTION OF MEDICARE IMPROVEMENT** 17 **FUND.**

18 Section 1898(b)(1) of the Social Security Act (42
19 U.S.C. 1395iii(b)(1)) is amended by striking
20 “\$7,278,000,000” and inserting “\$180,000,000”.

21 **SEC. 4162. EXTENSION OF ADJUSTMENT TO CALCULATION** 22 **OF HOSPICE CAP AMOUNT UNDER MEDI-** 23 **CARE.**

24 Section 1814(i)(2)(B) of the Social Security Act (42
25 U.S.C. 1395f(i)(2)(B)) is amended—

3807

1 (1) in clause (ii), by striking “2031” and in-
2 sserting “2032”; and

3 (2) in clause (iii), by striking “2031” and in-
4 sserting “2032”.

5 **SEC. 4163. MEDICARE DIRECT SPENDING REDUCTIONS.**

6 Section 251A(6) of the Balanced Budget and Emer-
7 gency Deficit Control Act of 1985 (2 U.S.C. 901a(6)) is
8 amended—

9 (1) in subparagraph (B), in the matter pre-
10 ceding clause (i)—

11 (A) by striking “On the dates OMB issues
12 its sequestration preview reports” and inserting
13 “On the date on which the President submits
14 the budget under section 1105 of title 31,
15 United States Code,”; and

16 (B) by striking “pursuant to section
17 254(c),”;

18 (2) in subparagraph (C), by moving the margin
19 2 ems to the left;

20 (3) by striking subparagraphs (D) and (E); and

21 (4) by adding at the end the following:

22 “(D) On the date on which the President sub-
23 mits the budget under section 1105 of title 31,
24 United States Code, for fiscal year 2032, the Presi-
25 dent shall order a sequestration of payments for the

1 Medicare programs specified in section 256(d), effective upon issuance, such that, notwithstanding the 2 percent limit specified in subparagraph (A) for such payments—

5 “(i) with respect to the first 6 months in which such order is effective for such fiscal year, the payment reduction shall be 2.0 percent; and

9 “(ii) with respect to the second 6 months in which such order is effective for such fiscal year, the payment reduction shall be 0 percent.”.

13 **TITLE V—MEDICAID AND CHIP**

14 **PROVISIONS**

15 **Subtitle A—Territories**

16 **SEC. 5101. MEDICAID ADJUSTMENTS FOR THE TERRITORIES.**

18 (a) REVISING ALLOTMENTS FOR PUERTO RICO.—
19 Section 1108(g) of the Social Security Act (42 U.S.C.
20 1308(g)) is amended—

21 (1) in paragraph (2)—

22 (A) in subparagraph (A)—

23 (i) in clause (i)—

24 (I) by striking “clause (ii)” and
25 inserting “clause (ii) or (iii)”; and

3809

1 (II) by striking “and” at the end;

2 (ii) in clause (ii), by striking the semi-
3 colon and inserting “; and”; and

4 (iii) by adding at the end the fol-
5 lowing new clause:

6 “(iii) for fiscal year 2023 and each
7 subsequent fiscal year, the amount speci-
8 fied in paragraph (11) for such fiscal
9 year;”; and

10 (B) in the matter following subparagraph
11 (E), by striking “each fiscal year after fiscal
12 year 2021” and inserting “fiscal year 2022
13 (and, in the case of a territory other than Puer-
14 to Rico, for each subsequent fiscal year)”; and
15 (2) by adding at the end the following new
16 paragraphs:

17 “(11) ALLOTMENT AMOUNTS FOR PUERTO RICO
18 FOR FISCAL YEAR 2023 AND SUBSEQUENT FISCAL
19 YEARS.—For purposes of paragraph (2)(A)(iii), sub-
20 ject to paragraphs (12) and (13), the amounts speci-
21 fied in this paragraph are the following:

22 “(A) For fiscal year 2023,
23 \$3,275,000,000.

24 “(B) For fiscal year 2024,
25 \$3,325,000,000.

3810

1 “(C) For fiscal year 2025, \$3,475,000,000.

2 “(D) For fiscal year 2026,
3 \$3,645,000,000.

4 “(E) For fiscal year 2027,
5 \$3,825,000,000.

6 “(F) For fiscal year 2028, the sum of the
7 amount that would have been provided under
8 this subsection for Puerto Rico for such fiscal
9 year in accordance with clause (i) of paragraph
10 (2)(A) (without regard to clause (iii) of such
11 paragraph) had the amount provided under this
12 subsection for Puerto Rico for each of fiscal
13 years 2020 through 2027 been equal to the fol-
14 lowing:

15 “(i) For fiscal year 2020, the sum of
16 the amount provided under this subsection
17 for Puerto Rico for fiscal year 2019, in-
18 creased by the percentage increase in the
19 medical care component of the Consumer
20 Price Index for all urban consumers (as
21 published by the Bureau of Labor Statis-
22 tics) for the 12-month period ending in
23 March preceding the beginning of the fiscal
24 year, rounded to the nearest \$100,000.

3811

1 “(ii) For each of fiscal years 2021
2 through 2027, the sum of the amount pro-
3 vided under this subparagraph for the pre-
4 ceding fiscal year, increased in accordance
5 with the percentage increase described in
6 clause (i), rounded to the nearest
7 \$100,000.

8 “(G) For fiscal year 2029 and each subse-
9 quent fiscal year, the sum of the amount speci-
10 fied in this paragraph for the preceding fiscal
11 year, increased by the percentage increase in
12 the medical care component of the Consumer
13 Price Index for all urban consumers (as pub-
14 lished by the Bureau of Labor Statistics) for
15 the 12-month period ending in March preceding
16 the beginning of the fiscal year, rounded to the
17 nearest \$100,000.

18 In determining the amount specified under subpara-
19 graph (F) for fiscal year 2028 or under subpara-
20 graph (G) for fiscal year 2029 or a subsequent fiscal
21 year, the Secretary may in no way take into account
22 the amount that was provided under this subsection
23 for Puerto Rico for fiscal year 2022 that was based
24 on the Centers for Medicare & Medicaid Services’ in-
25 terpretation of the flush language following para-

1 graph (2)(E) (as described in the letters sent by the
2 Centers for Medicare & Medicaid Services to the Di-
3 rector of the Medicaid Program for Puerto Rico
4 dated September 24, 2021, and November 18, 2021,
5 respectively).

6 “(12) ADDITIONAL INCREASE FOR PUERTO
7 RICO.—

8 “(A) IN GENERAL.—For fiscal year 2023
9 and each subsequent fiscal year through fiscal
10 year 2027, the amount specified in paragraph
11 (11) for the fiscal year shall be equal to the
12 amount specified for such fiscal year under
13 such paragraph increased by \$300,000,000 if
14 the Secretary certifies that, with respect to such
15 fiscal year, Puerto Rico’s State plan under title
16 XIX (or waiver of such plan) establishes a re-
17 imbursement floor, implemented through a di-
18 rected payment arrangement plan, for physician
19 services that are covered under the Medicare
20 part B fee schedule in the Puerto Rico locality
21 established under section 1848(b) that is not
22 less than 75 percent of the payment that would
23 apply to such services if they were furnished
24 under part B of title XVIII during such fiscal
25 year.

1 “(B) APPLICATION TO MANAGED CARE.—
2 In certifying whether Puerto Rico has estab-
3 lished a reimbursement floor under a directed
4 payment arrangement plan that satisfies the re-
5 quirements of subparagraph (A)—

6 “(i) for fiscal year 2023, the Sec-
7 retary shall apply such requirements to
8 payments for physician services under a
9 managed care contract entered into or re-
10 newed after the date of enactment of this
11 paragraph and disregard payments for
12 physician services under any managed care
13 contract that was entered into prior to
14 such date; and

15 “(ii) for each subsequent fiscal year
16 through fiscal year 2027—

17 “(I) the Secretary shall disregard
18 payments made under subcapitated
19 arrangements for services such as pri-
20 mary care case management; and

21 “(II) if the reimbursement floor
22 for physician services applicable under
23 a managed care contract satisfies the
24 requirements of subparagraph (A) for
25 the fiscal year in which the contract is

3814

1 entered into or renewed, such reim-
2 bursement floor shall be deemed to
3 satisfy such requirements for the sub-
4 sequent fiscal year.

5 “(C) NONAPPLICATION OF INCREASE IN
6 DETERMINING ALLOTMENTS FOR SUBSEQUENT
7 FISCAL YEARS.—An increase under this para-
8 graph for a fiscal year may not be taken into
9 account in calculating the amount specified
10 under paragraph (11) for the succeeding fiscal
11 year.

12 “(13) FURTHER INCREASE FOR PUERTO
13 RICO.—

14 “(A) IN GENERAL.—For each of fiscal
15 years 2023 through 2027, the amount specified
16 in paragraph (11) for the fiscal year shall be
17 equal to the amount specified for such fiscal
18 year under such paragraph (increased, if appli-
19 cable, in accordance with paragraph (12)) and
20 further increased—

21 “(i) in the case of each of fiscal years
22 2023 through 2025, by \$75,000,000 if the
23 Secretary determines that Puerto Rico
24 fully satisfies the requirements described in

3815

1 paragraph (7)(A)(i) for such fiscal year;
2 and

3 “(ii) in the case of each of fiscal years
4 2026 and 2027, by \$75,000,000 if the Sec-
5 retary determines that Puerto Rico fully
6 satisfies the requirements described in—

7 “(I) paragraph (7)(A)(i) for such
8 fiscal year; and

9 “(II) paragraph (7)(A)(v) for
10 such fiscal year.

11 “(B) NONAPPLICATION OF INCREASE IN
12 DETERMINING ALLOTMENTS FOR SUBSEQUENT
13 FISCAL YEARS.—An increase under this para-
14 graph for a fiscal year may not be taken into
15 account in calculating the amount specified
16 under paragraph (11) for the succeeding fiscal
17 year.”.

18 (b) EXTENSION OF INCREASED FMAPS.—Section
19 1905(ff) of the Social Security Act (42 U.S.C. 1396d(ff))
20 is amended—

21 (1) in the header, by striking “TEMPORARY”;

22 (2) in paragraph (2)—

23 (A) by striking “subject to section
24 1108(g)(7)(C),”; and

3816

1 (B) by striking “December 23, 2022” and
2 inserting “September 30, 2027,”; and

3 (3) in paragraph (3), by striking “for the pe-
4 riod beginning December 21, 2019, and ending De-
5 cember 23, 2022” and inserting “beginning Decem-
6 ber 21, 2019”.

7 (c) APPLICATION OF ASSET VERIFICATION PROGRAM
8 REQUIREMENTS TO PUERTO RICO.—Section 1940 of the
9 Social Security Act (42 U.S.C. 1396w) is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (3)(A), by adding at the
12 end the following new clause:

13 “(iii) IMPLEMENTATION IN PUERTO
14 RICO.—The Secretary shall require Puerto
15 Rico to implement an asset verification
16 program under this subsection by January
17 1, 2026.”; and

18 (B) in paragraph (4)—

19 (i) in the paragraph heading, by strik-
20 ing “EXEMPTION OF TERRITORIES” and
21 inserting “EXEMPTION OF CERTAIN TERRI-
22 TORIES”; and

23 (ii) by striking “and the District of
24 Columbia” and inserting “, the District of
25 Columbia, and Puerto Rico”; and

3817

1 (2) in subsection (k)—

2 (A) in paragraph (1)—

3 (i) by redesignating subparagraphs
4 (A) through (D) as clauses (i) through
5 (iv), respectively, and adjusting the mar-
6 gins accordingly;

7 (ii) in the matter preceding clause (i),
8 as so redesignated—

9 (I) by striking “beginning on or
10 after January 1, 2021”; and

11 (II) by striking “for a non-com-
12 pliant State shall be reduced—” and
13 inserting the following: “for—

14 “(A) a non-compliant State that is one of
15 the 50 States or the District of Columbia shall
16 be reduced—”;

17 (iii) in clause (iv), as so redesignated,
18 by striking the period at the end and in-
19 serting “; and”; and

20 (iv) by adding at the end the following
21 new subparagraph:

22 “(B) a non-compliant State that is Puerto
23 Rico shall be reduced—

3818

1 “(i) for calendar quarters in fiscal
2 year 2026 beginning on or after January
3 1, 2026, by 0.12 percentage points;

4 “(ii) for calendar quarters in fiscal
5 year 2027, by 0.25 percentage points;

6 “(iii) for calendar quarters in fiscal
7 year 2028, by 0.35 percentage points; and

8 “(iv) for calendar quarters in fiscal
9 year 2029 and each fiscal year thereafter,
10 by 0.5 percentage points.”; and

11 (B) in paragraph (2)(A), by striking “or
12 the District of Columbia” and inserting “, the
13 District of Columbia, or Puerto Rico”.

14 (d) EXTENSION OF REPORTING REQUIREMENT.—
15 Section 1108(g)(9) of the Social Security Act (42 U.S.C.
16 1308(g)(9)) is amended—

17 (1) in subparagraph (A), by inserting “and for
18 fiscal year 2023 and each subsequent fiscal year (or,
19 in the case of Puerto Rico, and for fiscal year 2023
20 and each subsequent fiscal year before fiscal year
21 2028)” after “fiscal year 2021”); and

22 (2) in subparagraph (B)(i), by inserting “or by
23 reason of the amendments made by section 5101 of
24 the Health Extenders, Improving Access to Medi-

3819

1 care, Medicaid, and CHIP, and Strengthening Pub-
2 lic Health Act of 2022” before the period at the end.

3 (e) PUERTO RICO PROGRAM INTEGRITY.—Section
4 1108(g)(7)(A) of the Social Security Act (42 U.S.C.
5 1308(g)(7)(A)) is amended—

6 (1) in clause (iii), in the header, by inserting
7 “REPORTING” after “REFORM”; and

8 (2) by adding at the end the following new
9 clause:

10 “(v) CONTRACTING AND PROCURE-
11 MENT OVERSIGHT LEAD REQUIREMENT.—

12 “(I) IN GENERAL.—Not later
13 than 6 months after the date of the
14 enactment of this clause, the agency
15 responsible for the administration of
16 Puerto Rico’s Medicaid program
17 under title XIX shall designate an of-
18 ficer (other than the director of such
19 agency) to serve as the Contracting
20 and Procurement Oversight Lead to
21 carry out the duties specified in sub-
22 clause (II).

23 “(II) DUTIES.—Not later than
24 60 days after the end of each fiscal
25 quarter (beginning with the first fiscal

3820

1 quarter beginning on or after the date
2 that is 1 year after the date of the en-
3 actment of this clause), the officer
4 designated pursuant to subclause (I)
5 shall, with respect to each contract
6 described in clause (iii) with an an-
7 nual value exceeding \$150,000 en-
8 tered into during such quarter, certify
9 to the Secretary either—

10 “(aa) that such contract has
11 met the procurement standards
12 identified under any of sections
13 75.327, 75.328, and 75.329 of
14 title 45, Code of Federal Regula-
15 tions (or successor regulations);
16 or

17 “(bb) that extenuating cir-
18 cumstances (including a lack of
19 multiple entities competing for
20 such contract) prevented the
21 compliance of such contract with
22 such standards.

23 “(III) PUBLICATION.—The offi-
24 cer designated pursuant to subclause
25 (I) shall make public each certification

3821

1 containing extenuating circumstances
2 described in subclause (II)(bb) not
3 later than 30 days after such certifi-
4 cation is made, including a description
5 of, and justification of, such extenu-
6 ating circumstances.

7 “(IV) REVIEW OF COMPLI-
8 ANCE.—Not later than 2 years after
9 the date of the enactment of this
10 clause, the Inspector General of the
11 Department of Health and Human
12 Services shall submit to Congress a
13 report on the compliance of Puerto
14 Rico with the provisions of this
15 clause.”.

16 (f) MEDICAID DATA SYSTEMS IMPROVEMENT PAY-
17 MENTS.—Section 1108 of the Social Security Act (42
18 U.S.C. 1308) is amended by adding at the end the fol-
19 lowing new subsection:

20 “(i) DATA SYSTEMS IMPROVEMENT PAYMENTS.—

21 “(1) IN GENERAL.—Subject to paragraphs (2)
22 and (3), the Secretary shall pay to each eligible ter-
23 ritory an amount equal to 100 percent of the quali-
24 fying data system improvement expenditures in-
25 curred by such territory on or after October 1, 2023.

1 “(2) TREATMENT AS MEDICAID PAYMENTS.—

2 “(A) IN GENERAL.—Payments to eligible
3 territories made under this paragraph shall be
4 considered to have been made under, and are
5 subject to the requirements of, section 1903.

6 “(B) NONDUPLICATION.—No payment
7 shall be made under title XIX (other than as
8 provided under paragraph (1)), title XXI, or
9 any other provision of law with respect to an
10 expenditure for which payment is made under
11 such paragraph.

12 “(3) ALLOTMENTS.—The Secretary shall speci-
13 fy an allotment for each eligible territory for pay-
14 ments made under paragraph (1) in a manner such
15 that—

16 “(A) the total amount of payments made
17 under such paragraph for all eligible territories
18 does not exceed \$20,000,000; and

19 “(B) each eligible territory receives an eq-
20 uitable allotment of such payments.

21 “(4) NO EFFECT ON TERRITORIAL CAPS.—A
22 payment to an eligible territory under this sub-
23 section shall not be taken into account for purposes
24 of applying the payment limits under subsections (f)
25 and (g).

1 “(5) DEFINITIONS.—In this subsection:

2 “(A) ELIGIBLE TERRITORY.—The term ‘el-
3 igible territory’ means American Samoa, Guam,
4 the Northern Mariana Islands, and the Virgin
5 Islands.

6 “(B) QUALIFYING DATA SYSTEM IMPROVE-
7 MENT EXPENDITURE.—The term ‘qualifying
8 data system improvement expenditure’ means
9 an expenditure by an eligible territory to im-
10 prove, update, or enhance a data system that is
11 used by the territory to carry out an adminis-
12 trative activity for which Federal financial par-
13 ticipation is available under section 1903(a).”.

14 (g) STRATEGIC PLAN AND EVALUATION.—

15 (1) IN GENERAL.—Each territory described in
16 paragraph (2) shall—

17 (A) not later than September 30, 2023,
18 submit to the Secretary of Health and Human
19 Services a 4-year strategic plan that outlines
20 the territory’s goals relating to workforce devel-
21 opment, financing, systems implementation and
22 operation, and program integrity with respect
23 to the territory’s Medicaid program under title
24 XIX of the Social Security Act (42 U.S.C. 1396
25 et seq.); and

3824

1 (B) not later than September 30, 2027,
2 submit to the Secretary of Health and Human
3 Services an analysis of the extent to which the
4 territory has achieved, or is making progress to-
5 ward achieving, the goals described in such
6 strategic plan, and any policy changes relating
7 to such goals that were adopted by the territory
8 after the submission of the plan.

9 (2) TERRITORIES DESCRIBED.—The territories
10 described in this paragraph are American Samoa,
11 Guam, the Northern Mariana Islands, and the Vir-
12 gin Islands.

13 **Subtitle B—Medicaid and CHIP** 14 **Coverage**

15 **SEC. 5111. FUNDING EXTENSION OF THE CHILDREN'S** 16 **HEALTH INSURANCE PROGRAM AND RE-** 17 **LATED PROVISIONS.**

18 (a) IN GENERAL.—Section 2104(a) of the Social Se-
19 curity Act (42 U.S.C. 1397dd(a)) is amended—

20 (1) in paragraph (27), by striking “through
21 2026” and inserting “through 2028”; and

22 (2) in paragraph (28)—

23 (A) in the matter preceding subparagraph
24 (A), by striking “for fiscal year 2027” and in-
25 serting “for fiscal year 2029”;

3825

1 (B) in subparagraph (A), by striking “be-
2 beginning on October 1, 2026, and ending on
3 March 31, 2027” and inserting “beginning on
4 October 1, 2028, and ending on March 31,
5 2029”; and

6 (C) in subparagraph (B), by striking “be-
7 beginning on April 1, 2027, and ending on Sep-
8 tember 30, 2027” and inserting “beginning on
9 April 1, 2029, and ending on September 30,
10 2029”.

11 (b) CHIP ALLOTMENTS.—

12 (1) IN GENERAL.—Section 2104(m) of the So-
13 cial Security Act (42 U.S.C. 1397dd(m)) is amend-
14 ed—

15 (A) in paragraph (2)(B)(i), by striking “,
16 2023, and 2027” and inserting “2023, and
17 2029”;

18 (B) in paragraph (5), by striking “or
19 2027” and inserting “or 2029”;

20 (C) in paragraph (7)—

21 (i) in subparagraph (A), by striking
22 “fiscal year 2027,” and inserting “fiscal
23 year 2029”; and

24 (ii) in the flush left matter at the end,
25 by striking “or fiscal year 2026.” and in-

3826

1 serting “fiscal year 2026, or fiscal year
2 2028.”;

3 (D) in paragraph (9), by striking “or
4 2027” and inserting “or 2029”; and

5 (E) in paragraph (11)—

6 (i) in the paragraph header, by strik-
7 ing “FISCAL YEAR 2027” and inserting
8 “FISCAL YEAR 2029”; and

9 (ii) in subparagraph (C)—

10 (I) by striking “fiscal year 2026”
11 each place it appears and inserting
12 “fiscal year 2028”; and

13 (II) by striking “fiscal year
14 2027” and inserting “fiscal year
15 2029”.

16 (2) CONFORMING AMENDMENTS.—Section
17 50101(b)(2) of the Bipartisan Budget Act of 2018
18 (Public Law 115–123) is amended—

19 (A) in the paragraph header, by striking
20 “FISCAL YEAR 2027” and inserting “FISCAL
21 YEAR 2029”;

22 (B) by striking “fiscal year 2027” each
23 place it appears and inserting “fiscal year
24 2029”; and

1 (C) by striking “beginning on October 1,
2 2026, and ending on March 31, 2027” and in-
3 serting “beginning on October 1, 2028, and
4 ending on March 31, 2029”.

5 (e) OTHER RELATED CHIP POLICIES.—

6 (1) PEDIATRIC QUALITY MEASURES PRO-
7 GRAM.—Section 1139A(i)(1) of the Social Security
8 Act (42 U.S.C. 1320b–9a(i)(1)) is amended—

9 (A) in subparagraph (C), by striking at the
10 end “and”;

11 (B) in subparagraph (D), by striking the
12 period at the end and inserting “; and”; and

13 (C) by adding at the end the following new
14 subparagraph:

15 “(E) for each of fiscal years 2028 and
16 2029, \$15,000,000 for the purpose of carrying
17 out this section (other than subsections (e), (f),
18 and (g)).”.

19 (2) ASSURANCE OF ELIGIBILITY STANDARDS
20 FOR CHILDREN.—Section 2105(d)(3) of the Social
21 Security Act (42 U.S.C. 1397ee(d)(3)) is amended—

22 (A) in the paragraph heading, by striking
23 “THROUGH SEPTEMBER 30, 2027” and inserting
24 “THROUGH SEPTEMBER 30, 2029”; and

1 (B) in subparagraph (A) by striking “Sep-
2 tember 30, 2027” each place it appears and in-
3 serting “September 30, 2029”.

4 (3) QUALIFYING STATES OPTION.—Section
5 2105(g)(4) of the Social Security Act (42 U.S.C.
6 1397ee(g)(4)) is amended—

7 (A) in the paragraph heading, by striking
8 “THROUGH 2027” and inserting “THROUGH
9 2029”; and

10 (B) in subparagraph (A), by striking
11 “through 2027” and inserting “through 2029”.

12 (4) OUTREACH AND ENROLLMENT PROGRAM.—
13 Section 2113 of the Social Security Act (42 U.S.C.
14 1397mm) is amended—

15 (A) in subsection (a)—

16 (i) in paragraph (1), by striking
17 “through 2027” and inserting “through
18 2029”; and

19 (ii) in paragraph (3), by striking
20 “through 2027” and inserting “through
21 2029”; and

22 (B) in subsection (g)—

23 (i) by striking “2017,,” and inserting
24 “2017,”;

3829

1 (ii) by striking “and \$48,000,000”
2 and inserting “\$48,000,000”; and

3 (iii) by inserting after “through
4 2027” the following: “, and \$40,000,000
5 for the period of fiscal years 2028 and
6 2029”.

7 (5) CHILD ENROLLMENT CONTINGENCY
8 FUND.—Section 2104(n) of the Social Security Act
9 (42 U.S.C. 1397dd(n)) is amended—

10 (A) by striking “2024 through 2026” each
11 place it appears and inserting “2024 through
12 2028”; and

13 (B) by striking “2023, and 2027” each
14 place it appears and inserting “2023, and
15 2029”.

16 (d) EXTENSION OF CERTAIN PROVISIONS.—

17 (1) EXPRESS LANE ELIGIBILITY OPTION.—Sec-
18 tion 1902(e)(13)(I) of the Social Security Act (42
19 U.S.C. 1396a(e)(13)(I)) is amended by striking
20 “2027” and inserting “2029”.

21 (2) CONFORMING AMENDMENTS FOR ASSUR-
22 ANCE OF AFFORDABILITY STANDARD FOR CHILDREN
23 AND FAMILIES.—Section 1902(gg)(2) of the Social
24 Security Act (42 U.S.C. 1396a(gg)(2)) is amend-
25 ed—

3830

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))
10 is amended by striking paragraph (12) and inserting the
11 following new paragraph:

12 “(12) 1 YEAR OF CONTINUOUS ELIGIBILITY FOR
13 CHILDREN.—The State plan (or waiver of such
14 State plan) shall provide that an individual who is
15 under the age of 19 and who is determined to be eli-
16 gible for benefits under a State plan (or waiver of
17 such plan) approved under this title under sub-
18 section (a)(10)(A) shall remain eligible for such ben-
19 efits until the earlier 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
25 to be a resident of such State.”

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)
5 through (T) as subparagraphs (L) through (U), re-
6 spectively; and

7 (2) by inserting after subparagraph (J) the fol-
8 lowing new subparagraph:

9 “(K) Section 1902(e)(12) (relating to 1
10 year of continuous eligibility for children), ex-
11 cept that a targeted low-income child enrolled
12 under the State child health plan or waiver may
13 be transferred to the Medicaid program under
14 title XIX for the remaining duration of the 12-
15 month continuous eligibility period, if the child
16 becomes eligible for full benefits under title
17 XIX during such period.”.

18 (c) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect on the first day of the first
20 fiscal quarter that begins on or after the date that is 1
21 year after 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

1 (Public Law 117–2), subsection (b) of each such section
2 is 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),
10 and (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
17 30, 2023” and inserting “September 30 of the sub-
18 sequent fiscal year”; and

19 (3) by adding at the end the following new
20 paragraph:

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,

3833

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
7 portion 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 Afford-
17 able Care Act (42 U.S.C. 1396r–5 note) is amended by
18 striking “September 30, 2023” and inserting “September
19 30, 2027”.

3834

1 **Subtitle C—Medicaid and CHIP**
2 **Mental Health**

3 **SEC. 5121. MEDICAID AND CHIP REQUIREMENTS FOR**
4 **HEALTH SCREENINGS, REFERRALS, AND**
5 **CASE MANAGEMENT SERVICES FOR ELIGIBLE**
6 **JUVENILES 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
14 “and” 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—

3835

1 “(i) in the 30 days prior to the release
2 of such eligible juvenile from such public
3 institution (or not later than one week, or
4 as soon as practicable, after release from
5 the 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 re-
15 lease of such eligible juvenile from such
16 public institution, and for at least 30 days
17 following the release of such eligible juve-
18 nile from such institution, targeted case
19 management services, including referrals
20 for such eligible juvenile to the appropriate
21 care and services available in the geo-
22 graphic region of the home or residence of
23 such eligible juvenile (where feasible) under
24 the State plan (or waiver of such plan);”;
25 and

1 (2) in subsection (m)(3), by striking “(30)”
2 and inserting “(31)”.

3 (b) AUTHORIZATION OF FEDERAL FINANCIAL PAR-
4 TICIPATION.—The subdivision (A) of section 1905(a) of
5 the Social Security Act (42 U.S.C. 1396d(a)) following
6 paragraph (31) of such section is amended by inserting
7 “, or in the 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
11 in 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 eligi-
21 bility for child health assistance under the State
22 child health plan for a targeted low-income
23 child because the child is an inmate of a public
24 institution, but may suspend coverage during
25 the period the child is such an inmate;

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 be-
5 fore becoming an inmate of a public institution,
6 the State shall, prior to the child’s release from
7 such public institution, conduct a redetermina-
8 tion of eligibility for such child with respect to
9 such child health assistance (without requiring
10 a new application from the child) and, if the
11 State determines pursuant to such redetermina-
12 tion that the child continues to meet the eligi-
13 bility requirements for such child health assist-
14 ance, the State shall restore coverage for such
15 child health assistance to such child upon the
16 child’s release from 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
25 such that the State makes a determination of

1 eligibility for the child with respect to child
2 health assistance upon release of the child from
3 the public institution.

4 “(2) REQUIRED COVERAGE OF SCREENINGS, DI-
5 AGNOSTIC SERVICES, REFERRALS, AND CASE MAN-
6 AGEMENT FOR CERTAIN INMATES PRE-RELEASE.—A
7 State child health plan shall provide that, in the case
8 of a targeted low-income child who is within 30 days
9 of the date on which such child is scheduled to be
10 released 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
15 the State child health plan (or waiver of such plan)
16 in 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:

1 individual who is an eligible juvenile (as defined in
2 section 1902(nn)(2)), while such individual is an in-
3 mate 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
6 section 1902(a)(84)(D) with respect to the
7 screenings, diagnostic services, referrals, and case
8 management required under such section”.

9 (2) CONFORMING AMENDMENT.—Section
10 1902(a)(84)(A) of the Social Security Act (42
11 U.S.C. 1396a(a)(84)(A)) is amended by inserting
12 “(or in the case of a State electing the option de-
13 scribed in the subdivision (A) following paragraph
14 (31) of section 1905(a), during such period begin-
15 ning after the disposition of charges with respect to
16 such individual)” 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 pe-

1 riod that the child is an inmate of such institution
2 pending disposition of charges.”.

3 (c) **EFFECTIVE DATE.**—The amendments made by
4 this section shall take effect on the first day of the first
5 calendar quarter that begins after the date that is 24
6 months after the date of enactment of this Act and shall
7 apply to items and services furnished for periods beginning
8 on or after 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
21 care organization, prepaid inpatient health
22 plan (as defined by the Secretary), prepaid
23 ambulatory health plan (as defined by the
24 Secretary), and, when appropriate, primary
25 care case management entity (as defined

3842

1 by the Secretary) with a contract with a
2 State to enroll individuals who are eligible
3 for 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
15 Secretary, and that includes with respect
16 to each such provider—

17 “(I) the name of the provider;

18 “(II) the specialty of the pro-
19 vider;

20 “(III) the address at which the
21 provider provides services;

22 “(IV) the telephone number of
23 the provider; and

24 “(V) information regarding—

3843

1 “(aa) the provider’s cultural
2 and linguistic capabilities, includ-
3 ing languages (including Amer-
4 ican Sign Language) offered by
5 the provider or by a skilled med-
6 ical interpreter who provides in-
7 terpretation services at the pro-
8 vider’s office;

9 “(bb) whether the provider
10 is accepting as new patients, in-
11 dividuals who receive medical as-
12 sistance under this title;

13 “(cc) whether the provider’s
14 office or facility has accommoda-
15 tions for individuals with physical
16 disabilities, including offices,
17 exam rooms, and equipment;

18 “(dd) the Internet website of
19 such provider, if applicable; and

20 “(ee) whether the provider
21 offers covered services via tele-
22 health; and

23 “(VI) other relevant information,
24 as required by the Secretary.

3844

1 “(ii) NETWORK PROVIDER DE-
2 FINED.—In this subparagraph, the term
3 ‘network provider’ includes any provider,
4 group of providers, or entity that has a
5 network provider agreement with a man-
6 aged care organization, a prepaid inpatient
7 health plan (as defined by the Secretary),
8 a prepaid ambulatory health plan (as de-
9 fined by the Secretary), or a primary care
10 case management entity (as defined by the
11 Secretary) or a subcontractor of any such
12 entity or plan, and receives payment under
13 this title directly or indirectly to order,
14 refer, or render covered services as a result
15 of the State’s contract with the entity or
16 plan. For purposes of this subparagraph, a
17 network provider shall not be considered to
18 be a subcontractor by virtue of the network
19 provider agreement.”.

20 (b) CONFORMING AMENDMENTS TO STATE PLAN RE-
21 QUIREMENTS.—Section 1902(a) of the Social Security Act
22 (42 U.S.C. 1396a) is amended—

23 (1) by striking paragraph (83) and inserting
24 the following:

1 “(83) provide that in the case of a State plan
2 (or waiver of the plan) that provides medical assist-
3 ance on a fee-for-service basis or through a primary
4 care case-management system described in section
5 1915(b)(1), the State shall publish (and update on
6 at least a quarterly basis or more frequently as re-
7 quired by the Secretary) on the public website of the
8 State agency administering the State plan, a search-
9 able directory of the providers described in sub-
10 section (mm) that, in addition to such other require-
11 ments as the Secretary may specify, such as making
12 paper directories available to enrollees, includes with
13 respect to each such provider—

14 “(A) the name of the provider;

15 “(B) the specialty of the provider;

16 “(C) the address at which the provider
17 provides services;

18 “(D) the telephone number of the provider;

19 “(E) information regarding—

20 “(i) the provider’s cultural and lin-
21 guistic capabilities, including languages
22 (including American Sign Language) of-
23 fered by the provider or by a skilled med-
24 ical interpreter who provides interpretation
25 services at the provider’s office;

3846

1 “(ii) whether the provider is accepting
2 as new patients individuals who receive
3 medical assistance under this title;

4 “(iii) whether the provider’s office or
5 facility has accommodations for individuals
6 with physical disabilities, including offices,
7 exam rooms, and equipment;

8 “(iv) the Internet website of such pro-
9 vider, if applicable; and

10 “(v) whether the provider offers cov-
11 ered services via telehealth; and

12 “(F) other relevant information as re-
13 quired by the Secretary;” and

14 (2) by striking subsection (mm) and inserting
15 the following:

16 “(mm) DIRECTORY PROVIDER DESCRIBED.—

17 “(1) IN GENERAL.—A provider described in this
18 subsection, at a minimum, includes physicians, hos-
19 pitals, pharmacies, providers of mental health serv-
20 ices, providers of substance use disorder services,
21 providers of long term services and supports as ap-
22 propriate, and such other providers as required by
23 the Secretary, and—

24 “(A) in the case of a provider or a provider
25 type for which the State agency, as a condition

3847

1 of receiving payment for items and services fur-
2 nished by the provider to individuals eligible to
3 receive medical assistance under the State plan
4 (or a waiver of the plan), requires the enroll-
5 ment of the provider with the State agency, in-
6 cludes a provider that—

7 “(i) is enrolled with the agency as of
8 the date on which the directory is pub-
9 lished or updated (as applicable) under
10 subsection (a)(83); and

11 “(ii) received payment under the State
12 plan in the 12-month period preceding
13 such date; and

14 “(B) in the case of a provider or a provider
15 type for which the State agency does not re-
16 quire such enrollment, includes a provider that
17 received payment under the State plan (or a
18 waiver of the plan) in the 12-month period pre-
19 ceeding the date on which the directory is pub-
20 lished or updated (as applicable) under sub-
21 section (a)(83).

22 “(2) STATE OPTION TO INCLUDE OTHER PAR-
23 TICIPATING PROVIDERS.—At State option, a pro-
24 vider described in this subsection may include any
25 provider who furnishes services and is participating

1 under the State plan under this title or under a
2 waiver of such plan.”.

3 (c) GENERAL APPLICATION TO CHIP.—Section
4 2107(e)(1)(G) of the Social Security Act (42 U.S.C.
5 1397gg(e)(1)(G)) is amended by inserting “and subsection
6 (a)(83) of section 1902 (relating to searchable directories
7 of the providers described in subsection (mm) of such sec-
8 tion)” before the period.

9 (d) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect on July 1, 2025.

11 **SEC. 5124. SUPPORTING ACCESS TO A CONTINUUM OF CRI-**
12 **SIS RESPONSE SERVICES UNDER MEDICAID**
13 **AND CHIP.**

14 (a) GUIDANCE.—Not later than July 1, 2025, the
15 Secretary, in coordination with the Administrator of the
16 Centers for Medicare & Medicaid Services and the Assist-
17 ant Secretary for Mental Health and Substance Use, shall
18 issue guidance to States regarding Medicaid and CHIP
19 that includes the following:

20 (1) Provides, in consultation with health care
21 providers and stakeholders with expertise in mental
22 health and substance use disorder crisis response
23 services, recommendations for an effective con-
24 tinuum of crisis response services that—

1 (A) includes crisis call centers, including
2 988 crisis services hotlines, mobile crisis teams,
3 crisis response services delivered in home, com-
4 munity, residential facility, and hospital set-
5 tings, and coordination with follow-on mental
6 health and substance use disorder services, such
7 as intensive outpatient and partial hospitaliza-
8 tion programs, as well as connections to social
9 services and supports;

10 (B) promotes access to appropriate and
11 timely mental health and substance use disorder
12 crisis response services in the least restrictive
13 setting appropriate to an individual's needs;
14 and

15 (C) promotes culturally competent, trau-
16 ma-informed care, and crisis de-escalation.

17 (2) Outlines the Federal authorities through
18 which States may finance and enhance under Med-
19 icaid and CHIP the availability of crisis response
20 services across each stage of the continuum of crisis
21 response services.

22 (3) Addresses how States under Medicaid and
23 CHIP may support the ongoing implementation of
24 crisis call centers, including 988 crisis services hot-
25 lines, and how Medicaid administrative funding, in-

1 including enhanced matching, and the Medicaid Infor-
2 mation Technology Architecture 3.0 framework, may
3 be used to establish or enhance regional or statewide
4 crisis call centers, including 988 crisis services hot-
5 lines, that coordinate in real time.

6 (4) Identifies how States under Medicaid and
7 CHIP may support access to crisis response services
8 that are responsive to the needs of children, youth,
9 and families, including through CHIP health serv-
10 ices initiatives, behavioral disorder-specific crisis re-
11 sponse, trained peer support services, and estab-
12 lishing or enhancing crisis call centers that are
13 youth-focused.

14 (5) Identifies policies and practices to meet the
15 need for crisis response services with respect to dif-
16 fering patient populations, including urban, rural,
17 and frontier communities, differing age groups, cul-
18 tural and linguistic minorities, individuals with co-
19 occurring mental health and substance use disorder
20 conditions, and individuals with disabilities.

21 (6) Identifies policies and practices to promote
22 evidence-based suicide risk screenings and assess-
23 ments.

24 (7) Identifies strategies to facilitate timely pro-
25 vision of crisis response services, including how

1 States can enable access to crisis response services
2 without requiring a diagnosis, the use of presump-
3 tive eligibility at different stages of the continuum of
4 crisis response services, the use of telehealth to de-
5 liver crisis response services, strategies to make cri-
6 sis response services available 24/7 in medically un-
7 derserved regions, and best practices used by States
8 and health providers for maximizing capacity to de-
9 liver crisis response services, such as identifying and
10 repurposing available beds, space, and staff for crisis
11 response services.

12 (8) Describes best practices for coordinating
13 Medicaid and CHIP funding with other payors and
14 sources of Federal funding for mental health and
15 substance use disorder crisis response services, and
16 best practices for Medicaid and CHIP financing
17 when the continuum of crisis response services
18 serves individuals regardless of payor.

19 (9) Describes best practices for establishing ef-
20 fective connections with follow-on mental health and
21 substance use disorder services, as well as with so-
22 cial services and supports.

23 (10) Describes best practices for coordinating
24 and financing a continuum of crisis response services
25 through Medicaid managed care organizations, pre-

1 paid inpatient health plans, prepaid ambulatory
2 health plans, and fee-for-service delivery systems, in-
3 cluding when States carve-out from delivery through
4 Medicaid managed care organizations, prepaid inpa-
5 tient health plans, prepaid ambulatory health plans,
6 or fee-for-service systems, mental health or sub-
7 stance use disorder benefits or a subset of such serv-
8 ices.

9 (11) Identifies strategies and best practices for
10 measuring and monitoring utilization of, and out-
11 comes related to, crisis response services.

12 (b) TECHNICAL ASSISTANCE CENTER.—

13 (1) IN GENERAL.—Not later than July 1, 2025,
14 the Secretary, in coordination with the Adminis-
15 trator of the Centers for Medicare & Medicaid Serv-
16 ices and the Assistant Secretary for Mental Health
17 and Substance Use, shall establish a technical assist-
18 ance center to help States under Medicaid and
19 CHIP design, implement, or enhance a continuum of
20 crisis response services for children, youth, and
21 adults. Such technical assistance shall, at least in
22 part, provide support to States in—

23 (A) leveraging the Federal authorities
24 through which Medicaid and CHIP may finance

1 mental health and substance use disorder crisis
2 response services;

3 (B) coordinating Medicaid and CHIP
4 funds with other sources of Federal funding for
5 mental health and substance use disorder crisis
6 response services; and

7 (C) after the guidance described in sub-
8 section (a) is issued, adopting the best practices
9 and strategies identified in such guidance.

10 (2) COMPENDIUM OF BEST PRACTICES.—The
11 Secretary shall develop and maintain a publicly
12 available compendium of best practices for the suc-
13 cessful operation under Medicaid and CHIP of a
14 continuum of crisis response services. The Secretary
15 annually shall review the information available
16 through the compendium and shall update such in-
17 formation when appropriate.

18 (c) FUNDING.—There is appropriated to the Sec-
19 retary, out of any funds in the Treasury not otherwise
20 appropriated, to remain available until expended for pur-
21 poses of carrying out subsections (a) and (b), \$8,000,000.

22 (d) DEFINITIONS.—In this section:

23 (1) SECRETARY.—The term “Secretary” means
24 the Secretary of Health and Human Services.

1 (2) STATE.—The term “State” means each of
2 the 50 States, the District of Columbia, Puerto Rico,
3 the United States Virgin Islands, Guam, American
4 Samoa, and the Commonwealth of the Northern
5 Mariana Islands.

6 **Subtitle D—Transitioning From**
7 **Medicaid FMAP Increase Re-**
8 **quirements**

9 **SEC. 5131. TRANSITIONING FROM MEDICAID FMAP IN-**
10 **CREASE REQUIREMENTS.**

11 (a) IN GENERAL.—Section 6008 of the Families
12 First Coronavirus Response Act (42 U.S.C. 1396d note)
13 is amended—

14 (1) in subsection (a)—

15 (A) by striking “Subject to subsection (b)”
16 and inserting the following:

17 “(1) TEMPORARY FMAP INCREASE.—Subject to
18 subsections (b) and (f)”;

19 (B) by striking “the last day of the cal-
20 endar quarter in which the last day of such
21 emergency period occurs” and inserting “De-
22 cember 31, 2023”;

23 (C) by striking “6.2 percentage points”
24 and inserting “the applicable number of per-

3855

1 centage points for the quarter (as determined in
2 paragraph (2))”; and

3 (D) by adding at the end the following new
4 paragraph:

5 “(2) APPLICABLE NUMBER OF PERCENTAGE
6 POINTS.—For purposes of paragraph (1), the appli-
7 cable number of percentage points for a calendar
8 quarter is the following:

9 “(A) For each calendar quarter that occurs
10 during the portion of the period described in
11 paragraph (1) that ends on March 31, 2023,
12 6.2 percentage points.

13 “(B) For the calendar quarter that begins
14 on April 1, 2023, and ends on June 30, 2023,
15 5 percentage points.

16 “(C) For the calendar quarter that begins
17 on July 1, 2023, and ends on September 30,
18 2023, 2.5 percentage points.

19 “(D) For the calendar quarter that begins
20 on October 1, 2023, and ends on December 31,
21 2023, 1.5 percentage points.”;

22 (2) in subsection (b)—

23 (A) in the matter preceding paragraph (1),
24 by striking “subsection (a)” and inserting “sub-
25 section (a)(1)”;

3856

1 (B) in paragraph (2), by striking “, with
2 respect to an individual enrolled under such
3 plan (or waiver),”; and

4 (C) in paragraph (3)—

5 (i) by striking “as of the date of en-
6 actment of this section” and inserting “as
7 of March 18, 2020,”;

8 (ii) by striking “such date of enact-
9 ment” and inserting “March 18, 2020,”;

10 (iii) by striking “the last day of the
11 month in which the emergency period de-
12 scribed in subsection (a) ends” and insert-
13 ing “March 31, 2023,”; and

14 (iv) by striking “the end of the month
15 in which such emergency period ends” and
16 inserting “March 31, 2023,”;

17 (3) by redesignating the subsection (d) added
18 by section 11 of division X of the Consolidated Ap-
19 propriations Act, 2021 (Public Law 116–260) as
20 subsection (e); and

21 (4) by adding at the end the following new sub-
22 sections:

23 “(f) ELIGIBILITY REDETERMINATIONS DURING
24 TRANSITION PERIOD.—

1 “(1) IN GENERAL.— For each calendar quarter
2 occurring during the portion of the period described
3 in subsection (a)(1) that begins on April 1, 2023,
4 and ends on December 31, 2023 (such portion to be
5 referred to in this subsection as the ‘transition pe-
6 riod’), if a State described in such subsection satis-
7 fies the conditions of subsection (b) and paragraph
8 (2) of this subsection, the State shall receive the in-
9 crease to the Federal medical assistance percentage
10 of the State applicable under subsection (a). Nothing
11 in this subsection shall be construed as prohibiting
12 a State, following the expiration of the condition de-
13 scribed in paragraph (3) of subsection (b), from ini-
14 tiating renewals, post-enrollment verifications, and
15 redeterminations over a 12-month period for all indi-
16 viduals who are enrolled in such plan (or waiver) as
17 of April 1, 2023.

18 “(2) CONDITIONS FOR FMAP INCREASE DURING
19 TRANSITION PERIOD.—The conditions of this para-
20 graph with respect to a State and the transition pe-
21 riod are the following:

22 “(A) COMPLIANCE WITH FEDERAL RE-
23 QUIREMENTS.—The State conducts eligibility
24 redeterminations under title XIX of the Social
25 Security Act in accordance with all Federal re-

1 requirements applicable to such redeterminations,
2 including renewal strategies authorized under
3 section 1902(e)(14)(A) of the Social Security
4 Act (42 U.S.C. 1396a(e)(14)(A)) or other alter-
5 native processes and procedures approved by
6 the Secretary of Health and Human Services.

7 “(B) MAINTENANCE OF UP-TO-DATE CON-
8 TACT INFORMATION.—The State, using the Na-
9 tional Change of Address Database Maintained
10 by the United States Postal Service, State
11 health and human services agencies, or other
12 reliable sources of contact information, at-
13 tempts to ensure that it has up-to-date contact
14 information (including a mailing address, phone
15 number, and email address) for each individual
16 for whom the State conducts an eligibility rede-
17 termination.

18 “(C) REQUIREMENT TO ATTEMPT TO CON-
19 TACT BENEFICIARIES PRIOR TO
20 DISENROLLMENT.—The State does not disenroll
21 from the State plan or waiver any individual
22 who is determined ineligible for medical assist-
23 ance under the State plan or waiver pursuant
24 to such a redetermination on the basis of re-
25 turned mail unless the State first undertakes a

1 good faith effort to contact the individual using
2 more than one modality.

3 “(g) APPLICABLE QUARTERS.—A State that ceases
4 to meet the requirements of subsection (b) or (f) (as appli-
5 cable) shall not qualify for the increase described in sub-
6 section (a) in the Federal medical assistance percentage
7 for such State for the calendar quarter in which the State
8 ceases to meet such requirements.”.

9 (b) REPORTING AND ENFORCEMENT AND CORREC-
10 TIVE ACTION.—Section 1902 of the Social Security Act
11 (42 U.S.C. 1396a) is amended by adding at the end the
12 following new subsection:

13 “(tt) REQUIREMENTS RELATING TO TRANSITION
14 FROM FAMILIES FIRST CORONAVIRUS RESPONSE ACT
15 FMAP INCREASE REQUIREMENTS; ENFORCEMENT AND
16 CORRECTIVE ACTION.—

17 “(1) REPORTING REQUIREMENTS.—For each
18 month occurring during the period that begins on
19 April 1, 2023, and ends on June 30, 2024, each
20 State shall submit to the Secretary, on a timely
21 basis, a report, that the Secretary shall make pub-
22 licly available, on the activities of the State relating
23 to eligibility redeterminations conducted during such
24 period, and which include, with respect to the month

1 for which the report is submitted, the following in-
2 formation:

3 “(A) The number of eligibility renewals
4 initiated, beneficiaries renewed on a total and
5 ex parte basis, and individuals whose coverage
6 for medical assistance, child health assistance,
7 or pregnancy-related assistance was terminated.

8 “(B) The number of individuals whose cov-
9 erage for medical assistance, child health assist-
10 ance, or pregnancy-related assistance was so
11 terminated for procedural reasons.

12 “(C) Where applicable, the number of indi-
13 viduals who were enrolled in a State child
14 health plan or waiver in the form described in
15 paragraph (1) of section 2101(a).

16 “(D) Unless the Administrator of the Cen-
17 ters for Medicare & Medicaid Services reports
18 such information on behalf of the State:

19 “(i) In a State with a Federal or
20 State American Health Benefit Exchange
21 established under title I of the Patient
22 Protection and Affordable Care Act in
23 which the systems used to determine eligi-
24 bility for assistance under this title or title
25 XXI are not integrated with the systems

3861

1 used to determine eligibility for coverage
2 under a qualified health plan with advance
3 payment under section 1412(a) of the Pa-
4 tient Protection and Affordable Care Act
5 of any premium tax credit allowed under
6 section 36B of the Internal Revenue Code
7 of 1986—

8 “(I) the number of individuals
9 whose accounts were received via se-
10 cure electronic transfer by the Federal
11 or State American Health Benefit Ex-
12 change, or a basic health program es-
13 tablished under section 1331 of the
14 Patient Protection and Affordable
15 Care Act;

16 “(II) the number of individuals
17 identified in subclause (I) who were
18 determined eligible for a qualified
19 health plan, as defined in section
20 1301(a)(1) of the Patient Protection
21 and Affordable Care Act, or (if appli-
22 cable) the basic health program estab-
23 lished under section 1331 of such Act;
24 and

3862

1 “(III) the number of individuals
2 identified in subclause (II) who made
3 a qualified health plan selection or
4 were enrolled in a basic health pro-
5 gram plan (if applicable).

6 “(ii) In a State with a State American
7 Health Benefit Exchange established under
8 title I of the Patient Protection and Af-
9 fordable Care Act in which the systems
10 used to determine eligibility for assistance
11 under this title or title XXI are integrated
12 with the systems used to determine eligi-
13 bility for coverage under a qualified health
14 plan with advance payment under section
15 1412(a) of the Patient Protection and Af-
16 fordable Care Act of any premium tax
17 credit allowed under section 36B of the In-
18 ternal Revenue Code of 1986—

19 “(I) the number of individuals
20 who were determined eligible for a
21 qualified health plan, as defined in
22 section 1301(a)(1) of the Patient Pro-
23 tection and Affordable Care Act, or (if
24 applicable) the basic health program

3863

1 established under section 1331 of
2 such Act; and

3 “(II) the number of individuals
4 identified in subclause (I) who made a
5 qualified health plan selection or were
6 enrolled in a basic health program
7 plan (if applicable).

8 “(E) The total call center volume, average
9 wait times, and average abandonment rate (as
10 determined by the Secretary) for each call cen-
11 ter of the State agency responsible for admin-
12 istering the State plan under this title (or a
13 waiver of such plan) during such month.

14 “(F) Such other information related to eli-
15 gibility redeterminations and renewals during
16 the period described in paragraph (1), as identi-
17 fied by the Secretary.

18 “(2) ENFORCEMENT AND CORRECTIVE AC-
19 TION.—

20 “(A) IN GENERAL.—For each fiscal quar-
21 ter that occurs during the period that begins on
22 July 1, 2023, and ends on June 30, 2024, if a
23 State does not satisfy the requirements of para-
24 graph (1), the Federal medical assistance per-
25 centage determined for the State for the quar-

1 ter under section 1905(b) shall be reduced by
2 the number of percentage points (not to exceed
3 1 percentage point) equal to the product of 0.25
4 percentage points and the number of fiscal
5 quarters during such period for which the State
6 has failed to satisfy such requirements.

7 “(B) CORRECTIVE ACTION PLAN; ADDI-
8 TIONAL AUTHORITY.—

9 “(i) IN GENERAL.—The Secretary
10 may assess a State’s compliance with all
11 Federal requirements applicable to eligi-
12 bility redeterminations and the reporting
13 requirements described in paragraph (1),
14 and, if the Secretary determines that a
15 State did not comply with any such re-
16 quirements during the period that begins
17 on April 1, 2023, and ends on June 30,
18 2024, the Secretary may require the State
19 to submit and implement a corrective ac-
20 tion plan in accordance with clause (ii).

21 “(ii) CORRECTIVE ACTION PLAN.—A
22 State that receives a written notice from
23 the Secretary that the Secretary has deter-
24 mined that the State is not in compliance

3865

1 with a requirement described in clause (i)
2 shall—

3 “(I) not later than 14 days after
4 receiving such notice, submit a correc-
5 tive action plan to the Secretary;

6 “(II) not later than 21 days after
7 the date on which such corrective ac-
8 tion plan is submitted to the Sec-
9 retary, receive approval for the plan
10 from the Secretary; and

11 “(III) begin implementation of
12 such corrective action plan not later
13 than 14 days after such approval.

14 “(iii) EFFECT OF FAILURE TO SUBMIT
15 OR IMPLEMENT A CORRECTIVE ACTION
16 PLAN.—If a State fails to submit or imple-
17 ment an approved corrective action plan in
18 accordance with clause (ii), the Secretary
19 may, in addition to any reduction applied
20 under subparagraph (A) to the Federal
21 medical assistance percentage determined
22 for the State and any other remedy avail-
23 able to the Secretary for the purpose of
24 carrying out this title, require the State to
25 suspend making all or some terminations

3866

1 of eligibility for medical assistance from
2 the State plan under this title (including
3 any waiver of such plan) that are for pro-
4 cedural reasons until the State takes ap-
5 propriate corrective action, as determined
6 by the Secretary, and may impose a civil
7 money penalty of not more than \$100,000
8 for each day a State is not in compli-
9 ance.”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section take effect on April 1, 2023.

12 **Subtitle E—Medicaid Improvement** 13 **Fund**

14 **SEC. 5141. MEDICAID IMPROVEMENT FUND.**

15 Section 1941(b)(3)(A) of the Social Security Act (42
16 U.S.C. 1396w–1(b)(3)(A)) is amended by striking “for fis-
17 cal year 2025 and thereafter, \$0” and inserting “for fiscal
18 year 2028 and thereafter, \$7,000,000,000”.

19 **TITLE VI—HUMAN SERVICES**

20 **SEC. 6101. JACKIE WALORSKI MATERNAL AND CHILD HOME** 21 **VISITING REAUTHORIZATION ACT OF 2022.**

22 (a) SHORT TITLE.—This section may be cited as the
23 “Jackie Walorski Maternal and Child Home Visiting Re-
24 authorization Act of 2022”.

1 (b) OUTCOMES DASHBOARD.—Section 511(d)(1) of
2 the Social Security Act (42 U.S.C. 711(d)(1)) is amend-
3 ed—

4 (1) in the paragraph heading, by striking
5 “BENCHMARK AREAS” and inserting “BENCHMARK
6 AREAS RELATED TO INDIVIDUAL FAMILY OUT-
7 COMES”;

8 (2) in subparagraph (D)(i), by striking “(B)”
9 and inserting “(C)”; and

10 (3) by redesignating subparagraphs (B)
11 through (D) as subparagraphs (C) through (E), re-
12 spectively, and inserting after subparagraph (A) the
13 following:

14 “(B) OUTCOMES DASHBOARDS.—The Sec-
15 retary shall, directly or by grant or contract, es-
16 tablish and operate a website accessible to the
17 public that includes an annually updated dash-
18 board that—

19 “(i) provides easy-to-understand infor-
20 mation on the outcomes achieved by each
21 eligible entity with respect to each of the
22 benchmarks described in subparagraph (A)
23 of this paragraph that apply to the eligible
24 entity, which shall be based on only the
25 data elements or types of data collected be-

3868

1 fore the date of the enactment of this sec-
2 tion unless administering agencies and the
3 Secretary agree pursuant to subsection
4 (h)(6) that additional data is required;

5 “*(ii)* includes a template provided by
6 the Secretary that will enable comparison
7 among eligible entities not referred to in
8 subsection (k)(2)(A) of—

9 “*(I)* a profile of each eligible en-
10 tity showing outcome indicators and
11 how the outcomes compare to bench-
12 marks described in subclause *(II)*;

13 “*(II)* information on the outcome
14 indicators and requisite outcome levels
15 established for each eligible entity;

16 “*(III)* information on each model
17 employed in the program operated by
18 each eligible entity, and regarding
19 each benchmark area described in
20 subsection (d)(1)(A) in which the
21 model used by the eligible entity is ex-
22 pected to affect participant outcomes;

23 “*(IV)* the most recently available
24 information from the report required

3869

1 by subparagraph (E) of this para-
2 graph;

3 “(V) an electronic link to the
4 State needs assessment under sub-
5 section (b)(1); and

6 “(VI) information regarding any
7 penalty imposed, or other corrective
8 action taken, by the Secretary against
9 a State for failing to achieve a req-
10 uisite outcome level or any other re-
11 quirement imposed by or under this
12 section, and an indication as to
13 whether the eligible entity is operating
14 under a corrective action plan under
15 subparagraph (E)(ii) of this para-
16 graph, and if so, a link to the plan, an
17 explanation of the reason for the im-
18 plementation of the plan, and a report
19 on any progress made in operating
20 under the plan;

21 “(iii) includes information relating to
22 those eligible entities for which funding is
23 reserved under subsection (k)(2)(A), with
24 modifications as necessary to reflect tribal

3870

1 sovereignty, data privacy, and participant
2 confidentiality; and

3 “(iv) protects data privacy and con-
4 fidentiality of participant families.”.

5 (c) FUNDING.—

6 (1) GRANT AMOUNTS.—

7 (A) IN GENERAL.—Section 511(c)(4) of
8 the Social Security Act (42 U.S.C. 711(c)(4)) is
9 amended to read as follows:

10 “(4) GRANT AMOUNTS.—

11 “(A) BASE GRANTS.—

12 “(i) IN GENERAL.—

13 “(I) GENERAL RULE.—With re-
14 spect to each of fiscal years 2023
15 through 2027 for which an eligible en-
16 tity not referred to in subsection
17 (k)(2)(A) is awarded a base grant
18 under this section, the amount of the
19 grant payable to the eligible entity for
20 the fiscal year is the amount described
21 by clause (ii) of this subparagraph
22 with respect to the eligible entity, ex-
23 cept as provided in subclause (II) of
24 this clause.

3871

1 “(II) SUBSTITUTION OF SUC-
2 CESSOR ELIGIBLE ENTITY FOR PRED-
3 CESSOR.—If the 1st fiscal year for
4 which an eligible entity is awarded a
5 base grant under this section for a
6 program operated in a State is among
7 fiscal years 2024 through 2027, the
8 amount described by clause (ii) with
9 respect to the eligible entity is the
10 amount of the base grant for which a
11 program operated in the State was eli-
12 gible under this subparagraph for fis-
13 cal year 2023.

14 “(ii) AMOUNT DESCRIBED.—

15 “(I) GENERAL RULE.—Subject to
16 the succeeding provisions of this
17 clause, the amount described by this
18 clause with respect to an eligible enti-
19 ty is—

20 “(aa) the amount made
21 available under subsection (k) for
22 base grants for fiscal year 2023
23 that remains after making the
24 reservations required by sub-
25 section (k)(2) or any other reduc-

3872

1 tions required by Federal law for
2 fiscal year 2023; multiplied by
3 “(bb) the percentage of chil-
4 dren in all States who have not
5 attained 5 years of age (as deter-
6 mined by the Secretary on the
7 basis of the data most recently
8 available before fiscal year 2023)
9 that is represented by the num-
10 ber of such children in the State
11 in which the eligible entity is op-
12 erating a program pursuant to
13 this section (as so determined).

14 “(II) ADJUSTMENTS TO ENSURE
15 STABLE FUNDING.—If the amount
16 otherwise payable to an eligible entity
17 under subclause (I) for fiscal year
18 2023 is less than 90 percent, or great-
19 er than 110 percent, of the amount
20 payable under this section to the eligi-
21 ble entity for the program for fiscal
22 year 2021, the Secretary shall in-
23 crease the amount otherwise so pay-
24 able to 90 percent, or decrease the
25 amount otherwise so payable to 110

3873

1 percent, as the case may be, of the
2 amount otherwise so payable.

3 “(III) ADJUSTMENT TO ENSURE
4 ALL BASE GRANT FUNDS ARE ALLO-
5 CATED.—If the amount described by
6 subclause (I)(aa) is different than the
7 total of the amounts otherwise de-
8 scribed by subclause (I) after applying
9 subclause (II), the Secretary shall in-
10 crease or decrease the amounts other-
11 wise so described after applying sub-
12 clause (II) by such equal percentage
13 as is necessary to reduce that dif-
14 ference to zero.

15 “(IV) MINIMUM BASE GRANT
16 AMOUNT.—Notwithstanding the pre-
17 ceding provisions of this clause, the
18 amount described by this clause with
19 respect to an eligible entity shall be
20 not less than \$1,000,000.

21 “(B) MATCHING GRANTS.—

22 “(i) AMOUNT OF GRANT.—

23 “(I) GENERAL RULE.—With re-
24 spect to each of fiscal years 2024
25 through 2027 for which an eligible en-

3874

1 tity not referred to in subsection
2 (k)(2)(A) is awarded a grant under
3 this section, the Secretary shall in-
4 crease the amount of the grant pay-
5 able to the eligible entity for the fiscal
6 year under subparagraph (A) of this
7 paragraph by the matching amount (if
8 any) determined under subclause (II)
9 of this clause with respect to the eligi-
10 ble entity for the fiscal year and the
11 additional matching amount (if any)
12 determined under clause (iii) of this
13 subparagraph with respect to the eli-
14 gible entity for the fiscal year.

15 “(II) MATCHING AMOUNT.—

16 “(aa) IN GENERAL.—Sub-
17 ject to item (bb) of this sub-
18 clause, the matching amount
19 with respect to an eligible entity
20 for a fiscal year is 75 percent of
21 the sum of—

22 “(AA) the total amount
23 obligated by the eligible enti-
24 ty for home visiting services
25 in the State for the fiscal

3875

1 year, from Federal funds
2 made available for the fiscal
3 year under this subpara-
4 graph; and

5 “(BB) the total amount
6 so obligated by the eligible
7 entity from non-Federal
8 funds, determined under
9 subclause (III).

10 “(bb) LIMITATION.—The
11 matching amount with respect to
12 an eligible entity for a fiscal year
13 shall not exceed the allotment
14 under subclause (IV) for the
15 State in which the eligible entity
16 is operating a program under
17 this section for the fiscal year.

18 “(III) DETERMINATION OF OBLI-
19 GATIONS FROM NON-FEDERAL
20 FUNDS.—For purposes of this clause,
21 the total amount obligated by an eligi-
22 ble entity from non-Federal funds is
23 the total of the amounts that are obli-
24 gated by the eligible entity from non-
25 Federal sources, to the extent that—

3876

1 “(aa) the services are deliv-
2 ered in compliance with sub-
3 sections (d)(2) and (d)(3);

4 “(bb) the eligible entity has
5 reported the obligations to the
6 Secretary; and

7 “(cc) the amount is not
8 counted toward meeting the
9 maintenance of effort require-
10 ment in subsection (f).

11 “(IV) STATE ALLOTMENTS.—The
12 amount allotted under this subclause
13 for a State in which an eligible entity
14 is operating a program under this sec-
15 tion for a fiscal year is—

16 “(aa) the minimum match-
17 ing grant allocation amount for
18 the fiscal year; plus

19 “(bb)(AA) the amount (if
20 any) by which the amount made
21 available under subsection (k) for
22 matching grants for the fiscal
23 year that remains after making
24 the reservations required by sub-
25 section (k)(2) or any other reduc-

3877

1 tion required by Federal law for
2 the fiscal year exceeds the sum of
3 the minimum matching grant al-
4 location amounts for all eligible
5 entities for the fiscal year; multi-
6 plied by

7 “(BB) the percentage of
8 children in all States who have
9 not attained 5 years of age and
10 are members of families with in-
11 come not exceeding the poverty
12 line (as determined by the Sec-
13 retary on the basis of the most
14 recently available data) that is
15 represented by the number of
16 such children in the State (as so
17 determined).

18 “(V) MINIMUM MATCHING GRANT
19 ALLOCATION AMOUNT.—Subject to
20 subclause (VI), for purposes of sub-
21 clause (IV), the minimum matching
22 grant allocation amount for a fiscal
23 year is—

24 “(aa) in the case of fiscal
25 year 2024, \$776,000;

3878

1 “(bb) in the case of fiscal
2 year 2025, \$1,000,000;

3 “(cc) in the case of fiscal
4 year 2026, \$1,500,000; and

5 “(dd) in the case of fiscal
6 year 2027, \$2,000,000.

7 “(VI) SPECIAL RULE.—If, after
8 making any reductions otherwise re-
9 quired by law for a fiscal year, the
10 amount made available for matching
11 grants under this clause for the fiscal
12 year is insufficient to provide the min-
13 imum matching grant allocation
14 amount to each eligible entity oper-
15 ating a program under this section for
16 the fiscal year, the Secretary may
17 make a proportionate adjustment to
18 the minimum matching grant alloca-
19 tion amount for the fiscal year to ac-
20 commodate the reductions.

21 “(ii) SUBMISSION OF STATEMENT EX-
22 PRESSING INTEREST IN ADDITIONAL
23 MATCHING FUNDS IF AVAILABLE.—Before
24 the beginning of a fiscal year for which an
25 eligible entity desires a matching grant

3879

1 under this subparagraph for a program op-
2 erated under this section, the eligible entity
3 shall submit to the Secretary a statement
4 as to whether the eligible entity desires ad-
5 ditional matching grant funds that may be
6 made available under clause (iii) for the
7 fiscal year.

8 “(iii) CARRYOVER AND REALLOCATION
9 OF UNOBLIGATED FUNDS.—

10 “(I) IN GENERAL.—If the Sec-
11 retary determines that an amount al-
12 lotted under clause (i)(IV) of this sub-
13 paragraph for a fiscal year will not be
14 awarded during the fiscal year, or
15 that an amount made available under
16 subsection (k)(1) for a fiscal year for
17 matching grants will not be obligated
18 by an eligible entity for the fiscal
19 year, the amount shall be available for
20 matching grants under this subpara-
21 graph for the succeeding fiscal year
22 for eligible entities that have made
23 submissions under clause (ii) of this
24 subparagraph for additional matching
25 grant funds from the amount.

3880

1 “(II) STATE ALLOTMENTS.—The
2 Secretary shall allot to each eligible
3 entity that has made such a submis-
4 sion for a fiscal year—

5 “(aa) the total amount (if
6 any) made available under sub-
7 clause (I) for the fiscal year;
8 multiplied by

9 “(bb) the percentage of chil-
10 dren who have not attained 5
11 years of age and are members of
12 families with income not exceed-
13 ing the poverty line (as deter-
14 mined by the Secretary on the
15 basis of the most recently avail-
16 able data) in all of the States in
17 which any eligible entity that has
18 made such a submission is so op-
19 erating a program, that is rep-
20 resented by the number of such
21 children in the State (as so deter-
22 mined) in which the eligible enti-
23 ty is operating such a program.

24 “(III) ADDITIONAL MATCHING
25 AMOUNT.—

3881

1 “(aa) IN GENERAL.—Sub-
2 ject to item (bb) of this sub-
3 clause, the additional matching
4 amount with respect to an eligi-
5 ble entity for a fiscal year is 75
6 percent of the sum of—

7 “(AA) the total amount
8 obligated by the eligible enti-
9 ty for home visiting services
10 in the State for the fiscal
11 year, from Federal funds
12 made available for the fiscal
13 year under this subpara-
14 graph; and

15 “(BB) the total amount
16 so obligated by the eligible
17 entity from non-Federal
18 funds, determined under
19 clause (i)(III),

20 that are not taken into account
21 in determining the matching
22 amount with respect to the eligi-
23 ble entity under clause (i).

24 “(bb) LIMITATION.—The
25 additional matching amount with

3882

1 respect to an eligible entity for a
2 fiscal year shall not exceed the
3 allotment under subclause (II)
4 for the State in which the eligible
5 entity is operating a program
6 under this section for the fiscal
7 year.”.

8 (B) MAINTENANCE OF EFFORT.—Section
9 511(f) of such Act (42 U.S.C. 711) is amended
10 to read as follows:

11 “(f) MAINTENANCE OF EFFORT.—

12 “(1) IN GENERAL.—Notwithstanding any other
13 provision of this section, the Secretary may not
14 make a grant to an eligible entity under this section
15 for a fiscal year if the total amount of non-Federal
16 funds obligated by the eligible entity in the State in
17 the fiscal year for a program operated pursuant to
18 this section is less than the total amount of non-
19 Federal funds reported to have been expended by
20 any eligible entity for such a program in the State
21 in fiscal year 2019 or 2021, whichever is the lesser.

22 “(2) PUBLICATION OF AMOUNTS.—Not later
23 than June 30, 2023, the Secretary shall cause to
24 have published in the Federal Register the amount
25 of non-Federal funds expended as described in this

3883

1 section that has been reported by each eligible entity
2 not referred to in subsection (k)(2)(A) for each of
3 fiscal years 2019 and 2021.

4 “(3) GRACE PERIOD.—The Secretary may, in
5 exceptional circumstances, allow an eligible entity a
6 period to come into compliance with this subsection.
7 The Secretary shall provide technical assistance to
8 any eligible entity to assist the entity in doing so.”.

9 (2) RESERVATIONS OF FUNDS FOR CERTAIN
10 PURPOSES.—Section 511(j)(2) of such Act (42
11 U.S.C. 711(j)(2)) is amended—

12 (A) in the matter preceding subparagraph
13 (A), by striking “the amount” and inserting
14 “each amount made available for base grants
15 and each amount made available for matching
16 grants”;

17 (B) in subparagraph (A)—

18 (i) by striking “3” and inserting “6”;

19 (ii) by inserting “and administering”
20 before “grants”; and

21 (iii) by striking “and” at the end; and

22 (C) by striking subparagraph (B) and in-
23 serting the following:

3884

1 “(B) 2 percent of such amount for pur-
2 poses of providing technical assistance, directly
3 or through grants or contracts—

4 “(i) for purposes as otherwise de-
5 scribed 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 pur-
10 poses of the provision of workforce support, re-
11 tention, and case management, including work-
12 force-related technical assistance, to eligible en-
13 tities, research and evaluation, and program ad-
14 ministration, directly or through grants or con-
15 tracts, of which the Secretary shall use not
16 more than \$1,500,000 to establish and operate
17 the Jackie Walorski Center for Evidence-Based
18 Case Management; and

19 “(D) 3 percent of such amount for pur-
20 poses of research and evaluation (directly or
21 through grants or contracts), and for admin-
22 istering this section (directly, through contracts,
23 or otherwise).”.

24 (3) APPROPRIATIONS.—

3885

1 (A) IN GENERAL.—Section 511(j)(1) of
2 the Social Security Act (42 U.S.C. 711(j)(1)) is
3 amended by striking subparagraphs (A)
4 through (H) and inserting the following:

5 “(A) for fiscal year 2023, \$500,000,000
6 for base grants;

7 “(B) for fiscal year 2024, \$550,000,000,
8 of which \$500,000,000 shall be for base grants
9 and \$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
12 and \$100,000,000 shall be for matching grants;

13 “(D) for fiscal year 2026, \$650,000,000,
14 of which \$500,000,000 shall be for base grants
15 and \$150,000,000 shall be for matching grants;
16 and

17 “(E) for fiscal year 2027, \$800,000,000,
18 of which \$500,000,000 shall be for base grants
19 and \$300,000,000 shall be for matching
20 grants.”.

21 (B) SPECIAL RULE.—Obligations and ex-
22 penditures made pursuant to section 201 of di-
23 vision D of the Continuing Appropriations and
24 Ukraine Supplemental Appropriations Act,
25 2023 (Public Law 117–180) and section 201 of

3886

1 division C of the Further Continuing Appro-
2 priations and Extensions Act, 2023 shall be
3 charged to the appropriation made by section
4 511(j)(1)(A) of the Social Security Act for fis-
5 cal year 2023 (as added by subparagraph (A)
6 of this paragraph).

7 (C) REPEAL.—Section 201 of title II of di-
8 vision D of Public Law 117–180 and section
9 201 of division C of the Further Continuing
10 Appropriations and Extensions Act, 2023 are
11 hereby repealed.

12 (4) DISPOSITION OF EXCESS FUNDS RESERVED
13 FOR RESEARCH, EVALUATION, AND ADMINISTRA-
14 TION.—Section 511(j) of the Social Security Act (42
15 U.S.C. 711(j)) is amended by adding at the end the
16 following:

17 “(5) DISPOSITION OF EXCESS FUNDS RE-
18 SERVED FOR RESEARCH, EVALUATION, AND ADMIN-
19 ISTRATION.—To the extent that the amounts re-
20 served under paragraph (2)(D) for a fiscal year are
21 not obligated in the fiscal year, the Secretary may
22 use the funds for any purpose described in this sec-
23 tion or to offset any reduction with respect to this
24 section that is required by Federal law.”.

3887

1 (d) REQUIREMENT THAT HOME VISITING PROGRAMS
2 BE TARGETED AND INTENSIVE.—Section 511(d)(3) of
3 the Social Security Act (42 U.S.C. 711(d)(3)) is amended
4 by redesignating subparagraph (B) as subparagraph (C)
5 and inserting after subparagraph (A) the following:

6 “(B) USE OF GRANT TO PROVIDE OR SUP-
7 PORT TARGETED, INTENSIVE HOME VISITING
8 SERVICES.—The program uses the grant to pro-
9 vide or support targeted, intensive home visiting
10 services for the populations described in para-
11 graph (5).”.

12 (e) LIMITATION ON USE OF FUNDS FOR ADMINIS-
13 TRATION.—

14 (1) IN GENERAL.—Section 511(d) of the Social
15 Security Act (42 U.S.C. 711(d)) is amended by add-
16 ing at the end the following:

17 “(5) LIMITATION ON USE OF FUNDS FOR AD-
18 MINISTRATIVE COSTS.—

19 “(A) IN GENERAL.—Except as provided in
20 subparagraph (B) of this paragraph, an eligible
21 entity to which funds are provided under sub-
22 section (c) or (h)(2)(B) shall not use more than
23 10 percent of the funds to cover the costs of ad-
24 ministration.

3888

1 “(B) AUTHORITY TO GRANT EXCEP-
2 TIONS.—

3 “(i) IN GENERAL.—The Secretary
4 may authorize an eligible entity that meets
5 a condition of clause (ii) of this subpara-
6 graph to exceed the percentage limitation
7 in subparagraph (A) with respect to a pro-
8 gram conducted under this subsection by
9 not more than 5 percentage points, subject
10 to such terms and conditions as the Sec-
11 retary deems appropriate.

12 “(ii) CONDITIONS.—An eligible entity
13 meets a condition of this clause if the eligi-
14 ble entity—

15 “(I) conducts the program by di-
16 rectly providing home visits to eligible
17 families and without a sub-recipient;

18 “(II) in the fiscal year for which
19 the grant for the program is made
20 under this section, proposes to expand
21 services in 1 or more communities
22 identified in the statewide needs as-
23 sessment under subsection (b) and in
24 which home visiting services are not
25 provided; or

3889

1 “(III) has conducted the program
2 for fewer than 3 years.”.

3 (2) CONFORMING AMENDMENTS.—Section
4 511(i)(2) of such Act (42 U.S.C. 711(i)(2)) is
5 amended by striking subparagraph (C) and redesignig-
6 nating subparagraphs (D) through (G) as subpara-
7 graphs (C) through (F), respectively.

8 (f) ANNUAL REPORT TO CONGRESS.—

9 (1) IN GENERAL.—Section 511 of the Social
10 Security Act (42 U.S.C. 711) is amended by redesignig-
11 nating subsections (j) and (k) as subsections (k) and
12 (l), respectively, and inserting after subsection (i)
13 the following:

14 “(j) ANNUAL REPORT TO CONGRESS.—By December
15 31, 2023, and annually thereafter, the Secretary shall sub-
16 mit to the Congress a written report on the grants made
17 under this section for the then preceding fiscal year, which
18 shall include—

19 “(1) an eligible entity-by-eligible entity sum-
20 mary of the outcomes measured by the entity with
21 respect to each benchmark described in subsection
22 (e)(5) that apply to the entity;

23 “(2) information regarding any technical assist-
24 ance funded under subparagraph (B) or (C) of sub-

1 section (k)(2), including the type of any such assist-
2 ance provided;

3 “(3) information on the demographic makeup of
4 families served by each such entity to the extent pos-
5 sible while respecting participant confidentiality, in-
6 cluding race, ethnicity, educational attainment at en-
7 rollment, household income, and other demographic
8 markers as determined by the Secretary;

9 “(4) the information described in subsection
10 (d)(1)(E);

11 “(5) the estimated share of the eligible popu-
12 lation served using grants made under this section;

13 “(6) a description of each service delivery model
14 funded under this section by the eligible entities in
15 each State, and the share (if any) of the grants ex-
16 pended on each model;

17 “(7) a description of non-Federal expenditures
18 by eligible entities to qualify for matching funds
19 under subsection (c)(4);

20 “(8) information on the uses of funds reserved
21 under subsection (k)(2)(C);

22 “(9) information relating to those eligible enti-
23 ties for which funding is reserved under subsection
24 (k)(2)(A), with modifications as necessary to reflect

1 tribal data sovereignty, data privacy, and participant
2 confidentiality; and

3 “(10) a list of data elements collected from eli-
4 gible entities, and the purpose of each data element
5 in measuring performance or enforcing requirements
6 under this section.”.

7 (2) CONFORMING AMENDMENTS.—

8 (A) Section 511 of such Act (42 U.S.C.
9 711) is amended—

10 (i) in subsection (b)(1)(B)(iii), by
11 striking “(k)(2)” and inserting “(l)(2)”;
12 and

13 (ii) in subsection (h)(2)(B)—

14 (I) by striking “(j)” and insert-
15 ing “(k)”;

16 (II) by striking “(k)(1)(B)” and
17 inserting “(l)(1)(B)”.

18 (B) Section 511A(c) of such Act (42
19 U.S.C. 711a(c)) is amended in each of para-
20 graphs (5) and (7) by striking “511(k)(2)” and
21 inserting “511(l)(2)”.

22 (g) REDUCTION OF ADMINISTRATIVE BURDEN.—
23 Section 511(h) of the Social Security Act (42 U.S.C.
24 711(h)) is amended by adding at the end the following:

1 “(6) REDUCTION OF ADMINISTRATIVE BUR-
2 DEN.—

3 “(A) IN GENERAL.—The Secretary shall
4 reduce the burden, on States and public and
5 private implementing agencies at the local level,
6 of administering this section, by—

7 “(i) reviewing and revising adminis-
8 trative data collection instruments and
9 forms to eliminate duplication and stream-
10 line reporting requirements for States, eli-
11 gible entities referred to in subsection
12 (k)(2)(A), and nonprofit organizations re-
13 ferred to in subsection (l)(1)(B), including
14 timelines for submitting reports;

15 “(ii) conducting an analysis of the
16 total number of hours reported by admin-
17 istering agencies on complying with paper-
18 work requirements, and exploring, in con-
19 sultation with administering agencies, ways
20 to reduce the number of hours spent by at
21 least 15 percent;

22 “(iii) conducting a review of paper-
23 work and data collection requirements for
24 tribal grantees, and exploring, in consulta-
25 tion with tribes and tribal organizations,

3893

1 ways to reduce administrative burden, re-
2 spect sovereignty, and acknowledge the dif-
3 ferent focus points for tribal grantees;

4 “(iv) collecting input from relevant
5 State fiscal officials to align fiscal require-
6 ments and oversight for States and eligible
7 entities to ensure consistency with stand-
8 ards and guidelines for other Federal for-
9 mula grant programs; and

10 “(v) consulting with administering
11 agencies and service delivery model rep-
12 resentatives on needed and unneeded data
13 elements regarding the dashboards pro-
14 vided for in subsection (d)(1)(B), con-
15 sistent with the data requirements of such
16 subsection.

17 “(B) FINDINGS ON PAPERWORK REDUC-
18 TION.—

19 “(i) INCLUSION IN REPORT.—In the
20 1st report submitted pursuant to sub-
21 section (j) more than 18 months after the
22 date of the enactment of this Act, the Sec-
23 retary shall include the findings of the Sec-
24 retary with respect to the matters de-
25 scribed in subparagraph (A).

3894

1 “(ii) IMPLEMENTATION.—Within 2
2 years after complying with clause (i), the
3 Secretary shall implement the findings re-
4 ferred to in clause (i).”.

5 (h) VIRTUAL HOME VISITING AUTHORIZATION AND
6 RESTRICTIONS.—

7 (1) VIRTUAL HOME VISITS.—

8 (A) APPLICATION REQUIREMENTS.—Sec-
9 tion 511(e) of the Social Security Act (42
10 U.S.C. 711(e)) is amended by redesignating
11 paragraph (10) as paragraph (11) and inserting
12 after paragraph (9) the following:

13 “(10) At the option of the eligible entity—

14 “(A) a description of any limitations or
15 constraints on virtual home visits under the
16 program, including—

17 “(i) a description of the plan of the el-
18 igible entity to encourage in-person home
19 visits; and

20 “(ii) a description of the consider-
21 ations to be used in determining when a
22 virtual home visit is appropriate, including
23 client consent, client preference, geographic
24 limitations, model fidelity, and hazardous
25 conditions including public health emer-

3895

1 agencies, weather events, health concerns
2 for home visitors and client families, and
3 other local issues;

4 “(B) an assurance that—

5 “(i) the virtual home visit is imple-
6 mented as a model enhancement; or

7 “(ii) the Secretary has identified the
8 home visit as part of an effective model or
9 model adaptation, based on an evidence of
10 effectiveness review conducted using the
11 criteria established under subsection
12 (d)(3)(A)(iii); and

13 “(C) an assurance to the Secretary that at
14 least 1 in-person home visit shall be conducted
15 for each client family under the program during
16 the 12-month period that begins with the entry
17 of the client family into the program, and dur-
18 ing each succeeding 12-month period, except
19 that any such period in which a public health
20 emergency declared under Federal law, or
21 under the law of the State in which the pro-
22 gram is conducted, is in effect shall be extended
23 by the length of time in which the declaration
24 is in effect.”.

1 (B) APPLICABLE RULES.—Section 511(d)
2 of such Act (42 U.S.C. 711(d)) is amended by
3 redesignating paragraph (4) and paragraph (5)
4 (as added by subsection (e)(1) of this section)
5 as paragraphs (5) and (6), respectively, and in-
6 serting after paragraph (3) the following:

7 “(4) VIRTUAL HOME VISITS.—

8 “(A) IN GENERAL.—A virtual home visit
9 conducted under the program shall be consid-
10 ered a home visit for purposes of this section if
11 the application for funding of the program sub-
12 mitted pursuant to this section most recently
13 after the effective date of this paragraph in-
14 cludes the material described in subsection
15 (e)(10).

16 “(B) STANDARDS FOR TRAINING APPLICA-
17 BLE TO VIRTUAL SERVICE DELIVERY.—The
18 standards for training requirements applicable
19 to virtual service delivery under a home visiting
20 model shall be equivalent to those that apply to
21 in-person service delivery under the model.

22 “(C) REPORTING REQUIREMENT.—A grant
23 made under this section for the program may
24 not be used for any virtual home visit during a
25 year, unless the eligible entity to which the

3897

1 grant is made submits the report described in
2 subsection (e)(8)(A) for the year.

3 “(D) VIRTUAL HOME VISIT DEFINED.—In
4 this section, the term ‘virtual home visit’ means
5 a visit conducted solely by use of electronic in-
6 formation and telecommunications technologies.

7 “(E) TECHNICAL ASSISTANCE.—If the
8 Secretary finds that an eligible entity has not
9 complied with the assurance described in sub-
10 section (e)(10)(C), the Secretary shall, directly
11 or through grants, contracts, or cooperative
12 agreements, provide the eligible entity with such
13 technical assistance as is necessary to assist the
14 eligible entity in doing so.”.

15 (C) PROGRAM REQUIREMENT.—Section
16 511(d)(3)(C) of such Act (42 U.S.C.
17 711(d)(3)(C)), as so redesignated by subsection
18 (d) of this section, is amended by adding at the
19 end the following:

20 “(vii) If the application submitted by
21 the eligible entity includes the assurance
22 described in subsection (e)(10)(C) with re-
23 spect to the program, the program pro-
24 vides in-person service consistent with the
25 assurances.”.

3898

1 (D) REPORTS.—Section 511(e)(8)(A) of
2 such Act (42 U.S.C. 711(e)(8)(A)) is amended
3 by inserting “, including the number of virtual
4 home visits conducted under the program in the
5 year covered by the report, disaggregated with
6 respect to each home visiting model under
7 which the virtual home visits are conducted”
8 before the semicolon.

9 (2) TRANSITION RULE.—

10 (A) IN GENERAL.—A virtual home visit
11 conducted before the effective date of the
12 amendments made by this subsection under an
13 early childhood home visitation program funded
14 under section 511 of the Social Security Act
15 shall be considered a home visit for purposes of
16 such section.

17 (B) VIRTUAL HOME VISIT DEFINED.—In
18 subparagraph (A), the term “virtual home
19 visit” means a visit conducted solely by use of
20 electronic information and telecommunications
21 technologies.

22 (i) EFFECTIVE DATE.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2), this section and the amendments made by
25 this section shall take effect on October 1, 2022.

3899

1 (2) VIRTUAL HOME VISITING PROVISIONS.—The
2 amendments made by subsection (h) shall take effect
3 on October 1, 2023.

4 **SEC. 6102. EXTENSION OF TEMPORARY ASSISTANCE FOR**
5 **NEEDY FAMILIES PROGRAM.**

6 Activities authorized by part A of title IV (other than
7 under section 403(c) or 418) and section 1108(b) of the
8 Social Security Act shall continue through September 30,
9 2023, in the manner authorized for fiscal year 2022, and
10 out of any money in the Treasury of the United States
11 not otherwise appropriated, there are hereby appropriated
12 such sums as may be necessary for such purpose.

13 **SEC. 6103. 1-YEAR EXTENSION OF CHILD AND FAMILY SERV-**
14 **ICES PROGRAMS.**

15 (a) The following provisions of the Social Security
16 Act are each amended by striking “2022” and inserting
17 “2023”:

18 (1) Section 436(a) (42 U.S.C. 629f(a)).

19 (2) Section 436(b)(4)(A) (42 U.S.C.
20 629f(b)(4)(A)).

21 (3) Section 436(b)(5) (42 U.S.C. 629f(b)(5)).

22 (4) Section 438(d) (42 U.S.C. 629h(d)).

23 (b) The following provisions of the Social Security
24 Act are each amended by striking “2021” and inserting
25 “2023”:

3900

1 (1) Section 425 (42 U.S.C. 625).

2 (2) Section 437(a) (42 U.S.C. 629g(a)).

3 (3) Section 437(f)(3)(A) (42 U.S.C.
4 629g(f)(3)(A)).

5 (4) Section 437(f)(10) (42 U.S.C. 629g(f)(10)).

6 **DIVISION GG—MERGER FILING**
7 **FEE MODERNIZATION**

8 **SEC. 1. SHORT TITLE.**

9 This division may be cited as the “Merger Filing Fee
10 Modernization Act of 2022”.

11 **TITLE I—MODERNIZING MERG-**
12 **ER FILING FEE COLLEC-**
13 **TIONS; ACCOUNTABILITY RE-**
14 **QUIREMENTS; LIMITATION**
15 **ON FUNDING**

16 **SEC. 101. MODIFICATION OF PREMERGER NOTIFICATION**
17 **FILING FEES.**

18 (a) AMENDMENTS.—Section 605 of Public Law 101–
19 162 (15 U.S.C. 18a note) is amended—

20 (1) in subsection (b)—

21 (A) in paragraph (1)—

22 (i) by striking “\$45,000” and insert-
23 ing “\$30,000”;

24 (ii) by striking “\$100,000,000” and
25 inserting “\$161,500,000”; and

3901

1 (iii) by striking “September 30, 2004,
2 in the same manner as provided in section
3 8(a)(5) of the Clayton Act (15 U.S.C.
4 19(a)(5)) to reflect the percentage change
5 in the gross national product for such fis-
6 cal year compared to the gross national
7 product for the year ending September 30,
8 2003” and inserting “September 30, 2023,
9 in accordance with subsection (c)”;

10 (B) in paragraph (2)—

11 (i) by striking “\$125,000” and insert-
12 ing “\$100,000”;

13 (ii) by striking “\$100,000,000” and
14 inserting “\$161,500,000”;

15 (iii) by striking “but less” and insert-
16 ing “but is less”; and

17 (iv) by striking “and” at the end;

18 (C) in paragraph (3)—

19 (i) by striking “\$280,000” and insert-
20 ing “\$250,000”; and

21 (ii) by striking the period at the end
22 and inserting “but is less than
23 \$1,000,000,000 (as so adjusted and pub-
24 lished);”; and

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

3902

1 “(4) \$400,000 if the aggregate total amount
2 determined under section 7A(a)(2) of the Clayton
3 Act (15 U.S.C. 18a(a)(2)) is not less than
4 \$1,000,000,000 (as so adjusted and published) but
5 is less than \$2,000,000,000 (as so adjusted and
6 published);

7 “(5) \$800,000 if the aggregate total amount
8 determined under section 7A(a)(2) of the Clayton
9 Act (15 U.S.C. 18a(a)(2)) is not less than
10 \$2,000,000,000 (as so adjusted and published) but
11 is less than \$5,000,000,000 (as so adjusted and
12 published); and

13 “(6) \$2,250,000 if the aggregate total amount
14 determined under section 7A(a)(2) of the Clayton
15 Act (15 U.S.C. 18a(a)(2)) is not less than
16 \$5,000,000,000 (as so adjusted and published).”;
17 and

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

19 “(c)(1) For each fiscal year commencing after Sep-
20 tember 30, 2023, the filing fees in this section shall be
21 increased by an amount equal to the percentage increase,
22 if any, in the Consumer Price Index, as determined by
23 the Department of Labor or its successor, for the year
24 then ended over the level so established for the year ending
25 September 30, 2022.

1 “(2) As soon as practicable, but not later than Janu-
2 ary 31 of each year, the Federal Trade Commission shall
3 publish the adjusted amounts required by paragraph (1).

4 “(3) The Federal Trade Commission shall not adjust
5 amounts required by paragraph (1) if the percentage in-
6 crease described in paragraph (1) is less than 1 percent.

7 “(4) An amount adjusted under this section shall be
8 rounded to the nearest multiple of \$5,000.”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 subsection (a) shall take effect on October 1, 2024.

11 **SEC. 102. REPORTING REQUIREMENTS FOR MERGER FEE**
12 **COLLECTIONS.**

13 (a) FTC AND DOJ JOINT REPORT.—For each of fis-
14 cal years 2024 through 2027, the Federal Trade Commis-
15 sion and Department of Justice shall jointly and annually
16 report to the Congress on the operation of section 7A of
17 the Clayton Act (15 U.S.C. 18a) and shall include in such
18 report the following:

19 (1) The amount of funds made available to the
20 Federal Trade Commission and the Department of
21 Justice, respectively, from the premerger notification
22 filing fees under section 605 of Public Law 101–162
23 (15 U.S.C. 18a note), as amended by section 101(a)
24 of this division, as compared to the funds made
25 available to the Federal Trade Commission and the

1 Department of Justice, respectively, from premerger
2 notification filing fees as the fees were determined in
3 fiscal year 2023.

4 (2) The total revenue derived from premerger
5 notification filing fees, by tier, by the Federal Trade
6 Commission and the Department of Justice, respec-
7 tively.

8 (3) The gross cost of operations of the Federal
9 Trade Commission, by Budget Activity, and the
10 Antitrust Division of the Department of Justice, re-
11 spectively.

12 (b) FTC REPORT.—The Federal Trade Commission
13 shall include in the report required under subsection (a),
14 in addition to the requirements under subsection (a), for
15 the previous fiscal year—

16 (1) for actions with respect to which the record
17 of the vote of each member of the Federal Trade
18 Commission is on the public record of the Federal
19 Trade Commission, a list of each action with respect
20 to which the Federal Trade Commission took or de-
21 clined to take action on a 3 to 2 vote; and

22 (2) for all actions for which the Federal Trade
23 Commission took a vote, the percentage of such ac-
24 tions that were decided on a 3 to 2 vote.

1 (c) SUMMARY.—The Federal Trade Commission and
2 the Department of Justice shall make the report required
3 under subsection (a) available to the Committee on the
4 Judiciary of the Senate and the Committee of the Judici-
5 ary of the House of Representatives, and shall, for fiscal
6 years 2024 through 2027, no later than July 1, present
7 a summary of the joint annual report for the preceding
8 fiscal year, including the information required in sub-
9 sections (a) and (b) of this section, to such Committees.

10 **TITLE II—DISCLOSURE OF SUB-**
11 **SIDIES BY FOREIGN ADVER-**
12 **SARIES**

13 **SEC. 201. FINDINGS AND PURPOSE.**

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

15 (1) Foreign subsidies, which can take the form
16 of direct subsidies, grants, loans (including below-
17 market loans), loan guarantees, tax concessions,
18 preferential government procurement policies, or
19 government ownership or control, can distort the
20 competitive process by enabling the subsidized firm
21 to submit a bid higher than other firms in the mar-
22 ket, or otherwise change the incentives of the firm
23 in ways that undermine competition following an ac-
24 quisition.

1 (2) Foreign subsidies are particularly problem-
2 atic when granted by countries or entities that con-
3 stitute a strategic or economic threat to United
4 States interests.

5 (3) The Made in China 2025 plan, states that
6 the Chinese Communist Party will “support enter-
7 prises to carry out mergers and acquisitions (M&A),
8 equity investment, and venture capital overseas”.

9 (4) The 2020 report to Congress from the bi-
10 partisan U.S.-China Economic and Security Review
11 Commission concluded that the Chinese Government
12 subsidizes companies with a goal of their expanding
13 into the United States and other countries, finding
14 that “[t]his process assists Chinese national cham-
15 pions in surpassing and supplanting global market
16 leaders”. The report warns that the risk is particu-
17 larly acute when it comes to emerging technologies,
18 where China seeks to “surpass and displace the
19 United States altogether [and that] [f]ailure to ap-
20 preciate the gravity of this challenge and defend
21 U.S. competitiveness would be dire . . . [and] risks
22 setting back U.S. economic and technological
23 progress for decades”.

24 (5) In remarks before the Hudson Institute on
25 December 8, 2020, FTC Commissioner Noah Phil-

1 lips stated, “[O]ne area where antitrust needs to
2 reckon with the strategic interests of other nations
3 is when we scrutinize mergers or conduct involving
4 state-owned entities . . . companies that are con-
5 trolled, to varying degrees, by the state . . . [and]
6 often are a government tool for implementing indus-
7 trial policies or to protect national security”.

8 (b) PURPOSE.—The purpose of this title is to require
9 parties providing pre-merger notifications to include in the
10 notification required under section 7A of the Clayton Act
11 (15 U.S.C. 18a) information concerning subsidies they re-
12 ceive from countries or entities that are strategic or eco-
13 nomic threats to the United States.

14 **SEC. 202. MERGERS INVOLVING FOREIGN GOVERNMENT**
15 **SUBSIDIES.**

16 (a) DEFINITION.—In this section, the term “foreign
17 entity of concern” has the meaning given the term in sec-
18 tion 40207(a) of the Infrastructure Investment and Jobs
19 Act (42 U.S.C. 18741(a)).

20 (b) ACCOUNTING FOR FOREIGN GOVERNMENT SUB-
21 SIDIES.—A person required to file a notification under
22 section 7A of the Clayton Act (15 U.S.C. 18a) that re-
23 ceived a subsidy from a foreign entity of concern shall in-
24 clude in such notification content regarding such subsidy.

1 (c) AUTHORITY OF ANTITRUST REGULATORS.—The
2 Federal Trade Commission, with the concurrence of the
3 Assistant Attorney General in charge of the Antitrust Di-
4 vision of the Department of Justice, and in consultation
5 with the Chairperson of the Committee on Foreign Invest-
6 ment in the United States, the Secretary of Commerce,
7 the Chair of the United States International Trade Com-
8 mission, the United States Trade Representative, and the
9 heads of other appropriate agencies, and by rule in accord-
10 ance with section 553 of title 5, United States Code, shall
11 require that the notification required under subsection (b)
12 be in such form and contain such documentary material
13 and information relevant to a proposed acquisition as is
14 necessary and appropriate to enable the Federal Trade
15 Commission and the Assistant Attorney General in charge
16 of the Antitrust Division of the Department of Justice to
17 determine whether such acquisition may, if consummated,
18 violate the antitrust laws.

19 (d) EFFECTIVE DATE.—Subsection (b) shall take ef-
20 fect on the date on which the rule described in subsection
21 (c) takes effect.

1 **TITLE III—VENUE FOR STATE**
2 **ANTITRUST ENFORCEMENT**

3 **SEC. 301. VENUE FOR STATE ANTITRUST ENFORCEMENT.**

4 (a) IN GENERAL.—Section 1407 of title 28, United
5 States Code, is amended—

6 (1) in subsection (g)—

7 (A) by inserting “or a State” after
8 “United States”; and

9 (B) by striking “; but shall not include sec-
10 tion 4A of the Act of October 15, 1914, as
11 added July 7, 1955 (69 Stat. 282; 15 U.S.C.
12 15a)”; and

13 (2) by striking subsection (h).

14 (b) APPLICABILITY.—The amendments made by sub-
15 section (a) shall apply to any matter pending on, or filed
16 on or after, the date of enactment of this Act.

17 **DIVISION HH—AGRICULTURE**

18 **SEC. 101. DEFINITION.**

19 In this division, the term “Secretary” means the Sec-
20 retary of Agriculture.

21 **TITLE I—CONSERVATION**

22 **SEC. 201. GREENHOUSE GAS TECHNICAL ASSISTANCE PRO-**
23 **VIDER AND THIRD-PARTY VERIFIER PRO-**
24 **GRAM.**

25 (a) DEFINITIONS.—In this section:

1 (1) ADVISORY COUNCIL.—The term “Advisory
2 Council” means the Greenhouse Gas Technical As-
3 sistance Provider and Third-Party Verifier Program
4 Advisory Council established under subsection (f)(1).

5 (2) AGRICULTURE OR FORESTRY CREDIT.—The
6 term “agriculture or forestry credit” means a credit
7 representing an amount of greenhouse gas emissions
8 from an agricultural or forestry activity that are
9 prevented, reduced, or mitigated (including through
10 the sequestration of carbon) as a result of an agri-
11 cultural or forestry activity.

12 (3) BEGINNING, SOCIALLY DISADVANTAGED,
13 LIMITED RESOURCE, OR VETERAN FARMER, RANCH-
14 ER, OR PRIVATE FOREST LANDOWNER.—The term
15 “beginning, socially disadvantaged, limited resource,
16 or veteran farmer, rancher, or private forest land-
17 owner” means a farmer, rancher, or private forest
18 landowner who is—

19 (A) a beginning farmer or rancher (as de-
20 fined in section 2501(a) of the Food, Agri-
21 culture, Conservation, and Trade Act of 1990
22 (7 U.S.C. 2279(a));

23 (B) a socially disadvantaged farmer or
24 rancher (as defined in section 355(e) of the

1 Consolidated Farm and Rural Development Act
2 (7 U.S.C. 2003(e));

3 (C) a limited resource farmer or rancher
4 (as defined in section 1470.3 of title 7, Code of
5 Federal Regulations (or successor regulations));
6 or

7 (D) a veteran farmer (as defined in section
8 2501 of the Food, Agriculture, Conservation,
9 and Trade Act of 1990 (7 U.S.C. 2279)).

10 (4) COVERED ENTITY.—The term “covered en-
11 tity” means a person or entity, including a private
12 business, non-profit organization, or public agency,
13 that either—

14 (A) is a provider of technical assistance to
15 farmers, ranchers, or private forest landowners
16 in carrying out sustainable land use manage-
17 ment practices that prevent, reduce, or mitigate
18 greenhouse gas emissions (including through
19 the sequestration of carbon); or

20 (B) is a third-party verifier entity that
21 conducts the verification of the processes de-
22 scribed in protocols for voluntary environmental
23 credit markets.

24 (5) GREENHOUSE GAS.—The term “greenhouse
25 gas” means—

3912

1 (A) carbon dioxide;

2 (B) methane;

3 (C) nitrous oxide; and

4 (D) any other gas that the Secretary, in
5 consultation with the Advisory Council, deter-
6 mines has been identified to have heat trapping
7 qualities.

8 (6) PROGRAM.—The term “Program” means
9 the Greenhouse Gas Technical Assistance Provider
10 and Third-Party Verifier Program established under
11 subsection (b).

12 (7) PROTOCOL.—The term “protocol” means a
13 systematic approach for generating an agriculture or
14 forestry credit, which follows a transparent and
15 thorough science-based methodology (including 1 or
16 more baseline scenarios)—

17 (A) for the development of projects to pre-
18 vent, reduce, or mitigate greenhouse gas emis-
19 sions (including projects to sequester carbon);
20 and

21 (B) for demonstrating how to quantify,
22 monitor, report, and verify the prevention, re-
23 duction, or mitigation of greenhouse gas emis-
24 sions by projects described in subparagraph
25 (A).

1 (8) SOCIALLY DISADVANTAGED GROUP.—The
2 term “socially disadvantaged group” has the mean-
3 ing given that term in section 355(e) of the Consoli-
4 dated Farm and Rural Development Act (7 U.S.C.
5 2003(e)).

6 (9) TECHNICAL ASSISTANCE.—The term “tech-
7 nical assistance” means technical expertise, informa-
8 tion, and tools to assist a farmer, rancher, or private
9 forest landowner, who is engaged in or wants to en-
10 gage in a project to prevent, reduce, or mitigate
11 greenhouse gas emissions (including a project to se-
12 quester carbon), as necessary to meet a protocol.

13 (10) VOLUNTARY ENVIRONMENTAL CREDIT
14 MARKET.—The term “voluntary environmental cred-
15 it market” means a voluntary market through which
16 agriculture or forestry credits may be bought or
17 sold.

18 (b) ESTABLISHMENT OF PROGRAM.—

19 (1) DETERMINATION.—

20 (A) IN GENERAL.—Not later than 270
21 days after the date of enactment of this Act,
22 the Secretary shall make a determination of
23 whether establishing a voluntary program to
24 register covered entities that carry out activities

3914

1 described in subsection (c)(2) will further each
2 of the following purposes:

3 (i) Facilitating the participation of
4 farmers, ranchers, and private forest land-
5 owners in voluntary environmental credit
6 markets.

7 (ii) Facilitating the provision of tech-
8 nical assistance, through covered entities,
9 to farmers, ranchers, and private forest
10 landowners to help overcome barriers to
11 entry into voluntary environmental credit
12 markets.

13 (iii) Ensuring that participating farm-
14 ers, ranchers, and private forest land-
15 owners receive fair distribution of revenues
16 derived from the sale of an agriculture or
17 forestry credit.

18 (iv) Increasing access for farmers,
19 ranchers, and private forest landowners to
20 resources relating to existing voluntary en-
21 vironmental credit markets, including in-
22 formation relating to the basic market
23 structure and the various roles and quali-
24 fications of different parties.

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
5 other 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
13 subsection (c).

14 (3) REPORT.—Not later than 90 days after
15 making the determination under paragraph (1), the
16 Secretary shall publish a report describing the rea-
17 sons for such determination, including how estab-
18 lishing a program under this subsection would or
19 would not further each of the purposes described in
20 paragraph (1)(A).

21 (c) PROTOCOLS, QUALIFICATIONS, AND ACTIVI-
22 TIES.—

23 (1) WIDELY ACCEPTED PROTOCOLS AND QUALI-
24 FICATIONS.—After providing public notice and at
25 least a 60-day period for public comment, but not

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
5 ensure consistency, reliability, effectiveness, ef-
6 ficiency, 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

3917

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, includ-
7 ing emissions reductions achieved through—

8 (i) feeds, feed additives, and the use
9 of 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;

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
5 of 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
9 widely accepted protocols and the descriptions of
10 widely accepted qualifications under paragraph (1),
11 the Secretary, in consultation with the Advisory
12 Council, shall include all relevant information relat-
13 ing to market-based protocols, as appropriate, with
14 regard 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
23 Secretary shall periodically review and revise the list
24 and descriptions published under paragraph (1) to

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 in-
11 formation to the Secretary, which list the Sec-
12 retary shall regularly update.

13 (B) REGISTRATION.—A covered entity may
14 register under the Program to be included on
15 the registration list by submitting to the Sec-
16 retary, through a website maintained by the
17 Secretary, information that—

18 (i) shall include—

19 (I) the region in which the cov-
20 ered 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

3920

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 market-
7 place for agriculture or forestry cred-
8 its; and

9 (II) the Secretary determines is
10 appropriate for inclusion.

11 (2) WEBSITE AND SOLICITATION.—During the
12 180-day period beginning on the date on which the
13 Program is established, the Secretary shall publish,
14 through an existing website maintained by the Sec-
15 retary—

16 (A) information describing how covered en-
17 tities may register under the Program in ac-
18 cordance with paragraph (1);

19 (B) a list of the widely accepted protocols
20 and qualifications published by the Secretary
21 under subsection (c)(1); and

22 (C) instructions and suggestions to assist
23 farmers, ranchers, and private forest land-
24 owners in facilitating the development of agri-
25 culture or forestry credits and accessing vol-

1 untary environmental credit markets, includ-
2 ing—

3 (i) through working with covered enti-
4 ties registered under the Program; and

5 (ii) by providing information relating
6 to programs, registries, and protocols of
7 programs and registries that provide mar-
8 ket-based participation opportunities for
9 working and conservation agricultural and
10 forestry lands.

11 (3) PROGRAMMATIC INTEGRITY.—The Sec-
12 retary shall ensure, to the maximum extent prac-
13 ticable, that covered entities registered under the
14 Program—

15 (A) act in good faith to provide realistic es-
16 timates of costs and revenues relating to activi-
17 ties and verification of processes described in
18 subsection (c)(2), as applicable to the covered
19 entity; and

20 (B) demonstrate expertise in, and are able
21 to perform in accordance with, best manage-
22 ment practices for agricultural and forestry ac-
23 tivities that prevent, reduce, or mitigate green-
24 house gas emissions (including through the se-
25 questration of carbon).

1 (4) REMOVAL FROM REGISTRATION LIST.—

2 (A) IN GENERAL.—

3 (i) REMOVAL.—The Secretary shall
4 remove a covered entity from the registra-
5 tion list under the Program if the Sec-
6 retary determines that the covered entity
7 has not acted in accordance with—

8 (I) the information provided by
9 the entity under paragraph (1)(B); or

10 (II) best management practices
11 for agricultural and forestry activities
12 that prevent, reduce, or mitigate
13 greenhouse gas emissions (including
14 through the sequestration of carbon).

15 (ii) DETERMINATION.—The Secretary
16 may make a determination under clause
17 (i)—

18 (I) based on a periodic review of
19 a representative sample of covered en-
20 tities, which shall occur not less fre-
21 quently than once each year; or

22 (II) as necessary.

23 (B) APPEAL OF REMOVAL.—

24 (i) IN GENERAL.—A covered entity
25 that has been removed from the registra-

1 tion list pursuant to subparagraph (A)
2 may appeal the determination to the Sec-
3 retary.

4 (ii) RE-REGISTRATION.—A covered
5 entity that appeals a determination under
6 clause (i) may re-register under the Pro-
7 gram if the covered entity successfully
8 proves, as determined by the Secretary,
9 that the covered entity has acted in accord-
10 ance with, as applicable—

11 (I) the information provided by
12 the entity under paragraph (1)(B);
13 and

14 (II) best management practices
15 for agricultural and forestry activities
16 that prevent, reduce, or mitigate
17 greenhouse gas emissions (including
18 through the sequestration of carbon).

19 (C) NOTIFICATION.—If the Secretary re-
20 moves a covered entity from the registration list
21 pursuant to subparagraph (A), to the extent
22 practicable, the Secretary shall—

23 (i) request from that covered entity
24 contact information for all farmers, ranch-
25 ers, and private forest landowners to which

1 the covered entity provided technical as-
2 sistance or the verification of the processes
3 described in protocols of voluntary environ-
4 mental credit markets; and

5 (ii) notify those farmers, ranchers,
6 and private forest landowners of the re-
7 moval.

8 (5) SAVINGS CLAUSE.—Nothing in this section
9 authorizes the Secretary to compel a farmer, ranch-
10 er, or private forest landowner to participate in a
11 transaction or project facilitated by a covered entity
12 certified under paragraph (1).

13 (e) SUBMISSION OF FRAUDULENT INFORMATION OR
14 CLAIMS.—

15 (1) IN GENERAL.—A person or entity, regard-
16 less of whether the person or entity is registered
17 under the Program, shall not make a fraudulent
18 submission under subsection (d) or make a fraudu-
19 lent claim regarding the presence of that person or
20 entity on the registration list published under such
21 subsection.

22 (2) PENALTY.—Any person or entity that vio-
23 lates paragraph (1) shall be—

24 (A) subject to a civil penalty equal to such
25 amount as the Secretary determines to be ap-

3925

1 appropriate, not to exceed \$1,000 per violation;
2 and

3 (B) ineligible to register under the Pro-
4 gram for the 5-year period beginning on the
5 date of the violation.

6 (f) GREENHOUSE GAS TECHNICAL ASSISTANCE PRO-
7 VIDER AND THIRD-PARTY VERIFIER PROGRAM ADVISORY
8 COUNCIL.—

9 (1) IN GENERAL.—During the 90-day period
10 beginning on the date on which the Program is es-
11 tablished, the Secretary shall establish an advisory
12 council, to be known as the “Greenhouse Gas Tech-
13 nical Assistance Provider and Third-Party Verifier
14 Program Advisory Council”.

15 (2) MEMBERSHIP.—

16 (A) IN GENERAL.—The Advisory Council
17 shall be composed of members appointed by the
18 Secretary in accordance with this paragraph.

19 (B) GENERAL REPRESENTATION.—The
20 Advisory Council shall—

21 (i) be broadly representative of the ag-
22 riculture and private forest sectors;

23 (ii) include beginning, socially dis-
24 advantaged, limited resource, and veteran

1 farmers, ranchers, and private forest land-
2 owners; and

3 (iii) be composed of not less than 51
4 percent farmers, ranchers, or private forest
5 landowners.

6 (C) MEMBERS.—Members appointed under
7 subparagraph (A) shall include—

8 (i) not more than 2 representatives of
9 the Department of Agriculture, as deter-
10 mined by the Secretary;

11 (ii) not more than 1 representative of
12 the Environmental Protection Agency, as
13 determined by the Administrator of the
14 Environmental Protection Agency;

15 (iii) not more than 1 representative of
16 the National Institute of Standards and
17 Technology;

18 (iv) not fewer than 12 representatives
19 of the agriculture industry, appointed in a
20 manner that is broadly representative of
21 the agriculture sector, including not fewer
22 than 6 active farmers and ranchers;

23 (v) not fewer than 4 representatives of
24 private forest landowners or the forestry
25 and forest products industry appointed in

3927

1 a manner that is broadly representative of
2 the private forest sector;

3 (vi) not more than 4 representatives
4 of the relevant scientific research commu-
5 nity, including not fewer than 2 represent-
6 atives from land-grant colleges and univer-
7 sities (as defined in section 1404 of the
8 National Agricultural Research, Extension,
9 and Teaching Policy Act of 1977 (7 U.S.C.
10 3103)), of which 1 shall be a representa-
11 tive of a college or university eligible to re-
12 ceive funds under the Act of August 30,
13 1890 (commonly known as the “Second
14 Morrill Act”) (26 Stat. 417, chapter 841;
15 7 U.S.C. 321 et seq.), including Tuskegee
16 University;

17 (vii) not more than 2 experts or pro-
18 fessionals familiar with voluntary environ-
19 mental credit markets and the verification
20 requirements in those markets;

21 (viii) not more than 3 members of
22 nongovernmental or civil society organiza-
23 tions with relevant expertise, of which not
24 fewer than 1 shall represent the interests
25 of socially disadvantaged groups;

3928

1 (ix) not more than 3 members of pri-
2 vate sector entities or organizations that
3 participate in voluntary environmental
4 credit markets; and

5 (x) any other individual whom the
6 Secretary determines to be necessary to
7 ensure that the Advisory Council is com-
8 posed of a diverse group of representatives
9 of industry, academia, independent re-
10 searchers, and public and private entities.

11 (D) CHAIR.—The Secretary shall designate
12 a member of the Advisory Council to serve as
13 the Chair.

14 (E) TERMS.—

15 (i) IN GENERAL.—The term of a
16 member of the Advisory Council shall be 2
17 years, except that, of the members first ap-
18 pointed—

19 (I) not fewer than 8 members
20 shall serve for a term of 1 year;

21 (II) not fewer than 12 members
22 shall serve for a term of 2 years; and

23 (III) not fewer than 12 members
24 shall serve for a term of 3 years.

1 (ii) ADDITIONAL TERMS.—After the
2 initial term of a member of the Advisory
3 Council, including the members first ap-
4 pointed, the member may serve not more
5 than 4 additional 2-year terms.

6 (3) MEETINGS.—

7 (A) FREQUENCY.—The Advisory Council
8 shall meet not less frequently than annually, at
9 the call of the Chair.

10 (B) INITIAL MEETING.—During the 90-day
11 period beginning on the date on which the
12 members are appointed under paragraph
13 (2)(A), the Advisory Council shall hold an ini-
14 tial meeting.

15 (4) GENERAL DUTIES.—The Advisory Council
16 shall—

17 (A) periodically review and recommend any
18 appropriate changes to—

19 (i) the list of protocols and description
20 of qualifications published by the Secretary
21 under subsection (c)(1); and

22 (ii) the activities described in sub-
23 section (c)(1)(B);

24 (B) make recommendations to the Sec-
25 retary regarding the best practices that should

3930

1 be included in the protocols, description of
2 qualifications, and activities described in sub-
3 paragraph (A); and

4 (C) advise the Secretary regarding—

5 (i) the current methods used by vol-
6 untary environmental credit markets to
7 quantify and verify the prevention, reduc-
8 tion, or mitigation of greenhouse gas emis-
9 sions (including the sequestration of car-
10 bon);

11 (ii) means to reduce barriers to entry
12 in the business of providing technical as-
13 sistance or the verification of the processes
14 described in protocols of voluntary environ-
15 mental credit markets for covered entities,
16 including by improving technical assistance
17 provided by the Secretary;

18 (iii) means to reduce compliance and
19 verification costs for farmers, ranchers,
20 and private forest landowners in entering
21 voluntary environmental credit markets, in-
22 cluding through mechanisms and processes
23 to aggregate the value of activities across
24 land ownership;

3931

1 (iv) issues relating to land and asset
2 ownership in light of evolving voluntary en-
3 vironmental credit markets; and

4 (v) additional means to reduce bar-
5 riers to entry in voluntary environmental
6 credit markets for farmers, ranchers, and
7 private forest landowners, particularly for
8 beginning, socially disadvantaged, limited
9 resource, and veteran farmers, ranchers,
10 and private forest landowners.

11 (5) COMPENSATION.—The members of the Ad-
12 visory Council shall serve without compensation.

13 (6) CONFLICT OF INTEREST.—The Secretary
14 shall prohibit any member of the Advisory Council
15 from—

16 (A) engaging in any determinations or ac-
17 tivities of the Advisory Council that may result
18 in the favoring of, or a direct and predictable
19 effect on—

20 (i) the member or a family member,
21 as determined by the Secretary;

22 (ii) stock owned by the member or a
23 family member, as determined by the Sec-
24 retary; or

3932

1 (iii) the employer of, or a business
2 owned in whole or in part by, the member
3 or a family member, as determined by the
4 Secretary; or

5 (B) providing advice or recommendations
6 regarding, or otherwise participating in, mat-
7 ters of the Advisory Council that—

8 (i) constitute a conflict of interest
9 under section 208 of title 18, United
10 States Code; or

11 (ii) may call into question the integ-
12 rity of the Advisory Council, the Program,
13 or the technical assistance or verification
14 activities described under subsection (c)(2).

15 (7) FACA APPLICABILITY.—The Advisory
16 Council shall be subject to the Federal Advisory
17 Committee Act (5 U.S.C. App.), except that section
18 14(a)(2) of that Act shall not apply.

19 (g) ASSESSMENT.—

20 (1) INITIAL ASSESSMENT.—Not later than 90
21 days after the Advisory Council holds an initial
22 meeting, the Advisory Council shall submit to the
23 Secretary, the Committee on Agriculture of the
24 House of Representatives, and the Committee on
25 Agriculture, Nutrition, and Forestry of the Senate

1 an initial assessment that examines ways to ensure
2 certainty for farmers, ranchers, or private forest
3 landowners in the marketplace for agriculture or for-
4 estry credits, including identification of any informa-
5 tion that may be appropriate for entities to provide
6 when registering under subsection (d)(1)(B).

7 (2) GENERAL ASSESSMENT.—Not later than
8 240 days after the date of enactment of this Act, the
9 Secretary, in consultation with the Administrator of
10 the Environmental Protection Agency, shall—

11 (A) conduct an assessment, which incor-
12 porates information from existing publications
13 and reports of the Department of Agriculture
14 and other entities with relevant expertise, re-
15 garding—

16 (i) the number and categories of non-
17 Federal actors in the nonprofit and for-
18 profit sectors involved in development, gen-
19 eration, or sale of agriculture or forestry
20 credits in voluntary environmental credit
21 markets;

22 (ii) the estimated overall domestic
23 market demand for agriculture or forestry
24 credits at the end of the preceding 4-cal-

3934

1 endar year period, and historically, in vol-
2 untary environmental credit markets;

3 (iii) the total number of agriculture or
4 forestry credits (measured in metric tons
5 of carbon dioxide equivalent) that were es-
6 timated to be in development, generated,
7 or sold in market transactions during the
8 preceding 4-calendar year period, and his-
9 torically, in voluntary environmental credit
10 markets;

11 (iv) the estimated supply and demand
12 of metric tons of carbon dioxide equivalent
13 of offsets in the global marketplace for the
14 next 4 years;

15 (v) the barriers to entry due to com-
16 pliance and verification costs described in
17 subsection (f)(4)(C)(iii);

18 (vi) the state of monitoring and meas-
19 urement technologies needed to quantify
20 long-term carbon sequestration in soils and
21 from other activities to prevent, reduce, or
22 mitigate greenhouse gas emissions in the
23 agriculture and forestry sectors;

24 (vii) means to reduce barriers to entry
25 into voluntary environmental credit mar-

3935

1 kets for beginning, socially disadvantaged,
2 limited resource, and veteran farmers,
3 ranchers, and private forest landowners,
4 and the extent to which existing protocols
5 of voluntary environmental credit markets
6 allow for aggregation of projects among
7 farmers, ranchers, and private forest land-
8 owners;

9 (viii) the extent to which the existing
10 regimes for generating and selling agri-
11 culture or forestry credits (as the regimes
12 exist at the end of the preceding 4-cal-
13 endar year period, and historically), and
14 existing voluntary environmental credit
15 markets, may be impeded or constricted, or
16 achieve greater scale and reach, if the De-
17 partment of Agriculture were involved, in-
18 cluding involvement in education described
19 in clause (ix);

20 (ix) the extent to which Department
21 of Agriculture education of stakeholders
22 about voluntary environmental credit mar-
23 kets would benefit those stakeholders, in-
24 cluding whether that education would re-

3936

1 duce barriers to entry identified under
2 clause (v);

3 (x) the extent to which existing proto-
4 cols of voluntary environmental credit mar-
5 kets, including verification, additionality,
6 permanence, and reporting, adequately
7 take into consideration and account for
8 factors encountered by the agriculture and
9 private forest sectors in preventing, reduc-
10 ing, or mitigating greenhouse gas emis-
11 sions (including by sequestering carbon)
12 through agriculture and forestry practices,
13 considering variances across regions, to-
14 pography, soil types, crop or species vari-
15 eties, and business models;

16 (xi) the extent to which existing proto-
17 cols of voluntary environmental credit mar-
18 kets consider options to ensure the contin-
19 ued valuation, through discounting or
20 other means, of agriculture and forestry
21 credits in the case of the practices under-
22 lying those credits being disrupted due to
23 unavoidable events, including production
24 challenges and natural disasters; and

3937

1 (xii) opportunities for other voluntary
2 markets outside of voluntary environmental
3 credit markets to foster the trading, buy-
4 ing, or selling of credits that are derived
5 from activities that provide other eco-
6 system service benefits, including activities
7 that improve water quality, water quantity,
8 wildlife habitat enhancement, and other
9 ecosystem services, as the Secretary deter-
10 mines appropriate;

11 (B) publish the assessment; and

12 (C) submit the assessment to the Com-
13 mittee on Agriculture, Nutrition, and Forestry
14 of the Senate and the Committee on Agri-
15 culture of the House of Representatives.

16 (3) QUADRIENNIAL ASSESSMENT.—The Sec-
17 retary, in consultation with the Administrator of the
18 Environmental Protection Agency and the Advisory
19 Council, shall conduct the assessment described in
20 paragraph (2)(A) and publish and submit such as-
21 sessment in accordance with subparagraphs (B) and
22 (C) of paragraph (2) every 4 years after the publica-
23 tion and submission of the first assessment under
24 subparagraphs (B) and (C) of paragraph (2).

25 (h) CONFIDENTIALITY.—

3938

1 (1) PROHIBITION.—

2 (A) IN GENERAL.—Except as provided in
3 paragraph (2), the Secretary, any other officer
4 or employee of the Department of Agriculture
5 or any agency of the Department of Agri-
6 culture, or any other person may not disclose to
7 the public the information held by the Secretary
8 described in subparagraph (B).

9 (B) INFORMATION.—

10 (i) IN GENERAL.—Except as provided
11 in clause (ii), the information prohibited
12 from disclosure under subparagraph (A)
13 is—

14 (I) personally identifiable infor-
15 mation, including in a contract or
16 service agreement, of a farmer, ranch-
17 er, or private forest landowner, ob-
18 tained by the Secretary under sub-
19 section (d)(4)(C)(i); and

20 (II) confidential business infor-
21 mation in a contract or service agree-
22 ment of a farmer, rancher, or private
23 forest landowner obtained by the Sec-
24 retary under subsection (d)(4)(C)(i).

3939

1 (ii) AGGREGATED RELEASE.—Infor-
2 mation described in clause (i) may be re-
3 leased to the public if the information has
4 been transformed into a statistical or ag-
5 gregate form that does not allow the iden-
6 tification of the person who supplied or is
7 the subject of the particular information.

8 (2) EXCEPTION.—Paragraph (1) shall not pro-
9 hibit the disclosure by an officer or employee of the
10 Federal Government of information described in
11 paragraph (1)(B) as otherwise directed by the Sec-
12 retary or the Attorney General for enforcement pur-
13 poses.

14 (i) FUNDING.—

15 (1) AUTHORIZATION OF APPROPRIATIONS.—In
16 addition to the amount made available under para-
17 graph (2), there is authorized to be appropriated to
18 carry out this section \$1,000,000 for each of fiscal
19 years 2023 through 2027.

20 (2) DIRECT FUNDING.—

21 (A) RESCISSION.—There is rescinded
22 \$4,100,000 of the unobligated balance of
23 amounts made available by section 1003 of the
24 American Rescue Plan Act of 2021 (Public Law
25 117–2).

1 “(1) ESTABLISHMENT OF PUBLIC-PRIVATE
2 PARTNERSHIP CONTRIBUTIONS ACCOUNTS.—The
3 Secretary shall establish the necessary accounts and
4 process to accept contributions of private funds for
5 the purposes of addressing the changing climate, se-
6 questering carbon, improving wildlife habitat, pro-
7 tecting sources of drinking water, and addressing
8 other natural resource priorities identified by the
9 Secretary.”;

10 (3) in paragraph (2), by striking “a conserva-
11 tion program administered by the Secretary under
12 subtitle D shall be deposited into the sub-account”
13 and inserting “a covered program shall be deposited
14 into the account”; and

15 (4) by adding at the end the following:

16 “(3) SECRETARIAL AUTHORITY.—

17 “(A) IN GENERAL.—The Secretary may
18 accept under this subsection contributions of
19 such funds as the Secretary determines appro-
20 priate, taking into consideration—

21 “(i) the source of the funds to be con-
22 tributed;

23 “(ii) the natural resource concerns to
24 be addressed through the use of the funds;

1 “(iii) the amount of funds to be con-
2 tributed;

3 “(iv) whether the activities proposed
4 to be carried out using the funds are con-
5 sistent with the priorities of the Secretary;
6 and

7 “(v) any other factors the Secretary
8 determines to be relevant.

9 “(B) DETERMINATION.—A determination
10 of whether to accept private funds under this
11 subsection shall be at the sole discretion of the
12 Secretary.

13 “(4) MATCH OF CONTRIBUTED FUNDS.—

14 “(A) IN GENERAL.—Subject to subpara-
15 graph (B), the Secretary may provide matching
16 Federal funds, and determine the level of such
17 match, which shall not exceed 75 percent, for
18 the private funds contributed under this sub-
19 section, subject to the availability of funding for
20 the applicable covered program.

21 “(B) DISTRIBUTION OF FEDERAL FUND-
22 ING FOR STATES.—The Secretary may not pro-
23 vide any matching Federal funds pursuant to
24 subparagraph (A) in a manner that would re-
25 sult in a substantial reduction in the historical

1 distribution of Federal funding to any State for
2 any covered program.

3 “(C) LIMITATION.—No funds made avail-
4 able pursuant to Public Law 117–169 may be
5 used to provide matching Federal funds pursu-
6 ant to subparagraph (A).

7 “(5) ROLE OF CONTRIBUTING ENTITY.—An en-
8 tity contributing funds under this subsection may—

9 “(A) designate the covered program for
10 which the contributed funds are intended to be
11 used;

12 “(B) specify the geographic area in which
13 the contributed funds are intended to be used;

14 “(C) identify a natural resource concern
15 the contributed funds are intended to be used
16 to address;

17 “(D) with respect to an activity funded
18 pursuant to this subsection that may result in
19 environmental services benefits to be sold
20 through an environmental services market, sub-
21 ject to the approval of the Secretary, prescribe
22 the terms for ownership of the entity’s share of
23 such environmental services benefits resulting
24 from such activity; and

1 “(E) work with the Secretary to promote
2 the activities funded pursuant to this sub-
3 section.

4 “(6) PRODUCER PARTICIPATION.—

5 “(A) NOTIFICATION.—The Secretary shall
6 establish a process to provide notice to pro-
7 ducers—

8 “(i) of activities that may be carried
9 out, through a covered program, pursuant
10 to this section; and

11 “(ii) any terms prescribed by the con-
12 tributing entity under paragraph (5)(D)
13 with respect to such activities.

14 “(B) RETENTION OF ENVIRONMENTAL
15 SERVICES BENEFITS.—The Secretary shall not
16 claim or impede any action of a producer with
17 respect to the environmental services benefits
18 they accrue through activities funded pursuant
19 to this subsection.

20 “(7) CONSISTENCY WITH PROGRAM REQUIRE-
21 MENTS.—

22 “(A) IN GENERAL.—Except as provided in
23 subparagraph (B), the Secretary shall ensure
24 that the terms and conditions of activities car-
25 ried out using funds contributed under this sub-

3945

1 section are consistent with the requirements of
2 the applicable covered program.

3 “(B) ADJUSTMENTS.—

4 “(i) IN GENERAL.—The Secretary
5 may, if the Secretary determines necessary,
6 adjust a regulatory requirement of a cov-
7 ered program, or related guidance, as it
8 applies to an activity carried out using
9 funds contributed under this subsection—

10 “(I) to provide a simplified proc-
11 ess; or

12 “(II) to better reflect unique
13 local circumstances and to address a
14 specific priority of the contributing
15 entity.

16 “(ii) LIMITATION.—The Secretary
17 shall not adjust the application of statu-
18 tory requirements for a covered program,
19 including requirements governing appeals,
20 payment limits, and conservation compli-
21 ance.

22 “(8) REPORT.—Not later than December 31,
23 2024, and each year thereafter through December
24 31, 2031, the Secretary shall submit to the Com-
25 mittee on Agriculture of the House of Representa-

1 tives and the Committee on Agriculture, Nutrition,
2 and Forestry of the Senate a report that contains—

3 “(A) the name and a description of each
4 entity contributing private funds under this
5 subsection that took an action under paragraph
6 (5), and a description of each such action;

7 “(B) the name and a description of each
8 entity contributing private funds under this
9 subsection for which the Secretary has provided
10 matching Federal funds, and the level of that
11 match, including the amount of such matching
12 Federal funds; and

13 “(C) the total amounts of—

14 “(i) private funds contributed under
15 this subsection; and

16 “(ii) matching Federal funds provided
17 by the Secretary under paragraph (4).

18 “(9) COVERED PROGRAM DEFINED.—In this
19 subsection, the term ‘covered program’ means a pro-
20 gram carried out by the Secretary under—

21 “(A) subtitle D (except for subchapter B
22 of such subtitle), subtitle H, or subtitle I;

23 “(B) section 403 of the Agricultural Credit
24 Act of 1978 (16 U.S.C. 2203);

3947

1 “(C) title V of the Healthy Forests Res-
2 toration Act of 2003 (16 U.S.C. 6571 et seq.);

3 or

4 “(D) the Watershed Protection and Flood
5 Prevention Act (16 U.S.C. 1001 et seq.), except
6 for any program established by the Secretary to
7 carry out section 14 of such Act (16 U.S.C.
8 1012).

9 “(10) DURATION OF AUTHORITY.—The author-
10 ity of the Secretary under this subsection shall ex-
11 pire, with respect to each covered program, on the
12 date on which the authority of the covered program
13 expires.”.

14 **TITLE II—COMMODITY FUTURES**
15 **TRADING COMMISSION WHIS-**
16 **TLEBLOWER PROGRAM**

17 **SEC. 301. IN GENERAL.**

18 Section 1(b) of Public Law 117–25 (135 Stat. 297;
19 136 Stat. 2133) is amended—

20 (1) by redesignating paragraphs (2) and (3) as
21 paragraphs (3) and (4), respectively;

22 (2) by inserting after paragraph (1) the fol-
23 lowing:

24 “(2) ADDITIONAL TRANSFERS.—In addition to
25 amounts transferred under paragraph (1), the Com-

3948

1 mission may transfer up to \$10,000,000 from the
2 Fund into the account.”;

3 (3) in paragraph (3) (as so redesignated)—

4 (A) by striking “paragraph (1)” and in-
5 serting “paragraphs (1) and (2)”;

6 (B) by striking “until” and all that follows
7 through the period at the end and inserting
8 “until October 1, 2024.”; and

9 (4) in paragraph (4) (as so redesignated), by
10 striking “on” and all that follows through “shall”
11 and inserting “on October 1, 2024, shall”.

12 **TITLE III—FORESTRY**

13 **SEC. 401. MODIFICATION OR TERMINATION OF EASEMENTS**

14 **UNDER THE HEALTHY FORESTS RESERVE** 15 **PROGRAM.**

16 Section 502 of the Healthy Forests Restoration Act
17 of 2003 (16 U.S.C. 6572) is amended by adding at the
18 end the following:

19 “(g) EASEMENT MODIFICATION OR TERMINATION.—

20 “(1) IN GENERAL.—The Secretary may modify
21 or terminate an easement or other interest in land
22 administered by the Secretary under this title if—

23 “(A) the owner of the land agrees to the
24 modification or termination; and

1 “(B) the Secretary determines that the
2 modification or termination—

3 “(i) will address a compelling public
4 need for which there is no practicable al-
5 ternative; and

6 “(ii) is in the public interest.

7 “(2) CONSIDERATION; CONDITIONS.—

8 “(A) TERMINATION.—As consideration for
9 termination of an easement or other interest in
10 land under this subsection, the Secretary shall
11 enter into a compensatory arrangement, as the
12 Secretary determines to be appropriate.

13 “(B) MODIFICATION.—In the case of a
14 modification of an easement or other interest in
15 land under this subsection—

16 “(i) as a condition of the modification,
17 the owner of the land shall enter into a
18 compensatory arrangement, as the Sec-
19 retary determines to be appropriate, to
20 incur the costs of modification; and

21 “(ii) the Secretary shall ensure that—

22 “(I) the modification will not ad-
23 versely affect the forest ecosystem
24 functions and values for which the

3950

1 easement or other interest in land was
2 acquired;

3 “(II) any adverse impacts will be
4 mitigated by enrollment and restora-
5 tion of other land that provides great-
6 er forest ecosystem functions and val-
7 ues at no additional cost to the Fed-
8 eral Government; and

9 “(III) the modification will result
10 in equal or greater environmental and
11 economic values to the United
12 States.”.

13 **TITLE IV—NUTRITION**

14 **SEC. 501. EBT BENEFIT FRAUD PREVENTION.**

15 (a) GUIDANCE; RULEMAKING.—The Secretary
16 shall—

17 (1) issue guidance to State agencies, on an on-
18 going basis, as informed by the process outlined in
19 paragraph (4), that describes security measures
20 that—

21 (A) are effective, as determined by the Sec-
22 retary, in detecting and preventing theft of ben-
23 efits, including through card skimming, card
24 cloning, and other similar fraudulent methods;

3951

1 (B) are consistent with industry standards
2 for detecting, identifying, and preventing debit
3 and credit card skimming, card cloning, and
4 other similar fraudulent methods; and

5 (C) consider the feasibility of cost, avail-
6 ability, and implementation for States;

7 (2) promulgate regulations through notice-and-
8 comment rulemaking to require State agencies to
9 take the security measures described in the guidance
10 issued under paragraph (1);

11 (3) not later than December 1, 2023, promul-
12 gate regulations (including an interim final rule) to
13 require State agencies to implement procedures for
14 the replacement of benefits consistent with sub-
15 section (b);

16 (4) coordinate with the Administrator of the
17 Administration for Children and Families of the De-
18 partment of Health and Human Services, the Attor-
19 ney General of the United States, State agencies, re-
20 tail food stores, and EBT contractors—

21 (A) to determine—

22 (i) how benefits are being stolen
23 through card skimming, card cloning, and
24 other similar fraudulent methods;

1 (ii) how those stolen benefits are used;

2 and

3 (iii) to the maximum extent prac-
4 ticable, the locations where card skimming,
5 card cloning, and other similar fraudulent
6 methods are taking place;

7 (B) to establish measures, including equip-
8 ment enhancements for retail food stores, to
9 prevent benefits from being stolen through card
10 skimming, card cloning, and other similar
11 fraudulent methods; and

12 (C) to establish standard reporting meth-
13 ods for States to collect and share data with the
14 Secretary on the scope of benefits being stolen
15 through card skimming, card cloning, and other
16 similar fraudulent methods; and

17 (5) not later than October 1, 2024, submit to
18 the Committee on Agriculture, Nutrition, and For-
19 estry of the Senate and the Committee on Agri-
20 culture of the House of Representatives a report
21 that includes—

22 (A) to the maximum extent practicable, in-
23 formation on the frequency of theft of benefits
24 and the location of those thefts, including bene-

1 fits stolen through card skimming, card cloning,
2 and other similar fraudulent methods;

3 (B) a description of the determinations
4 made under paragraph (4)(A), the measures es-
5 tablished under paragraph (4)(B), and methods
6 established in paragraph (4)(C);

7 (C) a description of the industry standards
8 described in paragraph (1)(B); and

9 (D) recommendations on how to consist-
10 ently detect, track, report, and prevent theft of
11 benefits, including benefits stolen through card
12 skimming, card cloning, and other similar
13 fraudulent methods.

14 (b) REPLACEMENT OF BENEFITS.—The Secretary
15 shall use funds appropriated under section 18 of the Food
16 and Nutrition Act of 2008 (7 U.S.C. 2027) to require
17 States to replace benefits that are determined by the State
18 agency to have been stolen through card skimming, card
19 cloning, or similar fraudulent methods, subject to the con-
20 ditions that—

21 (1) the State agency shall submit to the Sec-
22 retary not later than 60 days after the date of the
23 enactment of this Act for prior approval a plan for
24 the replacement of stolen benefits that—

3954

1 (A) includes appropriate procedures, as de-
2 termined by the Secretary, for the timely sub-
3 mission of claims to, timely validation of claims
4 by, and replacement issuance by the State
5 agency that includes—

6 (i) a signed statement by the affected
7 household on the benefit theft, consistent
8 with the signature requirements and op-
9 tions provided by section 11(e)(2)(C) of
10 the Food and Nutrition Act of 2008, as
11 amended (7 U.S.C. 2020(e)(2)(C));

12 (ii) criteria to determine if a sub-
13 mitted claim is valid;

14 (iii) procedures for the documentation
15 of replacement issuances, including the
16 submitted claims and findings from the
17 validation;

18 (iv) the submission of data reports on
19 benefit theft and replacement activity to
20 the Secretary;

21 (v) procedures to inform households of
22 their right to a fair hearing, consistent
23 with those already established by section
24 11(e) of the Food and Nutrition Act of
25 2008 (7 U.S.C. 2020(e)) and cor-

3955

1 responding regulations concerning replace-
2 ment issuances; and

3 (vi) the State agency's use and
4 planned use of benefit theft prevention
5 measures, including any additional guid-
6 ance that may be issued under subsection
7 (a)(1);

8 (B) includes appropriate procedures, as de-
9 termined by the Secretary, for reporting the
10 scope and frequency of card skimming affecting
11 households within the State to the Secretary;

12 (C) upon approval shall be incorporated
13 into the State plan of operation required under
14 section 11(e) of the Food and Nutrition Act of
15 2008 (7 U.S.C. 2020(e)); and

16 (D) the Secretary may approve after the
17 date on which guidance is issued under sub-
18 section (a)(1);

19 (2) the replacement of stolen benefits for a
20 household—

21 (A) shall not exceed the lesser of—

22 (i) the amount of benefits stolen from
23 the household; or

24 (ii) the amount equal to 2 months of
25 the monthly allotment of the household im-

3956

1 mediately prior to the date on which the
2 benefits were stolen;

3 (B) shall not occur more than 2 times per
4 Federal fiscal year per household by a single
5 State agency; and

6 (C) shall only apply to benefits stolen dur-
7 ing the period beginning on October 1, 2022,
8 and ending on September 30, 2024;

9 (3) plans approved under paragraph (1) will re-
10 main in effect until the effective date of the rule pro-
11 mulgated pursuant to subsection (a)(3); and

12 (4) replacements of benefits under this section
13 shall not be regarded as losses for the purpose of
14 section 7(e) of the Food and Nutrition Act of 2008
15 (7 U.S.C. 2016(e)) to the extent such replacements
16 are made in accordance with an approved plan that
17 complies with this subsection.

18 (c) DEFINITIONS.—In this section, the terms “allot-
19 ment”, “benefit”, “household”, “retail food store”, and
20 “State agency” have the meaning given those terms in sec-
21 tion 3 of the Food and Nutrition Act of 2008 (7 U.S.C.
22 2012).

23 (d) RESCISSION.—Of the unobligated balances made
24 available for the Supplemental Nutrition Assistance Pro-
25 gram as authorized by section 1101(b)(1) of the American

1 Rescue Plan Act of 2021 (Public Law 117–2), \$8,000,000
2 is hereby rescinded.

3 **SEC. 502. INCREASING ACCESS TO SUMMER MEALS FOR**
4 **CHILDREN THROUGH EBT AND ALTERNATIVE**
5 **DELIVERY OPTIONS.**

6 (a) AGREEMENTS.—Section 12(b) of the Richard B.
7 Russell National School Lunch Act (42 U.S.C. 1760(b))
8 is amended—

9 (1) by inserting “and Indian Tribal organiza-
10 tions” after “State agencies” each place it appears;
11 and

12 (2) in paragraph (2)(B), in the matter pre-
13 ceding clause (i), by inserting “and Indian Tribal or-
14 ganization” before “budget”.

15 (b) NONCONGREGATE MEALS.—Section 13 of the
16 Richard B. Russell National School Lunch Act (42 U.S.C.
17 1761) is amended—

18 (1) in subsection (a), by adding at the end the
19 following:

20 “(13) NONCONGREGATE MEALS.—

21 “(A) IN GENERAL.—Beginning not later
22 than summer 2023, the Secretary shall make
23 available an option to States to provide pro-
24 gram meals under this section for noncon-
25 gregate consumption in a rural area with no

1 congregate meal service, as determined by the
2 Secretary.

3 “(B) SUMMER 2023.—Notwithstanding any
4 other provision in this paragraph, for summer
5 2023, the Secretary may allow States to use im-
6 plementation models developed by the Secretary
7 for demonstration projects carried out under
8 section 749(g) of the Agriculture, Rural Devel-
9 opment, Food and Drug Administration, and
10 Related Agencies Appropriations Act, 2010
11 (Public Law 111–80; 123 Stat. 2132), to carry
12 out subparagraph (A).

13 “(C) ELIGIBILITY DETERMINATION.—In
14 administering this paragraph, the Secretary
15 shall ensure that noncongregate meals are only
16 available for a child—

17 “(i) in an area in which poor eco-
18 nomic conditions exist; and

19 “(ii) in an area that is not an area in
20 which poor economic conditions exist, if the
21 child is determined to be eligible for a free
22 or reduced price lunch under this Act or a
23 free or reduced price breakfast under sec-
24 tion 4 of the Child Nutrition Act of 1966
25 (42 U.S.C. 1773).

3959

1 “(D) PRIORITIES.—

2 “(i) IN GENERAL.—States shall—

3 “(I) identify areas with no con-
4 gregate meal service that could benefit
5 the most from the provision of non-
6 congregate meals; and

7 “(II) encourage participating
8 service institutions in those areas to
9 provide noncongregate meals as ap-
10 propriate.

11 “(ii) AREAS.—Areas identified under
12 clause (i) may include areas that are not
13 areas in which poor economic conditions
14 exist but that have children who are deter-
15 mined to be eligible for free or reduced
16 price lunch under this Act or free or re-
17 duced price breakfast under section 4 of
18 the Child Nutrition Act of 1966 (42
19 U.S.C. 1773).

20 “(E) ADMINISTRATION.—In administering
21 this paragraph, the Secretary shall ensure
22 that—

23 “(i) any meal served for noncon-
24 gregate consumption—

3960

1 “(I) meets all applicable State
2 and local health, safety, and sanita-
3 tion standards; and

4 “(II) meets the requirements
5 under subsection (f)(1);

6 “(ii) over a 10-day calendar period,
7 the number of reimbursable meals provided
8 to a child does not exceed the number of
9 meals that could be provided over a 10-day
10 calendar period, as established under sub-
11 section (b)(2); and

12 “(iii) States establish a process for
13 identifying gaps in service and barriers in
14 reaching needy children for congregate and
15 noncongregate models.

16 “(F) REGULATIONS.—Not later than 1
17 year after the date of enactment of this para-
18 graph, the Secretary shall promulgate regula-
19 tions (which shall include interim final regula-
20 tions) to carry out this section, including provi-
21 sions—

22 “(i) to ensure the integrity of the al-
23 ternative option for program delivery de-
24 scribed in subparagraph (A); and

1 “(ii) to incorporate best practices and
2 lessons learned from noncongregate dem-
3 onstration projects under section 749(g) of
4 the Agriculture, Rural Development, Food
5 and Drug Administration, and Related
6 Agencies Appropriations Act, 2010 (Public
7 Law 111–80; 123 Stat. 2132).”; and

8 (2) in subsection (n)—

9 (A) by striking “by January 1 of each year
10 of its intent to administer the program and
11 shall submit for approval by February 15” and
12 inserting “of its intent to administer the pro-
13 gram and shall submit for approval by April 1,
14 2023,”;

15 (B) by striking “(1)” and inserting “(A)”;

16 (C) by striking “(2)” and inserting “(B)”;

17 (D) by striking “(3)” and inserting “(C)”;

18 (E) by striking “(4)” and inserting “(D)”;

19 (F) by striking “(5)” and inserting “(E)”;

20 (G) by striking “and (6)” and inserting
21 “(F)”;

22 (H) by striking the period at the end and
23 inserting “; and (G) the State’s plan for using
24 the alternative option for program delivery de-
25 scribed in subsection (a)(13), if applicable, in-

1 including plans to provide a reasonable oppor-
2 tunity to access meals across all areas of the
3 State.”;

4 (I) by striking the subsection designation
5 and all that follows through “Each State” and
6 inserting the following:

7 “(n) MANAGEMENT AND ADMINISTRATION STATE
8 PLANS.—

9 “(1) SUMMER 2023.—Each State”; and

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

11 “(2) SUMMER 2024 AND BEYOND.—Beginning
12 in 2024, each State desiring to participate in the
13 program under this section or in the summer EBT
14 program under section 13A shall notify the Sec-
15 retary by January 1 of each year of its intent to ad-
16 minister the applicable program and shall submit for
17 approval by February 15 a management and admin-
18 istration plan for the applicable program for the fis-
19 cal year, which shall include, as applicable—

20 “(A) the requirements listed in subpara-
21 graphs (A) through (G) of paragraph (1);

22 “(B) the administrative budget of the
23 State for administering the summer EBT pro-
24 gram under section 13A;

3963

1 “(C) the State’s plan to comply with the
2 State requirements in section 13A(c) and any
3 other standards prescribed by the Secretary
4 under section 13A;

5 “(D) the State’s plan to identify areas with
6 no congregate meal service;

7 “(E) the State’s plan to target priority
8 areas identified under subsection
9 (a)(13)(D)(i)(I); and

10 “(F) the State’s plan to ensure that sum-
11 mer EBT benefits (as described in section
12 13A(a)) are issued to children based on their
13 school attendance at the end of the instruc-
14 tional year immediately preceding such sum-
15 mer.”.

16 (c) **SUMMER EBT.**—The Richard B. Russell National
17 School Lunch Act is amended by inserting after section
18 13 (42 U.S.C. 1761) the following:

19 **“SEC. 13A. SUMMER ELECTRONIC BENEFITS TRANSFER**
20 **FOR CHILDREN PROGRAM.**

21 “(a) **PROGRAM ESTABLISHED.**—The Secretary shall
22 establish a program under which States and covered In-
23 dian Tribal organizations electing to participate in such
24 program shall, beginning with summer 2024 and annually
25 for each summer thereafter, issue to each eligible house-

1 hold summer electronic benefit transfer benefits (referred
2 to in this section as ‘summer EBT benefits’)—

3 “(1) in accordance with this section; and

4 “(2) for the purpose of providing nutrition as-
5 sistance through electronic benefit transfer or meth-
6 ods described in clauses (ii) and (iii) of subsection
7 (b)(2)(B) during the summer months for each eligi-
8 ble child, to ensure continued access to food when
9 school is not in session for the summer.

10 “(b) SUMMER EBT BENEFITS REQUIREMENTS.—

11 “(1) PURCHASE OPTIONS.—

12 “(A) BENEFITS ISSUED BY STATES.—

13 Summer EBT benefits issued pursuant to sub-
14 section (a) by a State may only be used by the
15 eligible household that receives such summer
16 EBT benefits to purchase food (as defined in
17 section 3 of the Food and Nutrition Act of
18 2008 (7 U.S.C. 2012)) from retail food stores
19 that have been approved for participation in the
20 supplemental nutrition assistance program es-
21 tablished under such Act and in accordance
22 with section 7(b) of such Act (7 U.S.C.
23 2016(b)) or in the nutrition assistance program
24 in American Samoa, the Commonwealth of

3965

1 Puerto Rico, and the Commonwealth of the
2 Northern Mariana Islands.

3 “(B) BENEFITS ISSUED BY COVERED IN-
4 DIAN TRIBAL ORGANIZATIONS.—Summer EBT
5 benefits issued pursuant to subsection (a) by a
6 covered Indian Tribal organization may only be
7 used by the eligible household that receives such
8 summer EBT benefits to purchase supple-
9 mental foods from vendors that have been ap-
10 proved for participation in the special supple-
11 mental nutrition program for women, infants,
12 and children under section 17 of the Child Nu-
13 trition Act of 1966 (42 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 pro-
19 portionately higher consistent with the ad-
20 justments established under section 12(f)
21 for each eligible child in the eligible house-
22 hold per month during the summer oper-
23 ational period; and

24 “(ii) for calendar year 2025 and each
25 year thereafter, in an amount equal to the

3966

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
7 on November 30 of the preceding calendar
8 year and rounded to the nearest lower dol-
9 lar increment; and

10 “(B) may be issued—

11 “(i) in the form of an EBT card;

12 “(ii) through other electronic meth-
13 ods, as determined by the Secretary; or

14 “(iii) in the case of a State that does
15 not issue nutrition assistance program ben-
16 efits 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
23 of the Food and Nutrition Act of 2008 (7
24 U.S.C. 2021, 2023, 2024) and subsections (n),
25 (o), and (p) of section 17 of the Child Nutrition

1 Act of 1966 (42 U.S.C. 1786), as applicable;
2 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
10 issued pursuant to subsection (a) may only be
11 issued for the purpose of purchasing food dur-
12 ing the summer months, with appropriate
13 issuance and expungement timelines as deter-
14 mined by the Secretary (but with an
15 expungement timeline not to exceed 4 months).

16 “(B) CONTINUOUS SCHOOL CALENDAR.—
17 In the case of children who are under a contin-
18 uous school calendar, the Secretary shall estab-
19 lish alternative plans for the period during
20 which summer EBT benefits may be issued
21 pursuant to subsection (a) and used.

22 “(c) ENROLLMENT IN PROGRAM.—

23 “(1) STATE REQUIREMENTS.—States that elect
24 to participate in the program under this section
25 shall—

1 “(A) with respect to summer, automati-
2 cally enroll each eligible child who is directly
3 certified, is an identified student (as defined in
4 section 11(a)(1)(F)(i)), or is otherwise deter-
5 mined by a school food authority to be eligible
6 to receive free or reduced price meals in the in-
7 structional year immediately preceding the sum-
8 mer or during the summer operational period in
9 the program under this section, without further
10 application 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
15 or 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.

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
5 requirements 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 admin-
9 istrative expenses incurred by the State agency or covered
10 Indian Tribal organization in operating the program
11 under this section, including the administrative expenses
12 of local educational agencies and other agencies in each
13 State or covered Indian Tribal organization relating to the
14 operation 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 De-
18 velopment, Food and Drug Administration, and Related
19 Agencies Appropriations Act, 2010 (Public Law 111–80;
20 123 Stat. 2132), to provide access to food through elec-
21 tronic benefit transfer benefits to children during the sum-
22 mer months 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

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 Adminis-
7 tration, and Related Agencies Appropriations
8 Act, 2010 (Public Law 111–80; 123 Stat.
9 2132); and

10 “(B) the pandemic EBT program under
11 section 1101 of the Families First Coronavirus
12 Response Act (7 U.S.C. 2011 note; Public Law
13 116–127);

14 “(2) ensure timely and fair service to applicants
15 for and recipients of benefits under this section;

16 “(3) establish quality assurance and program
17 integrity procedures to ensure that States and local
18 educational agencies have adequate processes—

19 “(A) to correctly determine the eligibility
20 of children for benefits under this section; and

21 “(B) to reliably enroll and issue benefits to
22 eligible children; and

23 “(4) allow States and covered Indian Tribal or-
24 ganizations to streamline program administration,
25 including by—

3971

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.—
6 Beginning in 2024, each State desiring to participate in
7 the program under this section shall comply with the re-
8 quirements under section 13(n).

9 “(h) DEFINITIONS.—In this section:

10 “(1) COVERED INDIAN TRIBAL ORGANIZA-
11 TION.—The term ‘covered Indian Tribal organiza-
12 tion’ means an Indian Tribal organization that partici-
13 pates in the special supplemental nutrition pro-
14 gram for women, infants, and children established
15 under section 17 of the Child Nutrition Act of 1966
16 (42 U.S.C. 1786).

17 “(2) ELIGIBLE CHILD.—The term ‘eligible
18 child’ means, with respect to a summer, a child
19 who—

20 “(A) was, at the end of the instructional
21 year immediately preceding such summer or
22 during the summer operational period—

23 “(i) certified to receive free or reduced
24 price lunch under the school lunch pro-
25 gram under this Act;

3972

1 “(ii) certified to receive free or re-
2 duced price breakfast under the school
3 breakfast program under section 4 of the
4 Child Nutrition Act of 1966 (42 U.S.C.
5 1773); or

6 “(iii) able to be directly certified;

7 “(B) was, at the end of the instructional
8 year immediately preceding such summer—

9 “(i) enrolled in a school described in
10 subparagraph (B), (C), (D), (E), or (F) of
11 section 11(a)(1); and

12 “(ii)(I) an identified student (as de-
13 fined in section 11(a)(1)(F)(i)); or

14 “(II) a child who otherwise met the
15 requirements to receive free or reduced
16 price meals, as determined through an ap-
17 plication process using the eligibility cri-
18 teria for free or reduced price meals under
19 this Act; or

20 “(C) has been determined to be eligible for
21 the program under this section in accordance
22 with subsection (c)(1)(B).

23 “(3) ELIGIBLE HOUSEHOLD.—The term ‘eligi-
24 ble household’ means a household that includes at
25 least 1 eligible child.

1 “(4) SUPPLEMENTAL FOODS.—The term ‘sup-
2 plemental 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 Re-
24 sponse Act (7 U.S.C. 2011 note; Public Law 116–127)
25 is amended—

3974

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
9 to 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 partici-
12 pate in the school lunch program or school breakfast
13 program 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 as-
17 sistance under this subsection.”.

18 (e) NO DUPLICATION OF SUMMER BENEFITS.—A
19 State may not provide to a household summer EBT bene-
20 fits (as described in section 13A(a) of the Richard B. Rus-
21 sell National School Lunch Act) under that section and
22 benefits under section 1101(i) of the Families First
23 Coronavirus Response Act (7 U.S.C. 2011 note; Public
24 Law 116–127) for the same period.

3975

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;
4 Public Law 116–127) (as amended by section 502(d)) is
5 amended by adding at the end the following:

6 “(4) SUMMER 2023.—Any benefits issued to
7 households during a covered summer period pursu-
8 ant to paragraph (1) in summer 2023 shall not ex-
9 ceed \$120 per child for the covered summer period,
10 except that benefits may be proportionately higher
11 consistent with any adjustments established under
12 section 12(f) of the Richard B. Russell National
13 School Lunch Act (42 U.S.C. 1760(f)).”.

14 (b) ALLOTMENTS.—Section 2302 of the Families
15 First Coronavirus Response Act (7 U.S.C. 2011 note;
16 Public Law 116–127) is amended by adding at the end
17 the following:

18 “(d) SUNSET.—The authority under subsection
19 (a)(1) shall expire after the issuance of February 2023
20 benefits under that subsection.”.

21 TITLE V—OTHER MATTERS**22 SEC. 601. SUPPORT FOR COTTON MERCHANTISERS.**

23 (a) COTTON MERCHANTISER PANDEMIC ASSIST-
24 ANCE.—

25 (1) PANDEMIC ASSISTANCE PAYMENTS TO COT-
26 TON MERCHANTISERS.—The Secretary shall make

1 pandemic assistance payments, under terms and
2 conditions as determined by the Secretary, to cotton
3 merchandisers that purchased cotton from a United
4 States cotton producer or marketed cotton on behalf
5 of a United States cotton producer during the period
6 that begins on March 1, 2020, and ends on the date
7 of enactment of this Act.

8 (2) PAYMENT DETERMINATIONS.—The Sec-
9 retary shall take into consideration economic im-
10 pacts of COVID–19 and other supply chain disrup-
11 tions in determining payment rates under this sub-
12 section, such that the amounts made available under
13 paragraph (4)(A) are fully expended no later than 1
14 year after the date of enactment of this section.

15 (3) COTTON MERCHANTISER DEFINED.—In this
16 subsection, the term “cotton merchandiser” means
17 an entity that markets, sells, or trades cotton to end
18 users.

19 (4) FUNDING LIMITATIONS.—

20 (A) IN GENERAL.—Of the funds made
21 available under subsection (b), the Secretary
22 shall make available \$100,000,000 to carry out
23 this subsection.

24 (B) ADMINISTRATIVE EXPENSES.—The
25 Secretary may use not more than 1 percent of

3977

1 the funds under subparagraph (A) for adminis-
2 trative costs necessary to carry out this sub-
3 section.

4 (b) FUNDING.—The Secretary shall make available
5 \$100,000,000 to be derived from the unobligated balances
6 of amounts made available under section 751 of division
7 N of the Consolidated Appropriations Act, 2021 (Public
8 Law 116–260) to carry out subsection (a).

9 **SEC. 602. ASSISTANCE FOR RICE PRODUCERS.**

10 (a) IN GENERAL.—The Secretary shall make a 1-
11 time payment to each producer of rice on a farm in the
12 United States with respect to the 2022 crop year.

13 (b) PAYMENT AMOUNT.—In accordance with the
14 amount made available under subsection (e), the amount
15 of a payment to a rice producer on a farm under sub-
16 section (a) shall be equal to the product obtained by multi-
17 plying—

18 (1) the payment rate per pound, as determined
19 by the Secretary, but which shall be—

20 (A) the same for all varieties of rice;

21 (B) not less than 2 cents per pound; and

22 (C) notwithstanding subparagraph (B), ad-
23 justed by the Secretary such that the amount
24 made available under subsection (e) is fully ex-
25 pended;

3978

1 (2)(A) in the case of a producer with an aver-
2 age actual production history per planted acre of
3 rice determined in accordance with subparagraphs
4 (A), (B), and (E) of section 508(g)(2) of the Fed-
5 eral Crop Insurance Act (7 U.S.C. 1508(g)(2)), that
6 average actual production history; or

7 (B) in the case of a producer without an aver-
8 age actual production history described in subpara-
9 graph (A)—

10 (i) if an area yield for the 2022 crop year
11 determined in accordance with subparagraphs
12 (C) and (E) of that section is available, that
13 area yield; or

14 (ii) if an area yield described in clause (i)
15 is not available, the yield determined by the
16 Secretary; and

17 (3) the sum obtained by adding, as applicable—

18 (A) the number of certified planted acres
19 of rice on the farm for the 2022 crop year, as
20 reported to the Secretary; and

21 (B) the number of certified acres of rice
22 prevented from being planted on the farm for
23 the 2022 crop year, as reported to the Sec-
24 retary, multiplied by the prevented planting
25 coverage factor applicable to those acres.

3979

1 (c) LIMITATIONS.—

2 (1) IN GENERAL.—In carrying out this section,
3 the Secretary shall impose payment limitations con-
4 sistent with section 760.1507(b) of title 7, Code of
5 Federal Regulations (as in effect on September 30,
6 2021).

7 (2) SEPARATE LIMITATIONS.—The payment
8 limitations imposed under paragraph (1) shall be
9 separate from annual payment limitations under any
10 other program.

11 (d) DEADLINE.—The Secretary shall make payments
12 under this section not later than 120 days after the date
13 of enactment of this Act.

14 (e) FUNDING.—

15 (1) RESCISSION.—Of the unobligated balance of
16 the amounts made available by section 751 of divi-
17 sion N of the Consolidated Appropriations Act, 2021
18 (Public Law 116–260; 134 Stat. 2105),
19 \$250,000,000 is rescinded.

20 (2) APPROPRIATION.—There is appropriated to
21 the Secretary, out of any amounts in the Treasury
22 not otherwise appropriated, \$250,000,000 to carry
23 out this section.

3980

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,
4 as engrossed in the House of Representatives on Decem-
5 ber 8, 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,
14 and Rodenticide Act (7 U.S.C. 136a(f)) is amended by
15 adding 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
24 of the labeling contained in the Span-
25 ish Translation Guide described in

3981

1 subparagraph (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
6 the 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
13 sheets in Spanish via scannable tech-
14 nology or other electronic methods
15 readily accessible on the product label;
16 or

17 “(II) a non-agricultural pesticide
18 product that is not classified by the
19 Administrator as restricted use under
20 subsection (d)(1)(A) may, in lieu of
21 including a translation or a link under
22 clause (i), provide a link to the safety
23 data sheets in Spanish via scannable
24 technology or other electronic methods
25 readily accessible on the product label.

1 “(B) DEADLINES FOR BILINGUAL LABEL-
2 ING.—

3 “(i) PESTICIDE PRODUCTS CLASSI-
4 FIED AS RESTRICTED USE.—In the case of
5 pesticide products classified by the Admin-
6 istrator as restricted use under subsection
7 (d)(1)(A), the deadline specified in this
8 subparagraph is the date that is 3 years
9 following the date of enactment of this
10 paragraph.

11 “(ii) PESTICIDE PRODUCTS NOT CLAS-
12 SIFIED AS RESTRICTED USE.—In the case
13 of pesticide products not classified by the
14 Administrator 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 Tox-
21 icity Category I, the date that is
22 3 years after the date of enact-
23 ment of this paragraph.

24 “(bb) ACUTE TOXICITY CAT-
25 EGORY II.—For agricultural pes-

3983

1 pesticides classified as Acute Tox-
2 icity Category II, the date that is
3 5 years after the date of enact-
4 ment 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
16 and non-agricultural pesticide
17 products classified as Acute Tox-
18 icity Category II, the date that is
19 6 years after the date of enact-
20 ment of this paragraph.

21 “(III) OTHER PESTICIDE PROD-
22 UCTS.—With respect to pesticide
23 products not described in subclause
24 (I) or (II), the date that is 8 years

3984

1 after the date of enactment of this
2 paragraph.

3 “(C) IMPLEMENTATION.—

4 “(i) NON-NOTIFICATION.—

5 “(I) IN GENERAL.—In carrying
6 out this paragraph, the Administrator
7 shall allow translations of the parts of
8 the label of a pesticide contained in
9 the Spanish Translation Guide de-
10 scribed in subparagraph (G) and
11 scannable technology or other elec-
12 tronic methods to be added using non-
13 notification procedures.

14 “(II) NON-NOTIFICATION PROCE-
15 DURE DEFINED.—In this clause, the
16 term ‘non-notification procedure’ re-
17 fers to a procedure under which a
18 change may be made to a pesticide
19 label without notifying the Adminis-
20 trator.

21 “(ii) COOPERATION AND CONSULTA-
22 TION.—In carrying out this paragraph, the
23 Administrator shall cooperate and consult
24 with State lead agencies for pesticide regu-
25 lation for the purpose of implementing bi-

3985

1 lingual labeling as provided in this para-
2 graph as expeditiously as possible.

3 “(iii) END USE LABELING.—The la-
4 beling requirements of this paragraph shall
5 apply to end use product labels.

6 “(iv) INCORPORATION TIMEFRAME.—
7 After initial translation deadlines provided
8 in subparagraph (B), updates to the Span-
9 ish Translation Guide described in sub-
10 paragraph (G) shall be incorporated into
11 labeling on the earlier of—

12 “(I) in the case of agricultural
13 use pesticide labels, as determined by
14 the Administrator—

15 “(aa) 1 year after the date
16 of publication of the updated
17 Spanish Label Translation Guide
18 described in subparagraph (G);
19 or

20 “(bb) the released for ship-
21 ment date specified on the EPA
22 Stamped Approved Label after
23 the pesticide label is next
24 changed or amended following
25 the date of publication of the up-

3986

1 dated Spanish Label Translation
2 Guide described in subparagraph
3 (G); and

4 “(II) in the case of antimicrobial
5 and non-agricultural use pesticide la-
6 bels, as determined by the Adminis-
7 trator—

8 “(aa) 2 years after the date
9 of publication of the updated
10 Spanish Label Translation Guide
11 described in subparagraph (G);
12 or

13 “(bb) the released for ship-
14 ment date specified on the EPA
15 Stamped Approved Label after
16 the pesticide label is next
17 changed or amended following
18 the date of publication of the up-
19 dated Spanish Label Translation
20 Guide described in subparagraph
21 (G).

22 “(v) NOTIFICATION OF UPDATES TO
23 THE SPANISH TRANSLATION GUIDE FOR
24 PESTICIDE LABELING.—Not later than 10
25 days after updating the Spanish Trans-

3987

1 lation Guide described in subparagraph
2 (G), the Administrator shall notify reg-
3 istrants of the update to such guide.

4 “(D) ACCESSIBILITY OF BILINGUAL LA-
5 BELING FOR FARM WORKERS.—Not later than
6 180 days after the date of enactment of this
7 paragraph, to the maximum extent practicable,
8 the Administrator shall seek stakeholder input
9 on ways to make bilingual labeling required
10 under this paragraph accessible to farm work-
11 ers.

12 “(E) PLAN.—Not later than 3 years after
13 the date of enactment of this paragraph, the
14 Administrator shall implement a plan to ensure
15 that farm workers have access to the bilingual
16 labeling required under this paragraph.

17 “(F) REPORTING.—Not later than 2 years
18 after the date of enactment of this paragraph,
19 the Administrator shall develop and implement,
20 and make publicly available, a plan for tracking
21 the adoption of the bilingual labeling required
22 under this paragraph.

23 “(G) SPANISH TRANSLATION GUIDE DE-
24 SCRIBED.—The Spanish Translation Guide de-
25 scribed in this subparagraph is the Spanish

3988

1 Translation Guide for Pesticide Labeling issued
2 in October 2019, as in effect on the date of en-
3 actment of the Pesticide Registration Improve-
4 ment Act of 2022, and any successor guides or
5 amendments to such guide.”.

6 **SEC. 703. EXTENSION AND MODIFICATION OF MAINTENANCE FEE AUTHORITY.**
7

8 (a) **EXTENSION AND MODIFICATION OF MAINTENANCE FEE AUTHORITY.**—Section 4(i) of the Federal In-
9 secticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-
10 1(i)) is amended—
11

12 (1) in paragraph (1)—

13 (A) in subparagraph (C), by striking
14 “2023” and inserting “2022, and \$42,000,000
15 for each of fiscal years 2023 through 2027”;

16 (B) in subparagraph (D)—

17 (i) in clause (i), by striking “2023”
18 and inserting “2022, and \$172,000 for
19 each of fiscal years 2023 through 2027”;
20 and

21 (ii) in clause (ii), by striking “2023”
22 and inserting “2022, and \$277,200 for
23 each of fiscal years 2023 through 2027”;

24 (C) in subparagraph (E)(i)—

3989

1 (i) in subclause (I), by striking
2 “2023” and inserting “2022, and
3 \$105,000 for each of fiscal years 2023
4 through 2027”; and

5 (ii) in subclause (II), by striking
6 “2023” and inserting “2022, and
7 \$184,800 for each of fiscal years 2023
8 through 2027”;

9 (D) by redesignating subparagraphs (G),
10 (H), and (I) as subparagraphs (L), (M), and
11 (N);

12 (E) by inserting after subparagraph (F)
13 the following:

14 “(G) FARM WORKER TRAINING AND EDU-
15 CATION GRANTS.—

16 “(i) SET-ASIDE.—In addition to
17 amounts otherwise available, for fiscal
18 years 2023 through 2027, the Adminis-
19 trator shall use not more than \$7,500,000
20 of the amounts collected under this para-
21 graph to provide grants to organizations
22 described in clause (ii) for purposes of fa-
23 cilitating—

24 “(I) training of farm workers;

3990

1 “(II) education of farm workers
2 with respect to—

3 “(aa) rights of farm workers
4 relating to pesticide safety; and

5 “(bb) the worker protection
6 standard under part 170 of title
7 40, Code of Federal Regulations
8 (or successor regulations);

9 “(III) the development of new in-
10 formational materials;

11 “(IV) the development of training
12 modules; and

13 “(V) the development of innova-
14 tive methods of delivery of such infor-
15 mational materials and training mod-
16 ules.

17 “(ii) ELIGIBILITY.—To be eligible to
18 receive a grant under this subparagraph,
19 an organization shall have demonstrated
20 experience in—

21 “(I) providing training and edu-
22 cation services for farm workers or
23 handlers of pesticides; or

3991

1 “(II) developing informational
2 materials for farm workers or han-
3 dlers of pesticides.

4 “(iii) COMMUNITY-BASED ORGANIZA-
5 TIONS.—

6 “(I) COMMUNITY-BASED NON-
7 PROFIT FARM WORKER ORGANIZATION
8 GRANTS.—The Administrator shall
9 use funds available under clause (i) to
10 provide grants to community-based
11 non-profit farm worker organizations.

12 “(II) APPLICATION OF FUNDS.—
13 The Administrator shall apply the
14 unspent balance of funds available (up
15 to \$1,800,000) under clause (i) in fis-
16 cal years 2025 through 2027 to carry
17 out subclause (I).

18 “(iv) INTERIM FUNDING.—In addition
19 to amounts otherwise available, the Admin-
20 istrator may use not more than \$1,200,000
21 in fiscal years 2023 and 2024 to fund ex-
22 isting cooperative agreements that were
23 authorized under section 33(c)(3)(B), as
24 such section was in effect as of March 8,
25 2019.

3992

1 “(v) PARTNERSHIPS.—Organizations
2 described in clause (ii) may apply for a
3 grant under this subparagraph as a part-
4 nership with another organization, pro-
5 vided such organizations, at the time of
6 application, have entered into an agree-
7 ment designating—

8 “(I) a member of the partnership
9 that will enter into the assistance
10 agreement with the Environmental
11 Protection Agency for the purposes of
12 accountability for the proper expendi-
13 ture of Federal funds;

14 “(II) performance of the assist-
15 ance agreement;

16 “(III) liability for claims for re-
17 covery of unallowable costs incurred
18 under the agreement; and

19 “(IV) specifying roles in per-
20 forming the proposed scope of work
21 for the assistance agreement.

22 “(H) HEALTH CARE PROVIDER TRAIN-
23 ING.—

24 “(i) SET-ASIDE.—In addition to other
25 amounts available, for the period of fiscal

3993

1 years 2023 through 2027, the Adminis-
2 trator shall use not more than \$2,500,000
3 of the amounts collected under this para-
4 graph to provide grants to nonprofit orga-
5 nizations described in clause (ii) for pur-
6 poses of facilitating—

7 “(I) technical assistance and
8 training of health care providers relat-
9 ing to the recognition, treatment, and
10 management of pesticide-related inju-
11 ries and illnesses;

12 “(II) the development of informa-
13 tional materials for technical assist-
14 ance and training described in sub-
15 clause (I); and

16 “(III) the development of out-
17 reach and delivery methods relating to
18 the recognition, treatment, and man-
19 agement of pesticide-related illnesses.

20 “(ii) ELIGIBILITY.—To be eligible to
21 receive a grant under this subparagraph, a
22 nonprofit organization shall have dem-
23 onstrated experience in providing technical
24 assistance and training to health care pro-
25 viders who serve farm worker populations.

3994

1 “(iii) PARTNERSHIPS.—Organizations
2 described in clause (ii) may apply for a
3 grant under this subparagraph as a part-
4 nership with another organization, pro-
5 vided such organizations, at the time of
6 application, have entered into an agree-
7 ment designating—

8 “(I) a member of the partnership
9 that will enter into the assistance
10 agreement with the Environmental
11 Protection Agency for the purposes of
12 accountability for the proper expendi-
13 ture of Federal funds;

14 “(II) performance of the assist-
15 ance agreement;

16 “(III) liability for claims for re-
17 covery of unallowable costs incurred
18 under the agreement; and

19 “(IV) roles in performing the
20 proposed scope of work for the assist-
21 ance agreement.

22 “(I) PARTNERSHIP GRANTS.—In addition
23 to funds otherwise available, for each of fiscal
24 years 2023 through 2027, the Administrator
25 shall use not more than \$500,000 of the

3995

1 amounts collected under this paragraph for
2 partnership grants.

3 “(J) PESTICIDE SAFETY EDUCATION PRO-
4 GRAM.—In addition to amounts otherwise avail-
5 able, for each of fiscal years 2023 through
6 2027, the Administrator shall use not more
7 than \$500,000 of the amounts collected under
8 this paragraph to carry out the pesticide safety
9 education program.

10 “(K) TECHNICAL ASSISTANCE TO GRANT-
11 EES.—

12 “(i) SET-ASIDE.—In addition to other
13 amounts available, for fiscal years 2023
14 through 2027, the Administrator shall use
15 not more than \$1,750,000 of the amounts
16 collected under this paragraph to provide
17 grants to nonprofit organizations, subject
18 to such conditions as the Administrator es-
19 tablishes to prevent conflicts of interest, to
20 provide easily accessible technical assist-
21 ance to grantees receiving, and potential
22 grantees applying for, grants under sub-
23 paragraphs (G) and (H).

24 “(ii) CONSIDERATIONS.—In evalu-
25 ating requests for grants under this sub-

3996

1 paragraph, the Administrator shall con-
2 sider, at a minimum, the extent to which—

3 “(I) the organization applying for
4 the grant has experience providing
5 technical assistance to farm worker or
6 clinician-training organizations; and

7 “(II) the proposed project would
8 make specific technical assistance
9 available to organizations seeking in-
10 formation and assistance con-
11 cerning—

12 “(aa) the grant application
13 process;

14 “(bb) the drafting of grant
15 applications; and

16 “(cc) compliance with grant
17 management and reporting re-
18 quirements.

19 “(iii) NO SUITABLE ORGANIZATION.—
20 If no suitable organization requests a
21 grant under this subparagraph, the Admin-
22 istrator shall provide technical assistance
23 described in clause (i) using the amounts
24 made available by that clause.

3997

1 “(iv) STAKEHOLDER INPUT.—In for-
2 mulating requests for proposals for grants
3 under subparagraphs (G) and (H) for a
4 fiscal year, the Administrator shall solicit
5 and consider, in an open and transparent
6 manner that does not provide a competitive
7 advantage to any person or persons, input
8 from persons who conduct farm worker
9 education and training, or technical assist-
10 ance and training of clinicians, regarding
11 the request for proposals.”; and

12 (F) in subparagraph (N) (as so redesign-
13 ated), by striking “2023” and inserting
14 “2027”; and

15 (2) in paragraph (2)—

16 (A) by striking “section 33(b)(3)” and in-
17 serting “section 33(b)(3)(B)”; and

18 (B) by striking “the Pesticide Registration
19 Improvement Extension Act of 2018 and ending
20 on September 30, 2025” and inserting “the
21 Pesticide Registration Improvement Act of
22 2022 and ending on September 30, 2029”.

23 (b) EXTENSION OF PROHIBITION ON TOLERANCE
24 FEES.—Section 408(m)(3) of the Federal Food, Drug,
25 and Cosmetic Act (21 U.S.C. 346a(m)(3)) is amended by

3998

1 striking “the Pesticide Registration Improvement Renewal
2 Act and ending on September 30, 2023” and inserting
3 “the Pesticide Registration Improvement Act of 2022 and
4 ending on September 30, 2027”.

5 **SEC. 704. REREGISTRATION AND EXPEDITED PROCESSING**
6 **FUND.**

7 Section 4(k) of the Federal Insecticide, Fungicide,
8 and Rodenticide Act (7 U.S.C. 136a–1(k)) is amended—

9 (1) in paragraph (2)(A), in the first sentence,
10 by inserting “including, to the maximum extent
11 practicable, during periods in which Environmental
12 Protection Agency employees are on shutdown or
13 emergency furlough as a result of a lapse in appro-
14 priations,” after “limitation,”;

15 (2) by striking paragraphs (3) and (4) and in-
16 serting the following:

17 “(3) REVIEW OF REGISTRANT SUBMISSIONS
18 NOT COVERED BY SECTION 33(B)(3)(B).—

19 “(A) DEFINITION OF SUBMISSION NOT
20 COVERED BY SECTION 33(B)(3)(B).—In this
21 paragraph, the term ‘submission not covered by
22 section 33(b)(3)(B)’ means any submission filed
23 by a registrant with the Administrator relating
24 to a registration that is not covered by a fee
25 table under section 33(b)(3)(B).

3999

1 “(B) SET-ASIDE.—

2 “(i) IN GENERAL.—In addition to
3 amounts otherwise available for each of fis-
4 cal years 2023 through 2027, the Adminis-
5 trator shall use approximately $\frac{1}{8}$ of the
6 amounts made available to the Adminis-
7 trator in the Reregistration and Expedited
8 Processing Fund for the activities de-
9 scribed in clause (ii).

10 “(ii) ACTIVITIES.—In addition to
11 amounts otherwise available, the Adminis-
12 trator shall use amounts made available
13 under clause (i) to obtain sufficient per-
14 sonnel and resources to process submis-
15 sions not covered by section 33(b)(3)(B) to
16 meet the applicable deadlines described
17 in—

18 “(I) the notice of the Adminis-
19 trator entitled ‘Pesticide Registration
20 Notice (PR) 98–10: Notifications,
21 Non-Notifications and Minor Formu-
22 lation Amendments’ and dated Octo-
23 ber 22, 1998 (and any successor
24 amendments to such notice); and

4000

1 “(II) subsections (c)(3)(B) and
2 (h) of section 3.

3 “(4) DEVELOPMENT OF PUBLIC HEALTH PER-
4 FORMANCE STANDARDS FOR ANTIMICROBIAL PES-
5 TICIDE DEVICES.—

6 “(A) SET-ASIDE.—In addition to amounts
7 otherwise available, for each of fiscal years
8 2023 through 2027, the Administrator shall use
9 not more than \$500,000 of the amounts made
10 available to the Administrator in the Rereg-
11 istration and Expedited Processing Fund for
12 the activities described in subparagraph (B).

13 “(B) ANTIMICROBIAL PESTICIDE DE-
14 VICES.—The Administrator shall use amounts
15 made available under subparagraph (A) to de-
16 velop efficacy test methods for antimicrobial
17 pesticide devices making public health claims.”;

18 (3) in paragraph (5)(A), by striking “2018
19 through 2023” and inserting “2023 through 2027”;

20 (4) by redesignating paragraphs (6) and (7) as
21 paragraphs (9) and (10), respectively;

22 (5) by inserting after paragraph (5) the fol-
23 lowing:

24 “(6) AGENCY TRAINING AND STAFF.—

4001

1 “(A) SET-ASIDE.—In addition to amounts
2 otherwise available, for each of fiscal years
3 2023 through 2027, the Administrator shall use
4 not more than \$500,000 of the amounts made
5 available to the Administrator in the Rereg-
6 istration and Expedited Processing Fund for
7 the activities described in subparagraph (B).

8 “(B) ACTIVITIES.—The Administrator
9 shall use amounts made available under sub-
10 paragraph (A) to carry out the following activi-
11 ties:

12 “(i) TRAINING FOR AGENCY EMPLOY-
13 EES.—The Administrator shall administer
14 training and education programs for em-
15 ployees of the Environmental Protection
16 Agency, relating to the regulatory respon-
17 sibilities and policies established by this
18 Act, including programs—

19 “(I) for improving the scientific,
20 technical, and administrative skills of
21 officers and employees authorized to
22 administer programs under this Act;

23 “(II) to align competencies iden-
24 tified by the Administrator for mis-
25 sion accomplishment;

4002

1 “(III) for addressing best prac-
2 tices for operational performance and
3 improvement;

4 “(IV) for improving administra-
5 tive processes and procedures and ad-
6 dressing efficiency issues;

7 “(V) to promote consistent regu-
8 latory decision-making; and

9 “(VI) for educating registrants
10 and regulated stakeholders on regu-
11 latory procedures.

12 “(ii) AGREEMENTS WITH INSTITU-
13 TIONS OF HIGHER EDUCATION.—Not later
14 than 1 year, to the maximum extent prac-
15 ticable, after the date of enactment of the
16 Pesticide Registration Improvement Act of
17 2022, the Administrator shall establish a
18 competitive grant program to develop
19 training curricula and programs in accord-
20 ance with clause (i) through financial as-
21 sistance agreements with 1 or more of the
22 following institutions of higher education:

23 “(I) Non-land-grant colleges of
24 agriculture (as defined in section
25 1404 of the National Agricultural Re-

4003

1 search, Extension, and Teaching Pol-
2 icy Act of 1977 (7 U.S.C. 3103)).

3 “(II) Land-grant colleges and
4 universities (as defined in section
5 1404 of the National Agricultural Re-
6 search, Extension, and Teaching Pol-
7 icy Act of 1977 (7 U.S.C. 3103)).

8 “(III) 1994 Institutions (as de-
9 fined in section 532 of the Equity in
10 Educational Land-Grant Status Act
11 of 1994 (7 U.S.C. 301 note; Public
12 Law 103–382)).

13 “(7) VECTOR EXPEDITED REVIEW VOUCH-
14 ERS.—

15 “(A) SET-ASIDE.—In addition to amounts
16 otherwise available, for each of fiscal years
17 2023 through 2027, the Administrator shall use
18 not more than \$500,000 of the amounts made
19 available to the Administrator in the Rereg-
20 istration and Expedited Processing Fund to es-
21 tablish and carry out the Vector Expedited Re-
22 view Voucher program in accordance with sub-
23 paragraph (B).

24 “(B) VECTOR EXPEDITED REVIEW VOUCH-
25 ER PROGRAM.—

4004

1 “(i) DEFINITIONS.—In this subpara-
2 graph:

3 “(I) PROGRAM.—The term ‘pro-
4 gram’ means the Vector Expedited
5 Review Voucher program established
6 under clause (ii).

7 “(II) VOUCHER.—The term
8 ‘voucher’ means a voucher—

9 “(aa) issued under the pro-
10 gram by the Administrator to a
11 pesticide registration applicant
12 that entitles the holder to an ex-
13 pedited review described under
14 clause (vi) of a single different
15 pesticide registration action; and

16 “(bb) the entitlement to
17 which may be transferred (in-
18 cluding by sale) by the holder of
19 the voucher, without limitation
20 on the number of times the
21 voucher may be transferred, be-
22 fore the voucher is redeemed.

23 “(ii) ESTABLISHMENT.—Not later
24 than one year after the date of enactment
25 of the Pesticide Registration Improvement

4005

1 Act of 2022, the Administrator, acting
2 though the Office of Pesticide Programs,
3 shall establish a program to be known as
4 the Vector Expedited Review Voucher pro-
5 gram.

6 “(iii) PURPOSE.—The purpose of the
7 program is to incentivize the development
8 of new insecticides to control and prevent
9 the spread of vector borne disease by expe-
10 diting reviews by decreasing decision re-
11 view times provided in section 33(b)(3)(B).

12 “(iv) ISSUANCE OF VOUCHERS.—

13 “(I) IN GENERAL.—For each of
14 fiscal years 2023 through 2027, the
15 Administrator shall issue a voucher to
16 a pesticide registration applicant for a
17 new active ingredient if the applicant
18 submits and has successfully reg-
19 istered a mosquito-control product
20 that—

21 “(aa) demonstrates a proven
22 efficacy against pyrethroid or
23 other insecticide-resistant mos-
24 quitoes;

4006

1 “(bb) prevents, mitigates,
2 destroys, or repels pyrethroid or
3 other insecticide-resistant mos-
4 quitoes, with a novel or unique
5 mechanism or mode of action,
6 different from other insecticides
7 already registered by the Admin-
8 istrator for mosquito control;

9 “(cc) targets mosquitoes ca-
10 pable of spreading such diseases
11 as Malaria, Dengue, Zika,
12 Chikungunya, St. Louis enceph-
13 alitis, Eastern encephalitis, West-
14 ern encephalitis, West Nile en-
15 cephalitis, Cache Valley enceph-
16 alitis, LaCrosse encephalitis, and
17 Yellow Fever;

18 “(dd) the registrant has
19 submitted a global access plan
20 that will be made publicly avail-
21 able for the active ingredient and
22 that includes—

23 “(AA) manufacturing
24 locations, including any li-

4007

1 censed third-party manufac-
2 turers;

3 “(BB) distribution and
4 procurement processes for
5 malaria vector control pro-
6 grams in selected countries;
7 and

8 “(CC) the prices for
9 common quantities of the
10 product;

11 “(ee) meets the appropriate
12 guidelines as being effective in
13 the primary vector control inter-
14 vention areas, including insecti-
15 cide-treated nets and indoor re-
16 sidual spray;

17 “(ff) is made accessible for
18 use in—

19 “(AA) the United
20 States, including territories
21 or possessions of the United
22 States; and

23 “(BB) countries where
24 mosquito-borne diseases,

4008

1 such as malaria, are preva-
2 lent;

3 “(gg) meets registration re-
4 quirements for human health and
5 environmental effects, labeling,
6 and presents no unreasonable ad-
7 verse effects to the environment;

8 “(hh) broadens the adoption
9 of integrated pest management
10 strategies, such as insecticide re-
11 sistance management, or makes
12 those strategies more effective;

13 “(ii) is not contained in any
14 pesticide product registered by
15 the Administrator as of the date
16 of the enactment of the Pesticide
17 Registration Improvement Act of
18 2022; or

19 “(jj) does not contain as at-
20 tested to by the registrant, an ac-
21 tive ingredient approved in the 2-
22 year period preceding the date of
23 registration by any global strin-
24 gent regulatory authority for the

4009

1 same uses, vectors, and applica-
2 tions.

3 “(II) MOSQUITO VECTOR PRI-
4 ORITY.—For each of fiscal years 2023
5 through 2027, the focus of the pro-
6 gram shall be to incentivize the devel-
7 opment of insecticides to control and
8 prevent the spread of mosquitoes
9 bearing diseases described in sub-
10 clause (I)(cc).

11 “(III) EXCEPTION.—If the Ad-
12 ministrator determines that there is a
13 significant public health benefit, an
14 active ingredient that is registered for
15 agricultural use that is repurposed
16 and submitted for control of mosqui-
17 toes and that otherwise meets the re-
18 quirements of subclause (I) (excluding
19 items (bb) and (jj)) as determined
20 necessary by the Administrator, shall
21 be considered a mosquito control
22 product meeting the criteria specified
23 in such subclause.

24 “(IV) ELIGIBILITY CRITERIA
25 MODIFICATIONS.—

4010

1 “(aa) IN GENERAL.—Begin-
2 ning in fiscal year 2028, the Ad-
3 ministrator shall review the pro-
4 gram and recommend—

5 “(AA) modifications to
6 the requirements described
7 in subclause (I); and

8 “(BB) additional vec-
9 tors to be included in the
10 program, prioritizing vectors
11 that pose the most signifi-
12 cant population health risks.

13 “(bb) PUBLIC INVOLVE-
14 MENT.—In carrying out item
15 (aa), the Administrator shall so-
16 licit the involvement of reg-
17 istrants, nongovernmental organi-
18 zations, and governmental agen-
19 cies engaged in vector-borne dis-
20 ease mitigation and treatment.

21 “(v) REDEMPTION OF VOUCHERS.—

22 To redeem a voucher, the holder shall—

23 “(I) notify the Administrator of
24 the intent of the holder to submit a
25 pesticide application with a voucher

4011

1 for expedited review not less than 90
2 days before the submission of the ap-
3 plication; and

4 “(II) pay the applicable registra-
5 tion service fee under section 33(b).

6 “(vi) EXPEDITED REVIEW.—On re-
7 demption of a voucher, in furtherance of
8 the purpose described in clause (iii), the
9 Administrator shall expedite decision re-
10 view times as follows:

11 “(I) 6 months less than the deci-
12 sion review time for Category R010,
13 New Active Ingredient, Food use.

14 “(II) 6 months less than the de-
15 cision review time for Category R020,
16 New Active Ingredient, Food use; re-
17 duced risk.

18 “(III) 6 months less than the de-
19 cision review time for Category R060,
20 New Active Ingredient, Non-food use;
21 outdoor.

22 “(IV) 6 months less than the de-
23 cision review time for Category R110,
24 New Active Ingredient, Non-food use;
25 indoor.

4012

1 “(V) 4 months less than the deci-
2 sion review time for Category R070,
3 New Active Ingredient, Non-food use;
4 outdoor; reduced risk.

5 “(VI) 2 months less than the de-
6 cision review time for Category R120,
7 New Active Ingredient, Non-food use;
8 indoor; reduced risk.

9 “(vii) REPORTS.—Not later than Sep-
10 tember 30, 2025, and not later than Sep-
11 tember 30 of each year thereafter, the Ad-
12 ministrators shall issue a report on the pro-
13 gram, including—

14 “(I) the number of submissions
15 seeking a voucher;

16 “(II) the total time in review for
17 each such submission;

18 “(III) the number of such vouch-
19 ers awarded;

20 “(IV) the number of such vouch-
21 ers redeemed; and

22 “(V) with respect to each such
23 redeemed voucher—

24 “(aa) the decision review
25 time for the pesticide application

4013

1 for which the voucher was re-
2 deemed; and

3 “(bb) the average standard
4 decision review time for the ap-
5 plicable pesticide category.

6 “(C) UNUSED AMOUNTS.—Any unused
7 amounts made available under this paragraph
8 at the end of each fiscal year shall be made
9 available to the Administrator to carry out
10 other activities for which amounts in the Rereg-
11 istration and Expedited Processing Fund are
12 authorized to be used.

13 “(8) PESTICIDE SURVEILLANCE PROGRAM.—In
14 addition to amounts otherwise available, for each of
15 fiscal years 2023 through 2027, the Administrator
16 shall use not more than \$500,000 of the amounts
17 made available to the Administrator in the Rereg-
18 istration and Expedited Processing Fund to support
19 the interagency agreement with the National Insti-
20 tute for Occupational Safety and Health to support
21 the Sentinel Event Notification System for Occupa-
22 tional Risk pesticides program—

23 “(A) with a goal of increasing the number
24 of participating States, prioritizing expansion in

4014

1 States with the highest numbers of agricultural
2 workers; and

3 “(B) to improve reporting by participating
4 States.”; and

5 (6) in paragraph (10) (as so redesignated), in
6 the first sentence, by striking “(2), (3), (4), and
7 (5)” and inserting “(2) through (8)”.

8 **SEC. 705. PESTICIDE REGISTRATION SERVICE FEES.**

9 (a) EXTENSION AND MODIFICATION OF FEE AU-
10 THORITY.—

11 (1) IN GENERAL.—Section 33(b) of the Federal
12 Insecticide, Fungicide, and Rodenticide Act (7
13 U.S.C. 136w–8(b)) is amended—

14 (A) in paragraph (2)(E)(iii), by striking
15 “after review” and inserting “on completion of,
16 where appropriate, the initial screening of the
17 contents of the application or the preliminary
18 technical screening”;

19 (B) by striking “paragraph (3)” each place
20 it appears and inserting “paragraph (3)(B)”;

21 (C) in paragraph (3), by striking “Subject
22 to paragraph (6),” and inserting the following:

23 “(A) DATA EVALUATION RECORDS.—At
24 the decision review time under a fee table speci-
25 fied in subparagraph (B) or as agreed upon

4015

1 under subsection (f)(5), for each covered appli-
2 cation under a fee table specified in such sub-
3 paragraph (B), the Administrator shall—

4 “(i) complete data evaluation records
5 for studies submitted by the applicant in
6 support of the application; and

7 “(ii) release those data evaluation
8 records to the applicant, using appropriate
9 protections for confidential business infor-
10 mation.

11 “(B) SCHEDULE, ACTIONS, AND FEES.—
12 Subject to paragraph (6),”;

13 (D) in paragraph (6)—

14 (i) by amending subparagraph (A) to
15 read as follows: “Subject to the following
16 sentence, effective for a covered application
17 received during the period beginning on
18 October 1, 2024, and ending on September
19 30, 2026, the Administrator may increase
20 by 5 percent the registration service fee
21 payable for the application under para-
22 graph (3). No adjustment may be made
23 under the preceding sentence until the date
24 on which the Administrator begins to im-

4016

1 plement clauses (i) and (ii) of subsection
2 (k)(2)(A).”; and

3 (ii) by amending subparagraph (B) to
4 read as follows: “Subject to the following
5 sentence, effective for a covered application
6 received on or after October 1, 2026, the
7 Administrator may increase by an addi-
8 tional 5 percent the registration service fee
9 in effect as of September 30, 2026. No ad-
10 justment may be made under the preceding
11 sentence until the date on which the Ad-
12 ministrator begins to implement any rec-
13 ommendations for process improvements
14 contained in the report under subsection
15 (c)(4), as appropriate.”; and

16 (E) in paragraph (7)(A), by striking
17 “(commonly referred to as a Gold Seal letter)”
18 and inserting “(including a Gold Seal letter and
19 a Certificate of Establishment)”.

20 (2) CONFORMING AMENDMENT.—Section 33 of
21 the Federal Insecticide, Fungicide, and Rodenticide
22 Act (7 U.S.C. 136w–8) is amended by striking “sub-
23 section (b)(3)” each place it appears and inserting
24 “subsection (b)(3)(B)”.

4017

1 (b) PESTICIDE REGISTRATION FUND.—Section 33(c)
2 of the Federal Insecticide, Fungicide, and Rodenticide Act
3 (7 U.S.C. 136w–8(c)) is amended—

4 (1) in paragraph (3), by striking subparagraph
5 (B) and inserting the following:

6 “(B) ENDANGERED SPECIES REVIEW OF
7 OUTDOOR USE OF PESTICIDE PRODUCTS.—

8 “(i) IN GENERAL.—The Administrator
9 shall use the amounts made available in
10 the Fund to develop, receive comments
11 with respect to, and finalize, guidance to
12 registrants regarding analysis necessary to
13 support the review of outdoor uses of pes-
14 ticide products under the Endangered Spe-
15 cies Act of 1973 (16 U.S.C. 1531 et seq.).

16 “(ii) DEADLINES FOR GUIDANCE.—
17 The Administrator shall issue final guid-
18 ance required by clause (i) in accordance
19 with the following:

20 “(I) With respect to new active
21 ingredients or any registration review
22 decision proposed for 1 or more out-
23 door uses, not later than 9 months
24 after the date of enactment of the

4018

1 Pesticide Registration Improvement
2 Act of 2022.

3 “(II) With respect to new out-
4 door uses of a registered pesticide, not
5 later than 1 year after the date of en-
6 actment of the Pesticide Registration
7 Improvement Act of 2022.

8 “(III) With respect to anti-
9 microbial pesticide products, not later
10 than 3 years after the date of enact-
11 ment of the Pesticide Registration Im-
12 provement Act of 2022.

13 “(C) INDEPENDENT THIRD PARTY ASSESS-
14 MENTS.—

15 “(i) IN GENERAL.—The Administrator
16 shall use the amounts made available in
17 the Fund to carry out the activities de-
18 scribed in clauses (ii) and (iii).

19 “(ii) WORKFORCE ASSESSMENT.—

20 “(I) IN GENERAL.—The Admin-
21 istrator shall procure a competitive
22 contract with a qualified, independent
23 contractor with expertise in assessing
24 public sector workforce data analysis
25 and reporting to conduct an assess-

4019

1 ment of current methodologies and
2 data or metrics available to represent
3 the workforce implementing the Pes-
4 ticide Registration Improvement Act
5 of 2022 and the amendments made by
6 that Act, including an assessment of
7 filled and vacant positions and full-
8 time equivalent employees relating to
9 that implementation.

10 “(II) REPORT.—Not later than 2
11 years after the date of enactment of
12 the Pesticide Registration Improve-
13 ment Act of 2022—

14 “(aa) the contractor selected
15 under subclause (I) shall submit
16 to the Administrator a report de-
17 scribing—

18 “(AA) the findings
19 from the assessment under
20 that subclause; and

21 “(BB) recommenda-
22 tions for improved meth-
23 odologies to represent full-
24 time equivalent resources de-

4020

1 scribed in that subclause;

2 and

3 “(bb) the Administrator
4 shall publish the report sub-
5 mitted under item (aa) on the
6 website of the Environmental
7 Protection Agency.

8 “(iii) PROCESS ASSESSMENT.—

9 “(I) IN GENERAL.—

10 “(aa) CONTRACTS.—Within
11 1 year of the date of enactment
12 of the Pesticide Registration Im-
13 provement Act of 2022, to the
14 extent practicable, the Adminis-
15 trator shall issue a competitive
16 contract to a private, inde-
17 pendent consulting firm—

18 “(AA) to conduct the
19 assessment 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 proc-
25 esses and performance of

4021

1 the Environmental Protec-
2 tion Agency relating to the
3 implementation of the Pes-
4 ticide Registration Improve-
5 ment Act of 2022 and the
6 amendments made by that
7 Act.

8 “(bb) ELIGIBILITY.—The
9 firm described in item (aa) shall
10 be capable of performing the
11 technical analysis, management
12 assessment, and program evalua-
13 tion tasks required to address the
14 scope of the assessment under
15 subclause (II).

16 “(II) ASSESSMENT.—

17 “(aa) IN GENERAL.—The
18 Administrator, applicants, and
19 registrants shall participate in a
20 targeted assessment of the proc-
21 ess for the review of applications
22 submitted under this Act.

23 “(bb) CONSULTATION.—The
24 firm selected under subclause (I)
25 shall consult with the Adminis-

4022

1 trator and applicants at the start
2 of the assessment under item
3 (aa) and prior to submission of
4 the report under subclause
5 (I)(aa)(BB).

6 “(cc) REQUIREMENTS.—The
7 assessment under item (aa) shall
8 evaluate and make recommenda-
9 tions regarding—

10 “(AA) the initial con-
11 tent screen;

12 “(BB) the preliminary
13 technical screen;

14 “(CC) performance,
15 processes, and progress to-
16 ward reducing renegotiation
17 rates and the average length
18 of renegotiations;

19 “(DD) performance,
20 processes, and progress to-
21 ward eliminating the backlog
22 of registrant submissions
23 not covered by subsection
24 (b)(3);

4023

1 “(EE) performance,
2 processes, and progress to-
3 ward ensuring that all reg-
4 istrant submissions not cov-
5 ered by subsection (b)(3) are
6 completed by the applicable
7 deadlines described in the
8 notice of the Administrator
9 entitled ‘Pesticide Registra-
10 tion Notice (PR) 98–10: No-
11 tifications, Non-Notifications
12 and Minor Formulation
13 Amendments’ and dated Oc-
14 tober 22, 1998 (and any
15 successor amendments to
16 that notice) and described in
17 subsections (c)(3)(B) and
18 (h) of section 3;

19 “(FF) compliance with
20 the provisions of this Act re-
21 lating to renegotiations and
22 registrant submissions not
23 covered by subsection (b)(3);

24 “(GG) information
25 technology systems;

4024

1 “(HH) recommended
2 improvements to employee
3 training;

4 “(II) performance,
5 progress, and processes in
6 completing registration re-
7 view; and

8 “(JJ) other appropriate
9 issues, such as submissions
10 by inert suppliers and fast-
11 track amendments under
12 subsections (c)(3)(B) and
13 (h) of section 3.

14 “(III) REPORT TO CONGRESS.—
15 Not later than 1 year after the receipt
16 of an assessment required under this
17 section, the Administrator shall sub-
18 mit to the Committee on Agriculture,
19 Nutrition, and Forestry of the Senate
20 and the Committee on Agriculture of
21 the House of Representatives—

22 “(aa) a copy of each such
23 assessment; and

24 “(bb) the Administrator’s
25 evaluation of the findings and

4025

1 recommendations contained in
2 each such assessment.

3 “(IV) RECOMMENDATIONS.—The
4 Administrator shall include with the
5 report submitted under subclause
6 (III) a classification of each rec-
7 ommendation described in the report
8 as—

9 “(aa) can be implemented
10 through administrative action of
11 the Administrator; or

12 “(bb) requires a statutory
13 change.”; and

14 (2) in paragraph (4)—

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

17 (B) by redesignating subparagraph (B) as
18 subparagraph (C); and

19 (C) by inserting after subparagraph (A)
20 the following:

21 “(B) shall be available during periods in
22 which Environmental Protection Agency em-
23 ployees are on shutdown or emergency furlough
24 as a result of a lapse in appropriations; and”.

4026

1 (c) ASSESSMENT OF FEES.—Section 33(d)(2) of the
2 Federal Insecticide, Fungicide, and Rodenticide Act (7
3 U.S.C. 136w–8(d)(2)) is amended—

4 (1) by striking “(as in existence in fiscal year
5 2012)”; and

6 (2) by striking “the amount of appropriations
7 for covered functions for fiscal year 2012 (excluding
8 the amount of any fees appropriated for the fiscal
9 year).” and inserting “\$166,000,000.”.

10 (d) REFORMS TO REDUCE DECISION TIME REVIEW
11 PERIODS AND PREVENT DOUBLE PAYMENT OF REG-
12 ISTRATION FEES.—Section 33(e) of the Federal Insecti-
13 cide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–
14 8(e)) is amended—

15 (1) by striking the subsection designation and
16 heading and all that follows through “To the max-
17 imum” and inserting the following:

18 “(e) REFORMS TO REDUCE DECISION TIME REVIEW
19 PERIODS AND PREVENT DOUBLE PAYMENT OF REG-
20 ISTRATION FEES.—

21 “(1) REDUCTION OF DECISION TIME REVIEW
22 PERIODS.—To the maximum”; and

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

24 “(2) PREVENTION OF DOUBLE PAYMENT OF
25 REGISTRATION SERVICE FEES.—The Administrator

1 shall develop and implement a process to determine
2 the appropriate fee category or categories for an ap-
3 plication that qualifies for more than one fee cat-
4 egory in order to assist applicants and prevent un-
5 necessary payment of fees for multiple categories for
6 a single application.”.

7 (e) DECISION TIME REVIEW PERIODS.—Section
8 33(f) of the Federal Insecticide, Fungicide, and
9 Rodenticide Act (7 U.S.C. 136w–8(f)) is amended—

10 (1) in paragraph (1), by striking “Pesticide
11 Registration Improvement Extension Act of 2018”
12 and inserting “Pesticide Registration Improvement
13 Act of 2022”;

14 (2) in paragraph (4)—

15 (A) in subparagraph (B)—

16 (i) in clause (i), by adding at the end
17 the following:

18 “(III) FINAL FEE CATEGORY.—

19 The fee category of a covered applica-
20 tion or other actions may not be
21 changed, without providing the infor-
22 mation to the applicant, after comple-
23 tion of the preliminary technical
24 screening described in clause (iv).”;

4028

1 (ii) in clause (iii), in the matter pre-
2 ceding subclause (I), by inserting “auto-
3 mate the process, to the maximum extent
4 practicable, and” before “determine”; and

5 (iii) in clause (iv)—

6 (I) in the matter preceding sub-
7 clause (I), by striking “shall deter-
8 mine if—” and inserting “shall—”;

9 (II) in subclause (I)—

10 (aa) by inserting “determine
11 if” before “the application and”;
12 and

13 (bb) by striking “and” at
14 the end;

15 (III) in subclause (II)—

16 (aa) by inserting “determine
17 if” before “the application,
18 data,”; and

19 (bb) by striking the period
20 at the end and inserting a semi-
21 colon; and

22 (IV) by adding at the end the fol-
23 lowing:

24 “(III) determine, if applicable,
25 whether an application qualifies for a

4029

1 reduced risk determination under sub-
2 section (c)(10) or (h) of section 3;

3 “(IV) grant or deny any data
4 waiver requests submitted by the ap-
5 plicant with the application;

6 “(V) verify and validate the accu-
7 racy of the fee category selected by
8 the applicant; and

9 “(VI) notify the applicant, in
10 writing, if a new or different fee cat-
11 egory is required and calculate the
12 new decision review time based on the
13 original submission date.”; and

14 (B) by striking subparagraph (E) and in-
15 serting the following:

16 “(E) APPLICATIONS FOR REDUCED
17 RISK.—

18 “(i) FEE.—If an application for a re-
19 duced risk new active ingredient or a re-
20 duced risk new use is determined not to
21 qualify as reduced risk, the applicant shall
22 pay the difference in fee for the cor-
23 responding non-reduced risk application.

24 “(ii) DECISION REVIEW TIME PE-
25 RIOD.—After receipt by the Administrator

4030

1 of the original covered reduced risk appli-
2 cation and fee, the decision time review pe-
3 riod for the corresponding non-reduced
4 risk application shall begin within the time
5 periods described in subparagraph (A),
6 based on the submission date of the origi-
7 nal covered reduced risk application.”; and

8 (3) by striking paragraph (5) and inserting the
9 following:

10 “(5) EXTENSION OF DECISION TIME REVIEW
11 PERIOD.—

12 “(A) NOTIFICATION.—If the Administrator
13 cannot meet a decision time review period under
14 this subsection, the Administrator shall notify
15 the applicant, in writing, of—

16 “(i) the reasons why additional time is
17 needed; and

18 “(ii) the number of days needed that
19 would allow the Administrator to make a
20 regulatory decision.

21 “(B) EXTENSION BY NEGOTIATION OR MU-
22 TUAL AGREEMENT.—The Administrator, acting
23 solely through the Director of the Office of Pes-
24 ticide Programs, and the applicant may mutu-

4031

1 ally agree, in writing, to extend a decision time
2 review period under this subsection if—

3 “(i) there is new or additional data or
4 information from the applicant that is nec-
5 essary for the Administrator to make a de-
6 cision on the application that cannot be
7 made available within the original decision
8 time review period; or

9 “(ii) a public comment period associ-
10 ated with the application generates signifi-
11 cant comments that cannot be addressed
12 within the original decision time review pe-
13 riod.

14 “(C) PRIORITY.—Once a decision time re-
15 view period for a covered action described in
16 subsection (b)(3)(B) is missed or extended, the
17 Administrator shall make any action on the ap-
18 plication a priority.”.

19 (f) REPORTS AND INFORMATION TECHNOLOGY.—
20 Section 33 of the Federal Insecticide, Fungicide, and
21 Rodenticide Act (7 U.S.C. 136w–8) is amended by strik-
22 ing subsection (k) and inserting the following:

23 “(k) REPORTS AND INFORMATION TECHNOLOGY.—

24 “(1) REPORTS.—

4032

1 “(A) IN GENERAL.—Not later than 120
2 days after the last day of each of fiscal years
3 2023 through 2027, the Administrator shall
4 publish an annual report describing—

5 “(i) actions taken under this section;

6 “(ii) registrant submissions not cov-
7 ered by subsection (b)(3)(B);

8 “(iii) the initial content and prelimi-
9 nary technical screenings required in sub-
10 section (f)(4)(B); and

11 “(iv) staffing relating to implementing
12 the Pesticide Registration Improvement
13 Act of 2022 and the amendments made by
14 that Act.

15 “(B) CONTENTS.—Each report published
16 under subparagraph (A) shall include a sum-
17 mary of the following information:

18 “(i) ACTIONS UNDER THIS SEC-
19 TION.—To the extent practicable, data for
20 each action taken under this section that is
21 completed during the fiscal year covered by
22 the report or pending at the conclusion of
23 that fiscal year, organized by registering
24 division, including—

25 “(I) the Action Code;

4033

1 “(II) the application receipt date;

2 “(III) the electronic portal track-

3 ing number assigned to the applica-

4 tion at the time of submission to the

5 electronic submission portal or the

6 Environmental Protection Agency

7 tracking number;

8 “(IV) the original decision due

9 date based on the Action Code;

10 “(V) the dates of any renegoti-

11 ations and the renegotiated due dates,

12 if applicable;

13 “(VI) the reasons for each re-

14 negotiation, if applicable;

15 “(VII) if the submission had to

16 be recoded, reassigned codes, if appli-

17 cable;

18 “(VIII) the date that the submis-

19 sion was recoded, if applicable;

20 “(IX) the decision completion

21 date, if the action has been completed;

22 “(X) the status of the action,

23 which may be—

24 “(aa) failed initial content

25 screen;

4034

1 “(bb) failed preliminary
2 technical screen;

3 “(cc) approved;

4 “(dd) withdrawn;

5 “(ee) denied;

6 “(ff) do not grant; or

7 “(gg) pending;

8 “(XI) the reason for any denial
9 or do not grant decision, if applicable;

10 “(XII) a review of the progress
11 made in carrying out each require-
12 ment of subsections (e) and (f), in-
13 cluding, to the extent determined ap-
14 propriate by the Administrator and
15 consistent with the authorities of the
16 Administrator and limitations on dele-
17 gation of functions by the Adminis-
18 trator, recommendations for the allow-
19 ance and use of summaries of acute
20 toxicity studies;

21 “(XIII) a review of the progress
22 in carrying out section 3(g), includ-
23 ing—

24 “(aa) the number of pes-
25 ticides or pesticide cases reviewed

4035

1 and the number of registration
2 review decisions completed, in-
3 cluding—

4 “(AA) the number of
5 cases cancelled;

6 “(BB) the number of
7 cases requiring risk mitiga-
8 tion measures;

9 “(CC) the number of
10 cases removing risk mitiga-
11 tion measures;

12 “(DD) the number of
13 cases with no risk mitigation
14 needed; and

15 “(EE) the number of
16 cases in which risk mitiga-
17 tion has been fully imple-
18 mented;

19 “(XIV) a review of the progress
20 made toward implementing enhance-
21 ments to—

22 “(aa) the electronic tracking
23 of conditional registrations; and

24 “(bb) the endangered species
25 database;

4036

1 “(XV) a review of the progress
2 made in updating the Pesticide Inci-
3 dent Data System, including progress
4 toward making the information con-
5 tained in the System available to the
6 public (as the Administrator deter-
7 mines is appropriate);

8 “(XVI) an assessment of the
9 public availability of summary pes-
10 ticide usage data;

11 “(XVII) the number of the active
12 ingredients approved, new uses, and
13 pesticide end use products granted in
14 connection with the Design for the
15 Environment program (or any suc-
16 cessor program) of the Environmental
17 Protection Agency;

18 “(XVIII) with respect to funds in
19 the Reregistration and Expedited
20 Processing Fund described under sec-
21 tion 4(k), a review that includes—

22 “(aa) a description of the
23 amount and use of such funds—

24 “(AA) to carry out ac-
25 tivities relating to worker

4037

1 protection under subpara-
2 graphs (G) and (H) of sec-
3 tion 4(i)(1);

4 “(BB) to award part-
5 nership grants under sub-
6 paragraph (I) of such sec-
7 tion; and

8 “(CC) to carry out the
9 pesticide safety education
10 program under subpara-
11 graph (J) of such section;

12 “(bb) an evaluation of the
13 appropriateness and effectiveness
14 of the activities, grants, and pro-
15 gram under subparagraphs (G),
16 (H), (I), and (J) of such section;

17 “(cc) a description of how
18 stakeholders are engaged in the
19 decision to fund such activities,
20 grants, and program in accord-
21 ance with the stakeholder input
22 provided under such subpara-
23 graphs; and

24 “(dd) with respect to activi-
25 ties relating to worker protection

4038

1 carried out under subparagraphs
2 (G) and (H) of section 4(i)(1), a
3 summary of the analyses from
4 stakeholders, including from
5 worker community-based organi-
6 zations, on the appropriateness
7 and effectiveness of such activi-
8 ties.

9 “(XIX) beginning two years after
10 enactment, report on the progress of
11 meeting the deadlines listed in para-
12 graph (5) of section 3(f); and

13 “(XX) a review of progress made
14 in implementing the pesticide surveil-
15 lance program referred to in para-
16 graph (8) of section 4(k).

17 “(ii) REGISTRANT SUBMISSIONS NOT
18 COVERED BY SECTION 33(B)(3)(B).—Each
19 registrant submission not covered by sub-
20 section (b)(3)(B), that is completed during
21 the fiscal year covered by the report or
22 pending at the conclusion of that fiscal
23 year, organized by registering division, in-
24 cluding—

25 “(I) the submission date;

4039

1 “(II) the electronic portal track-
2 ing number assigned to the applica-
3 tion at the time of the submission of
4 the application to the electronic sub-
5 mission portal;

6 “(III) the type of regulatory ac-
7 tion, as defined by statute or guidance
8 document, and the specific label ac-
9 tion;

10 “(IV) the status of the action;

11 “(V) the due date;

12 “(VI) the reason for the outcome;

13 and

14 “(VII) the completion date, if ap-
15 plicable.

16 “(iii) SCREENING PROCESS.—Data for
17 the initial content screens and preliminary
18 technical screens that are completed during
19 the fiscal year covered by the report or
20 pending at the conclusion of that fiscal
21 year, organized by registering division, in-
22 cluding—

23 “(I) the number of applications
24 successfully passing each type of
25 screen;

4040

1 “(II) the number of applications
2 that failed the screening process for
3 each type of screen;

4 “(III) the number of notifications
5 issued by the Administrator under
6 subsection (f)(4)(B)(ii)(II);

7 “(IV) the number of notifications
8 issued by the Administrator under
9 subsection (f)(4)(B)(ii)(I) and the
10 number of applications resulting in a
11 rejection; and

12 “(V) the number of notifications
13 issued under section 152.105 of title
14 40, Code of Federal Regulations (or
15 successor regulations), and to the ex-
16 tent practicable, the reasons for that
17 issuance.

18 “(iv) STAFFING.—Data on the staff-
19 ing relating to work covered under the Pes-
20 ticide Registration Improvement Act of
21 2022 and the amendments made by that
22 Act, organized by registering division, in-
23 cluding—

24 “(I) the number of new hires and
25 personnel departures;

4041

1 “(II) the number of full-time
2 equivalents at the end of each fiscal
3 year;

4 “(III) the number of full-time
5 equivalents working on registration
6 review activities; and

7 “(IV) the number of full-time
8 equivalents working on registrant sub-
9 missions not covered by subsection
10 (b)(3)(B).

11 “(C) PUBLICATION.—The Administrator
12 shall publish each report under subparagraph
13 (A)—

14 “(i) on the website of the Environ-
15 mental Protection Agency; and

16 “(ii) by such other methods as the
17 Administrator determines to be the most
18 effective for efficiently disseminating the
19 report.

20 “(2) INFORMATION TECHNOLOGY.—

21 “(A) SYSTEM.—Not later than 1 year after
22 the date of enactment of the Pesticide Registra-
23 tion Improvement Act of 2022, the Adminis-
24 trator shall establish an information technology
25 system that—

4042

1 “(i) includes all registering divisions
2 in the Office of Pesticide Programs;

3 “(ii) provides a real-time, accurate,
4 tracking system for all regulatory submis-
5 sions to the Office of Pesticide Programs;

6 “(iii) provides a real-time, accessible
7 information that provides each applicant
8 confidential, online access to the status
9 and progress of the regulatory submissions
10 of the applicant; and

11 “(iv) updates the electronic submis-
12 sion portal—

13 “(I) to ensure that label reviews
14 are limited to current label changes,
15 to the maximum extent practicable;

16 “(II) to automate, to the extent
17 practicable, minor, low risk regulatory
18 actions; and

19 “(III) to allow self-certification of
20 certain regulatory actions, as deter-
21 mined by the Administrator.

22 “(B) ACCESS TO REGISTRATION DATA AND
23 DECISIONS.—The Administrator shall imple-
24 ment efforts to expand existing, and develop
25 new, information technology tools and data-

1 bases to improve access by Environmental Pro-
2 tection Agency employees to data used to fulfill
3 registrations, and public access to information
4 about regulatory decisionmaking tools, includ-
5 ing opportunities for—

6 “(i) analysis of the impact of sub-
7 mitted studies on Environmental Protec-
8 tion Agency assessments and decisions;

9 “(ii) facilitation of read-across or
10 computational model development to help
11 fill information gaps;

12 “(iii) tracking and reporting submis-
13 sion and decision metrics relating to the
14 use and acceptance of test methods; and

15 “(iv) drafting and publication of poli-
16 cies communicating Environmental Protec-
17 tion Agency acceptance of novel tech-
18 nologies or approaches.”.

19 (g) TERMINATION OF EFFECTIVENESS.—Section
20 33(m) of the Federal Insecticide, Fungicide, and
21 Rodenticide Act (7 U.S.C. 136w–8(m)) is amended—

22 (1) by striking “2023” each place it appears
23 and inserting “2027”; and

24 (2) in paragraph (2)—

25 (A) in subparagraph (A)—

4044

1 (i) in the subparagraph heading, by
2 striking “2024” and inserting “2028” ; and

3 (ii) by striking “2024” and inserting
4 “2028”; and

5 (B) in each of subparagraphs (B) and
6 (C)—

7 (i) in the subparagraph heading, by
8 striking “2025” each place it appears and
9 inserting “2029”; and

10 (ii) by striking “2025” each place it
11 appears and inserting “2029”.

12 **SEC. 706. REVISION OF TABLES REGARDING COVERED PES-**
13 **TICIDE REGISTRATION APPLICATIONS AND**
14 **OTHER COVERED ACTIONS AND THEIR COR-**
15 **RESPONDING REGISTRATION SERVICE FEES.**

16 Section 33(b)(3) of the Federal Insecticide, Fun-
17 gicide, and Rodenticide Act (7 U.S.C. 136w-8(b)(3)) (as
18 amended by section 705(a)(1)(C)) is amended by striking
19 subparagraph (B) and inserting the following:

20 “(B) SCHEDULE, ACTIONS, AND FEES.—

21 Subject to paragraph (6), the schedule of reg-
22 istration applications and other covered actions
23 and their corresponding registration service fees
24 shall be as follows:

4045

“TABLE 1. — REGISTRATION DIVISION (RD) — NEW ACTIVE INGREDIENTS

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
R010	1	New Active Ingredient, Food use. (2) (3)	36	1,079,356
R020	2	New Active Ingredient, Food use; reduced risk. (2) (3)	27	899,464
R040	3	New Active Ingredient, Food use; Experimental Use Permit application; establish temporary tolerance; submitted before application for registration; credit 45% of fee toward new active ingredient application that follows. (3) (4)	18	662,883
R060	4	New Active Ingredient, Non-food use; outdoor. (2) (3)	30	749,886
R070	5	New Active Ingredient, Non-food use; outdoor; reduced risk. (2) (3)	24	624,905

4046

“TABLE 1. — REGISTRATION DIVISION (RD) — NEW ACTIVE INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
R090	6	New Active Ingredient, Non-food use; outdoor; Experimental Use Permit application; submitted before application for registration; credit 45% of fee toward new active ingredient application that follows. (3) (4)	16	463,930
R110	7	New Active Ingredient, Non-food use; indoor. (2) (3) (4)	20	417,069
R120	8	New Active Ingredient, Non-food use; indoor; reduced risk. (2) (3) (4)	14	347,556
R121	9	New Active Ingredient, Non-food use; indoor; Experimental Use Permit application; submitted before application for registration; credit 45% of fee toward new active ingredient application that follows. (3) (4)	18	261,322

4047

“TABLE 1. — REGISTRATION DIVISION (RD) — NEW ACTIVE INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
R122	10	Enriched isomer(s) of registered mixed-isomer active ingredient. (2) (3)	27	454,526
R123	11	New Active Ingredient, Seed treatment only; includes agricultural and non-agricultural seeds; non-food use, not requiring a tolerance. (2) (3)	27	676,296
R126	12 (new)	New Active Ingredient, Seed treatment only; limited uptake into raw agricultural commodities; use requiring a tolerance. (2) (3)	31	743,925

4048

“TABLE 1. — REGISTRATION DIVISION (RD) — NEW ACTIVE INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R125	13	New Active Ingredient, Seed treatment; Experimental Use Permit application; submitted before application for registration; credit 45% of fee toward new active ingredient application that follows. (3) (4)	16	463,930

(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.

4049

(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 re-submission, 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 (\$)
R130	14	First food use; indoor; food/food handling. (2) (3) (5)	23	274,388
R140	15	Additional food use; Indoor; food/food handling. (3) (4) (5)	17	64,028
R150	16	First food use. (2) (3) (5)	23	454,490
R155	17	First food use, Experimental Use Permit application; active ingredient registered for non-food use. (3) (4) (5)	21	378,742

4050

“TABLE 2. — REGISTRATION DIVISION (RD) — NEW USES—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
R160	18	First food use; reduced risk. (2) (3) (5)	18	378,742
R170	19	Additional food use. (3) (4) (5)	17	113,728
R175	20	Additional food uses covered within a crop group resulting from the conversion of existing approved crop group(s) to one or more revised crop groups. (3) (4) (5)	14	94,774
R180	21	Additional food use; reduced risk. (3) (4) (5)	12	94,774
R190	22	Additional food uses; 6 or more submitted in one application. (3) (4) (5)	17	682,357
R200	23	Additional Food Use; 6 or more submitted in one application; Reduced Risk. (3) (4) (5)	12	568,632

4051

“TABLE 2. — REGISTRATION DIVISION (RD) — NEW USES—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
R210	24	Additional food use; Experimental Use Permit application; establish temporary tolerance; no credit toward new use registration. (3) (4) (5)	12	70,210
R220	25	Additional food use; Experimental Use Permit application; crop destruct basis; no credit toward new use registration. (3) (4) (5)	6	28,434
R230	26	Additional use; non-food; outdoor. (3) (4) (5)	16	45,453
R240	27	Additional use; non-food; outdoor; reduced risk. (3) (4) (5)	10	37,878
R250	28	Additional use; non-food; outdoor; Experimental Use Permit application; no credit toward new use registration. (3) (4) (5)	6	28,434

4052

“TABLE 2. — REGISTRATION DIVISION (RD) — NEW USES—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
R251	29	Experimental Use Permit application which requires no changes to the tolerance(s); non-crop destruct basis. (3) (5)	8	28,434
R260	30	New use; non-food; indoor. (3) (4) (5)	12	21,954
R270	31	New use; non-food; indoor; reduced risk. (3) (4) (5)	9	18,296
R271	32	New use; non-food; indoor; Experimental Use Permit application; no credit toward new use registration. (3) (4) (5)	6	13,940
R273	33	Additional use; seed treatment only; use not requiring a new tolerance; includes crops with established tolerances (e.g., for soil or foliar application). (3) (4) (5)	12	72,302

4053

“TABLE 2. — REGISTRATION DIVISION (RD) — NEW USES—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R274	34	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)	12	433,793
R276	35 (new)	Additional use, seed treatment only; limited uptake into raw agricultural commodities; use requiring a tolerance. (3) (4) (5)	14	79,560
R277	36 (new)	Additional use, seed treatment only; 6 or more submitted in one application; limited uptake into raw agricultural commodities; use requiring a tolerance. (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.

4054

(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 re-submission, 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 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.

4055

(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⁾	Registration 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
R291	39	Establish tolerances for residues in imported commodities; additional food uses; 6 or more crops submitted in one petition.	16	548,773

4056

“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 (\$)
R292	40	Amend an established tolerance (e.g., decrease or increase) and/or harmonize established tolerances with Codex Maximum Residue Limits; domestic or import; applicant-initiated.	12	64,987
R293	41	Establish tolerance(s) for inadvertent residues in one crop; applicant-initiated.	13	76,656
R294	42	Establish tolerances for inadvertent residues; 6 or more crops submitted in one application; applicant-initiated.	13	459,922

4057

“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 (\$)
R295	43	Establish toler- ance(s) for residues in one rotational crop in response to a specific rota- tional crop ap- plication; sub- mission of cor- responding label amend- ments which specify the necessary plant-back re- strictions; ap- plicant-initi- ated. (3) (4)	16	94,774
R296	44	Establish toler- ances for resi- dues in rota- tional crops in response to a specific rota- tional crop pe- tition; 6 or more crops submitted in one applica- tion; submis- sion of cor- responding label amend- ments which specify the necessary plant-back re- strictions; ap- plicant-initi- ated. (3) (4)	16	568,632

4058

“TABLE 3. — REGISTRATION DIVISION (RD) — IMPORT AND OTHER TOLERANCES—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
R297	45	Amend 6 or more established tolerances (e.g., decrease or increase) in one petition; domestic or import; applicant-initiated.	12	389,897
R298	46	Amend an established tolerance (e.g., decrease or increase); domestic or import; submission of corresponding amended labels (requiring science review). (3) (4)	14	83,940
R299	47	Amend 6 or more established tolerances (e.g., decrease or increase); domestic or import; submission of corresponding amended labels (requiring science review). (3) (4)	14	408,853

4059

“TABLE 3. — REGISTRATION DIVISION (RD) — IMPORT AND OTHER TOLERANCES—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R281	48 (new)	Establish tolerances for residues in imported commodities; additional new food use; submission of residue chemistry data review conducted by Codex or other competent national regulatory authority.	12	68,599
R282	49 (new)	Establish tolerances for residues in imported commodities; additional new food uses; 6 or more crops submitted in one petition; submission of residue chemistry data review conducted by Codex or other competent national regulatory 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.

4060

(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 re-submission, 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.

4061

“TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R300	50	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)	4	2,270

4062

“TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R301	51	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)	4	2,720

4063

“TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R310	52	<p>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:</p> <ol style="list-style-type: none"> 1. product chemistry and/or 2. acute toxicity and/or 4. Child-resistant packaging and/or 4. pest(s) requiring efficacy – for up to 3 target pests. <p>(2) (3) (4)</p>	7	10,466

4064

“TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R314	53	<p>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:</p> <ol style="list-style-type: none"> 1. product chemistry and/or 2. acute toxicity and/or 3. child resistant packaging and/or 4. pest(s) requiring efficacy (4) for up to 3 target pests. (2) (3) 	8	12,364

4065

“TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R319	54	<p>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:</p> <ol style="list-style-type: none"> 1. product chemistry and/or 2. acute toxicity and/or 3. child resistant packaging and/or 4. pest(s) requiring efficacy (4) - for 4 to 7 target pests. (2) (3) 	10	18,097

4066

“TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R318	55	<p>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:</p> <ol style="list-style-type: none"> 1. product chemistry and/or 2. acute toxicity and/or 3. child resistant packaging and/or 4. pest(s) requiring efficacy – for up to 3 target pests. <p>(2) (3) (4)</p>	9	18,994

4067

“TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R321	56	<p>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:</p> <ol style="list-style-type: none"> 1. product chemistry and/or 2. acute toxicity and/or 3. child resistant packaging and/or 4. pest(s) requiring efficacy (4) - for 4 to 7 target pests. (2) (3) 	11	24,727

4068

“TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R315	57	New end-use on-animal product, registered source of active ingredient(s) with submission of data and/or waivers for only: <ol style="list-style-type: none"> 1. animal safety and 2. pest(s) requiring efficacy and/or 3. product chemistry and/or 4. acute toxicity and/or 5. child resistant packaging. (2) (3) (4) 	9	14,075

4069

“TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R316	58	<p>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:</p> <ol style="list-style-type: none"> 1. product chemistry and/or 2. acute toxicity and/or 3. child resistant packaging and/or 4. pest(s) requiring efficacy - for 4 to 7 target pests. <p>(2) (3) (4)</p>	9	16,199

4070

“TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R317	59	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: <ol style="list-style-type: none"> 1. product chemistry and/or 2. acute toxicity and/or 3. child resistant packaging and/or 4. Pest(s) requiring efficacy - for greater than 7 target pests, (2) (3) (4) 	10	21,932
R320	60	New product; new physical form; requires data review in science divisions. (2) (3) (5)	12	18,958

4071

“TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R331	61	New product; re-pack of identical registered end-use product as a manufacturing-use product; same registered uses only. (2) (3)	3	3,627
R332	62	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)	24	405,919
R333	63	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)	11	28,434

4072

“TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R334	64	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)	12	33,108

4073

“TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R361	65 (new)	<p>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:</p> <ol style="list-style-type: none"> 1. product chemistry and/or 2. acute toxicity and/or 3. Child resistant packaging and/or 4. pest(s) requiring efficacy – for more than 7 target pests. (2) (3) (4) 	12	23,400

4074

“TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R362	66 (new)	<p>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:</p> <ol style="list-style-type: none"> 1. product chemistry and/or 2. acute toxicity and/or 3. Child resistant packaging and/or 4. pest(s) requiring efficacy – for more than 7 target pests. (2) (3) (4) 	13	25,350

4075

“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; re-pack 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 re-submission, 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.

4076

(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 5. — REGISTRATION DIVISION (RD) — AMENDMENTS

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R340	68	Amendment requiring data review within RD (e.g., changes to precautionary label statements); includes adding/modifying pest(s) claims for up to 2 target pests; excludes products requiring or citing an animal safety study. (2) (3)	4	7,150
R341	69	Amendment requiring data review within RD (e.g., changes to precautionary label statements), includes adding/modifying pest(s) claims for greater than 2 target pests; excludes products requiring or citing an animal safety study. (2) (3)	6	8,584

4077

“TABLE 5. — REGISTRATION DIVISION (RD) —
AMENDMENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
R345	70	Amending on-animal products previously registered, with the submission of data and/or waivers for only: <ol style="list-style-type: none"> 1. animal safety and 2. pest(s) requiring efficacy and/or 3. product chemistry and/or 4. acute toxicity and/or 5. child resistant packaging. (2) (3) (4) 	7	12,643
R350	71	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) (3) (5)	9	18,958

4078

“TABLE 5. — REGISTRATION DIVISION (RD) —
AMENDMENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R351	72	Amendment adding a new unregistered source of active ingredient. (2) (3)	8	18,958
R352	73	Amendment adding already approved uses; selective method of support; does not apply if the applicant owns all cited data. (2) (3)	8	18,958
R371	74	Amendment to Experimental Use Permit; (does not include extending a permit's time period). (3)	6	14,463

(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.

4079

(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 re-submission, 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.

“TABLE 6. — REGISTRATION DIVISION (RD) — OTHER ACTIONS

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
R124	75	Conditional Ruling on Pre-application Study Waivers; applicant-initiated.	6	3,627

4080

“TABLE 6. — REGISTRATION DIVISION (RD) — OTHER ACTIONS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
R272	76	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.	3	3,627
R275	77	Rebuttal of Agency reviewed protocol, applicant initiated.	3	3,627
R278	78 (new)	Review of Protocol for companion animal safety study.	5	4,927

4081

“TABLE 6. — REGISTRATION DIVISION (RD) — OTHER ACTIONS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
R279	79 (new)	Comparative product determination for reduced risk submission, applicant initiated; submitted before application for reduced risk new active ingredient or reduced risk new use.	3	5,200

(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

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
A380	80	New Active Ingredient; Indirect Food use; establish tolerance or tolerance exemption if required. (2) (3) (4)	26	227,957
A390	81	New Active Ingredient; Direct Food use; establish tolerance or tolerance exemption if required. (2) (3) (4)	26	329,265

4082

“TABLE 7. — ANTIMICROBIAL DIVISION (AD) — NEW ACTIVE INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
A410	82	New Active Ingredient Non-food use. (2) (3) (4)	23	278,659
A431	83	New Active Ingredient, 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.

(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 re-submission, 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.

4083

(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⁾	Registration 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
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

4084

“TABLE 8. — ANTIMICROBIAL DIVISION (AD) — NEW USES—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
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.

4085

(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 re-submission, 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.

4086

“TABLE 9. — ANTIMICROBIAL DIVISION (AD) — NEW PRODUCTS AND AMENDMENTS

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
A530	90	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)	4	1,833

4087

“TABLE 9. — ANTIMICROBIAL DIVISION (AD) — NEW PRODUCTS AND AMENDMENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
A531	91	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)	4	2,616

4088

“TABLE 9. — ANTIMICROBIAL DIVISION (AD) — NEW PRODUCTS AND AMENDMENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
A532	92	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)	5	7,322
A550	93	New end-use product; uses other than FIFRA §2(mm); non-FQPA product. (2) (3) (5)	9	18,958
A560	94	New manufacturing-use product; registered active ingredient; selective data citation. (2) (3)	6	18,054

4089

“TABLE 9. — ANTIMICROBIAL DIVISION (AD) — NEW PRODUCTS AND AMENDMENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
A565	95	New manufacturing-use product; registered active ingredient; unregistered source of active ingredient; submission of new generic data package; registered uses only; requires science review. (2) (3)	18	26,135
A572	96	New Product or amendment requiring data review for risk assessment by Science Branch (e.g., changes to Restricted Entry Interval, or Personal Protective Equipment, or use rate). (2) (3) (4) (7)	9	18,958
A460	97 (new)	New end-use product; FIFRA §2(mm) uses only; 0 to 10 public health organisms. (2) (3) (5) (6)	5	7,322

4090

“TABLE 9. — ANTIMICROBIAL DIVISION (AD) — NEW PRODUCTS AND AMENDMENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
A461	98 (new)	New end-use product; FIFRA §2(mm) uses only; 11 to 20 public health organisms. (2) (3) (5) (6)	6	10,158
A462	99 (new)	New end-use product; FIFRA §2(mm) uses only; 21 to 30 public health organisms. (2) (3) (5) (6)	7	12,995
A463	100 (new)	New end-use product; FIFRA §2(mm) uses only; 31 to 40 public health organisms. (2) (3) (5) (6)	9	15,831
A464	101 (new)	New end-use product; FIFRA §2(mm) uses only; 41 to 50 public health organisms. (2) (3) (5) (6)	10	18,668
A465	102 (new)	New end-use product; FIFRA §2(mm) uses only; 51 or more public health organisms. (2) (3) (5) (6)	11	21,505

4091

“TABLE 9. — ANTIMICROBIAL DIVISION (AD) — NEW PRODUCTS AND AMENDMENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
A470	103 (new)	Label amendment requiring data review; 0 to 10 public health organisms. (3) (4) (5) (6)	4	5,493
A471	104 (new)	Label amendment requiring data review; 11 to 20 public health organisms. (3) (4) (5) (6)	5	8,506
A472	105 (new)	Label amendment requiring data review; 21 to 30 public health organisms. (3) (4) (5) (6)	6	10,219
A473	106 (new)	Label amendment requiring data review; 31 to 40 public health organisms. (3) (4) (5) (6)	7	11,933
A474	107 (new)	Label amendment requiring data review; 41 to 50 public health organisms. (3) (4) (5) (6)	8	13,646

4092

“TABLE 9. — ANTIMICROBIAL DIVISION (AD) — NEW PRODUCTS AND AMENDMENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
A475	108 (new)	Label amendment requiring data review; 51 or more public health organisms. (3) (4) (5) (6)	9	15,766

(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 re-submission, 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.

4093

(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
A521	110	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.	6	6,776
A522	111	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.	12	17,424

4094

“TABLE 10. — ANTIMICROBIAL DIVISION (AD) — EXPERIMENTAL USE PERMITS AND OTHER ACTIONS—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
A537	112	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)	18	219,512
A538	113	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)	18	137,198

4095

“TABLE 10. — ANTIMICROBIAL DIVISION (AD) — EXPERIMENTAL USE PERMITS AND OTHER ACTIONS—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
A539	114	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)	15	132,094
A529	115	Amendment to Experimental Use Permit; requires data review or risk assessment. (2) (3)	9	16,383
A523	116	Review of protocol other than a public health efficacy study (i.e., Toxicology or Exposure Protocols).	9	17,424
A571	117	Science reassessment: refined ecological risk, and/or endangered species; applicant-initiated. (3)	18	137,198
A533	118	Exemption from the requirement of an Experimental Use Permit. (2)	4	3,559

4096

“TABLE 10. — ANTIMICROBIAL DIVISION (AD) — EXPERIMENTAL USE PERMITS AND OTHER ACTIONS—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
A534	119	Rebuttal of Agency reviewed protocol, applicant initiated.	4	6,776
A535	120	Conditional ruling on pre-application study waiver or data bridging argument; applicant-initiated.	6	3,454
A536	121	Conditional ruling on pre-application direct food, indirect food, nonfood use determination; applicant-initiated.	4	3,559
A575	122 (new)	Efficacy similarity determination; if two products can be bridged or if confirmatory efficacy data are needed.	4	3,389

(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.

4097

(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 re-submission, 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

4098

“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 (\$)
B600	125	New active ingredient; no change to a permanent tolerance or tolerance exemption (includes non-food uses). (2) (3) (4)	15	27,443
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.

4099

(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 re-submission, 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.

4100

“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 es- tablish/amend a tolerance ex- emption. (2) (4) (5)	13	18,296
B640	129	First food use; petition to es- tablish/amend a tolerance. (2) (4) (5)	19	27,443
B644	130	New use, no change to an established tol- erance or tol- erance exemp- tion (includes non-food uses). (3) (4) (5)	8	18,296
B645	131	New use; Experi- mental Use Permit; peti- tion to estab- lish a perma- nent or tem- porary toler- ance or toler- ance exemp- tion. (4) (5)	12	18,296
B646	132	New use; Experi- mental Use Permit; non- food use (in- cludes crop de- struct). (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.

4101

(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) 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 re-submission, 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.

4102

(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 13. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — NEW PRODUCTS

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
B660	133	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 submission of product chemistry data only). (2) (3)	6	1,833
B670	134	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. (2) (3)	9	7,322

4103

“TABLE 13. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — NEW PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
B672	135	New product; unregistered 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)	15	13,069
B673	136	New product; unregistered 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)	12	7,322

4104

“TABLE 13. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — NEW PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
B674	137	New product; repack of identical registered end-use product or repack of an end-use product as a manufacturing-use product; same registered uses only. (2) (3)	4	1,833
B677	138	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: <ol style="list-style-type: none"> 1. product chemistry and/or 2. acute toxicity and/or 3. public health pest efficacy and/or 4. animal safety studies and/or 5. child resistant packaging. (2) (3) 	12	12,643

(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.

4105

(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 re-submission, 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⁾	Registration Service Fee (\$)
B621	139	Amendment; Experimental Use Permit; no change to an established temporary or permanent tolerance or tolerance exemption. (3) (4)	7	7,322
B622	140	Amendment; Experimental Use Permit; petition to amend a permanent or temporary tolerance or tolerance exemption. (3) (4)	11	18,296
B641	141	Amendment; changes to an established tolerance or tolerance exemption. (4)	13	18,296

4106

“TABLE 14. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — AMENDMENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
B680	142	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)	5	7,322
B681	143	Amendment; unregistered source of active ingredient(s); no change to an established tolerance or tolerance exemption; requires data submission. (2) (3)	7	8,714

4107

“TABLE 14. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — AMENDMENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
B683	144	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)	6	7,322
B684	145	Amending non-food animal product that includes submission of target animal safety data; previously registered. (2) (3)	8	12,643

4108

“TABLE 14. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — AMENDMENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
B685	146	Amendment; add a new bio-chemical un-registered 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)	5	7,322

(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.

(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 re-submission, 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.

4109

(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 (\$)
B690	147	SCLP; new active ingredient; food or non-food use. (2) (6) (7)	7	3,662
B700	148	SCLP; Experimental Use Permit application; new active ingredient or new use. (6) (7)	7	1,833
B701	149	SCLP; Extend or amend Experimental Use Permit. (6) (7)	4	1,833

4110

“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 (\$)
B710	150	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; re-pack of registered end-use product as a manufacturing-use product). (3) (6)	4	1,833

4111

“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 (\$)
B720	151	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)	5	1,833
B721	152	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)	7	3,836
B722	153	SCLP; new use and/or amendment; petition to establish a tolerance or tolerance exemption. (4) (5) (6) (7)	7	3,552

4112

“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 (\$)
B730	154	SCLP; amendment requiring data submission. (4) (6)	5	1,833

(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) 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.

4113

(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) 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 re-submission, 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.

4114

“TABLE 16. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — OTHER ACTIONS

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
B614	155	Pre-application; Conditional Ruling on rationales for addressing a data requirement in lieu of data; applicant-initiated; applies to one (1) rationale at a time.	3	3,627
B682	156	Protocol review; applicant initiated; excludes time for Human Studies Review Board review (Includes rebuttal of protocol review).	3	3,487
B616	157 (new)	Pre-application; Conditional Ruling on a non-food use determination.	5	4,715
B617	158 (new)	Pre-application; biochemical classification determination.	5	4,715

(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.

4115

“TABLE 17. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — PLANT-INCORPORATED PROTECTANTS (PIP)

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
B740	159	Experimental Use Permit application; no petition for tolerance/tolerance exemption; includes: <ol style="list-style-type: none"> 1. non-food/feed use(s) for a new (2) or registered (3) PIP (12); 2. food/feed use(s) for a new or registered PIP with crop destruct; 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) 	9	137,198

4116

“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 (\$)
B750	160	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)	12	182,927
B771	161	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)	13	182,927

4117

“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 (\$)
B772	162	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)	3	18,296
B773	163	Application to amend or extend a PIP Experimental Use Permit; with petition to extend a temporary tolerance/tolerance exemption for the active ingredient. (12)	9	45,737
B780	164	Registration application; new (2) PIP; non-food/feed or food/feed without tolerance petition based on an existing permanent tolerance exemption. (5) (12) (14)	16	228,657

4118

“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 (\$)
B800	165	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)	17	246,949
B820	166	Registration application; new (2) PIP; with petition to establish or amend a permanent tolerance/tolerance exemption of an active ingredient. (5) (12) (14)	19	292,682

4119

“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 (\$)
B851	167	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)	9	182,927
B870	168	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)	9	54,881

4120

“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 (\$)
B880	169	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)	9	45,737
B883	170	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)	13	182,927

4121

“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 (\$)
B884	171	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)	19	228,657
B885	172	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)	6	45,737

4122

“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 (\$)
B890	173	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)	9	91,465
B900	174	Application to amend a registration, including actions such as modifying an IRM plan, or adding an insect to be controlled. (5) (10) (11) (12)	6	18,296
B902	175	PIP Protocol review.	3	9,151
B903	176	Inert ingredient permanent tolerance exemption; e.g., a marker such as NPT II; reviewed in BPPD.	12	91,465

4123

“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 (\$)
B904	177	Import tolerance or tolerance exemption; processed commodities/food only (inert or active ingredient).	12	182,927
B905	178	FIFRA Scientific Advisory Panel Review.	6	91,465
B906	179	Petition to establish a temporary tolerance/tolerance exemption for one or more active ingredients.	9	45,733
B907	180	Petition to establish a permanent tolerance/tolerance exemption for one or more active ingredients based on an existing temporary tolerance/tolerance exemption.	9	18,296

4124

“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 (\$)
B909	181 (new)	PIP tolerance exemption determination; applicant-initiated; request to determine if an existing tolerance exemption applies to a PIP.	6	18,296
B910	182 (new)	Biotechnology Notification for small-scale field testing of genetically engineered microbes.	3	9,151

4125

“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 (\$)
B921	183 (new)	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)	12	182,927

4126

“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 (\$)
B922	184 (new)	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)	16	228,657

4127

“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 (\$)
B923	185 (new)	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)	15	228,658

4128

“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 (\$)
B924	186 (new)	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)	19	292,682

4129

“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 (\$)
B925	187 (new)	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)	11	27,452
B926	188 (new)	Registration application; new active ingredient; exogenous applications of RNA to elicit the RNA interference pathway in pests; non-food/feed. (5) (12) (14)	17	82,329

4130

“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 (\$)
B927	189 (new)	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)	14	54,889

4131

“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 (\$)
B928	190 (new)	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)	22	137,210
B929	191 (new)	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)	10	7,322

4132

“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 (\$)
B930	192 (new)	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)	3	18,296
B931	193 (new)	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)	9	45,737
B932	194 (new)	Amendment; application to amend a non-PIP Emerging Technologies registration. (4) (5) (12)	6	18,296

(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.

4133

(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 wild-life, 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).

(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 re-submission, 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.

4134

“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
I002	196	Amend currently approved inert ingredient tolerance or exemption from tolerance; new data. (2)	13	10,750
I003	197	Amend currently approved inert ingredient tolerance or exemption from tolerance; no new data. (2)	11	4,742
I004	198	Approval of new non-food use inert ingredient. (2)	6	15,803
I005	199	Amend currently approved non-food use inert ingredient with new use pattern; new data. (2)	6	7,903
I006	200	Amend currently approved non-food use inert ingredient with new use pattern; no new data. (2)	4	4,742

4135

“TABLE 18. — INERT INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
I007	201	Approval of substantially similar non-food use inert ingredients when original inert is compositionally similar with similar use pattern. (2)	5	2,371
I008	202	Approval of new or amended polymer inert ingredient, food use. (2)	7	5,374
I009	203	Approval of new or amended polymer inert ingredient, non-food use. (2)	4	4,427
I010	204	Petition to amend a single tolerance exemption descriptor, or single non-food use descriptor, to add ≤ 10 CASRNs; no new data. (2)	7	2,371
I011	205	Approval of new food use safener with tolerance or exemption from tolerance. (2)	26	856,631
I012	206	Approval of new non-food use safener. (2)	21	595,147

4136

“TABLE 18. — INERT INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
I013	207	Approval of additional food use for previously approved safener with tolerance or exemption from tolerance. (2)	17	90,260
I014	208	Approval of additional non-food use for previously approved safener. (2)	15	36,074
I015	209	Approval of new generic data for previously approved food use safener. (2)	26	386,589
I016	210	Approval of amendment(s) to tolerance and label for previously approved safener. (2)	15	79,942
I017	211 (new)	Add new source of previously approved safener.	8	18,958

4137

“TABLE 18. — INERT INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
I018	212 (new)	Petition to add one approved inert ingredient (CASRN) to the Commodity Inert Ingredient List; no data. (4)	3	2,371

(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.

“TABLE 19. — EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
M001	213	Study protocol requiring Human Studies Review Board review as defined in 40 CFR Part 26 in support of a currently registered active ingredient.	14	11,378

4138

“TABLE 19. — EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
M002	214	Completed study requiring Human Studies Review Board review as defined in 40 CFR Part 26 in support of an active ingredient. (2)	14	11,378
M003	215	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 timeframe 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)	12	91,651

4139

“TABLE 19. — EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
M004	216	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 timeframe 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)	18	91,651

4140

“TABLE 19. — EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
M005	217	New Product: Combination, Contains a combination of active ingredients from a registered and/or unregistered source; conventional, antimicrobial 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)	9	31,604
M006	218	Request for up to 5 letters of certification (Gold Seal) for one actively registered product (excludes distributor products). (7)	1	398

4141

“TABLE 19. — EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
M007	219	Request to extend Exclusive Use of data as provided by FIFRA Section 3(e)(1)(F)(ii).	12	7,903
M008	220	Request to grant Exclusive Use of data as provided by FIFRA Section 3(e)(1)(F)(vi) for a minor use, when a FIFRA Section 2(l)(2) determination is required.	15	2,371
M009	221	Non-FIFRA Regulated Determination; applicant-initiated, per product.	6	3,389
M010	222	Conditional ruling on pre-application, product substantial similarity.	4	3,389
M011	223	Label amendment to add the DfE logo; requires data review; no other label changes. (8)	4	5,230

4142

“TABLE 19. — EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
M012	224 (new)	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)	1	398
M013	225 (new)	Cancer reassessment; applicant-initiated.	18	284,144
M014	227 (new)	Pre-application nano-particle determination.	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 re-submission, 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.”.

1 **SEC. 707. INFORMATION.**

2 Not later than 180 days after the date of enactment
3 of this title, the Administrator of the Environmental Pro-
4 tection Agency shall post on a single webpage of the
5 website of the Environmental Protection Agency aggre-
6 gated information on pesticide regulation under the Fed-
7 eral Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.
8 136 et seq.), including—

9 (1) all guidance relating to risk assessment,
10 risk mitigation, benefits assessments, and cost-ben-
11 efit balancing;

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
15 livestock production;

1 creases shall be effective beginning on October 1,
2 2022.

3 (b) SET-ASIDES.—With respect to any set-asides
4 specified in subsection (i) or (k) of section 4 of the Federal
5 Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.
6 136a–1), such set-asides shall be effective beginning on
7 October 1, 2022.

8 **Subtitle B—Other Matters Relating** 9 **to Pesticides**

10 **SEC. 711. REGISTRATION REVIEW DEADLINE EXTENSION.**

11 (a) IN GENERAL.—Notwithstanding section
12 3(g)(1)(A)(iii)(I) of the Federal Insecticide, Fungicide,
13 and Rodenticide Act (7 U.S.C. 136a(g)(1)(A)(iii)(I)), the
14 Administrator of the Environmental Protection Agency
15 (referred to in this section as the “Administrator”) shall
16 complete the initial registration review of each pesticide
17 or pesticide case covered by that section not later than
18 October 1, 2026.

19 (b) INTERIM REGISTRATION REVIEW DECISION RE-
20 QUIREMENTS.—

21 (1) DEFINITION OF COVERED INTERIM REG-
22 ISTRATION REVIEW DECISION.—In this subsection,
23 the term “covered interim registration review deci-
24 sion” means an interim registration review deci-
25 sion—

1 (A) that is associated with an initial reg-
2 istration review described in subsection (a);

3 (B) that is noticed in the Federal Register
4 during the period beginning on the date of en-
5 actment of this Act and ending on October 1,
6 2026; and

7 (C) for which the Administrator has not,
8 as of the date on which the decision is noticed
9 in the Federal Register, made effects deter-
10 minations or completed any necessary consulta-
11 tion under section 7(a)(2) of the Endangered
12 Species Act of 1973 (16 U.S.C. 1536(a)(2)).

13 (2) REQUIREMENTS.—Any covered interim reg-
14 istration review decision shall include, where applica-
15 ble, measures to reduce the effects of the applicable
16 pesticide on—

17 (A) species listed under the Endangered
18 Species Act of 1973 (16 U.S.C. 1531 et seq.);

19 or

20 (B) any designated critical habitat.

21 (3) CONSULTATION.—In developing measures
22 described in paragraph (2), the Administrator shall
23 take into account the input received from the Sec-
24 retary of Agriculture and other members of the
25 interagency working group established under section

4147

1 3(c)(11) of the Federal Insecticide, Fungicide, and
2 Rodenticide Act (7 U.S.C. 136a(c)(11)).

3 **DIVISION JJ—NORTH ATLANTIC**
4 **RIGHT WHALES**
5 **TITLE I—NORTH ATLANTIC**
6 **RIGHT WHALES AND REGULA-**
7 **TIONS**

8 **SEC. 101. NORTH ATLANTIC RIGHT WHALES AND REGULA-**
9 **TIONS.**

10 (a) IN GENERAL.—Notwithstanding any other provi-
11 sion of law except as provided in subsection (b), for the
12 period beginning on the date of enactment of this Act and
13 ending on December 31, 2028, the Final Rule amending
14 the regulations implementing the Atlantic Large Whale
15 Take Reduction Plan (86 Fed. Reg. 51970) shall be
16 deemed sufficient to ensure that the continued Federal
17 and State authorizations of the American lobster and
18 Jonah crab fisheries are in full compliance with the Ma-
19 rine Mammal Protection Act of 1972 (16 U.S.C. 1361 et
20 seq.) and the Endangered Species Act of 1973 (16 U.S.C.
21 1531 et seq.). The National Marine Fisheries Service
22 shall—

23 (1) throughout the period described in the pre-
24 ceding sentence, in consultation with affected States
25 and fishing industry participants, promote the inno-

1 vation and adoption of gear technologies in the fish-
2 eries described in the preceding sentence, in order to
3 implement additional whale protection measures by
4 December 31, 2028;

5 (2) promulgate new regulations for the Amer-
6 ican lobster and Jonah crab fisheries consistent with
7 the Marine Mammal Protection Act of 1972 (16
8 U.S.C. 1361 et seq.) and the Endangered Species
9 Act of 1973 (16 U.S.C. 1531 et seq.) that take ef-
10 fect by December 31, 2028, utilizing existing and in-
11 novative gear technologies, as appropriate; and

12 (3) in consultation with affected States, submit
13 an annual report to Congress on the status of North
14 Atlantic Right Whales, the actions taken and plans
15 to implement measures expected to not exceed Po-
16 tential Biological Removal by December 31, 2028,
17 the amount of serious injury and mortality by fish-
18 ery and country, and the proportion of the American
19 lobster and Jonah crab fisheries that have
20 transitioned to innovative gear technologies that re-
21 duce harm to the North Atlantic Right Whale.

22 (b) EXCEPTION.—The provisions of subsection (a)
23 shall not apply to an existing emergency rule, or any ac-
24 tion taken to extend or make final an emergency rule that

1 is in place on the date of enactment of this Act, affecting
2 lobster and Jonah crab.

3 **TITLE II—GRANT AUTHORITY**

4 **SEC. 201. CONSERVATION AND MITIGATION ASSISTANCE.**

5 (a) ASSISTANCE.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of enactment of this Act, the Sec-
8 retary of Commerce, acting through the Under Sec-
9 retary of Commerce for Oceans and Atmosphere (in
10 this title referred to as the “Under Secretary”) shall
11 establish a program to provide competitive financial
12 assistance, on an annual basis, and cooperative
13 agreements including multiyear grants and direct
14 payment, to eligible entities for eligible uses, such as
15 projects designed to reduce the lethal and sub-lethal
16 effects of human activities on North Atlantic right
17 whales.

18 (2) USE OF EXISTING AUTHORITIES.—Assist-
19 ance provided under this section shall be carried out
20 in a manner consistent with authorities available to
21 the Secretary under the Endangered Species Act of
22 1973 (16 U.S.C. 1531 et seq.) and the Marine
23 Mammal Protection Act of 1972 (16 U.S.C. 1361 et
24 seq.).

1 (3) COOPERATIVE AGREEMENTS.—The Under
2 Secretary may enter into cooperative agreements
3 with the National Fish and Wildlife Foundation es-
4 tablished by the National Fish and Wildlife Founda-
5 tion Establishment Act (16 U.S.C. 3701 et seq.) to
6 carry out this title.

7 (b) ELIGIBLE ENTITIES.—An entity is an eligible en-
8 tity for purposes of assistance awarded under subsection
9 (a) if the entity is—

10 (1) a relevant port authority for a port;

11 (2) a relevant State, regional, local, or Tribal
12 government;

13 (3) any other individual or entity, as deter-
14 mined appropriate by the Under Secretary, includ-
15 ing—

16 (A) an owner or operator of a vessel, as
17 defined under section 3 of title 1, United States
18 Code; and

19 (B) participants within sectors of the mari-
20 time industry, such as boating, shipping, fish-
21 ing, fishing gear and rope manufacturing, and
22 other maritime activities;

23 (4) a nonprofit organization or research institu-
24 tion with expertise in commercial fisheries, gear in-

1 novation, and North Atlantic right whale conserva-
2 tion; or

3 (5) a consortium of entities described in para-
4 graphs (1) through (4).

5 (c) ELIGIBLE USES.—Assistance awarded under sub-
6 section (a) may be used to develop, assess, and carry out
7 activities that reduce human induced threats to North At-
8 lantic right whales, including—

9 (1) funding research to identify, deploy, or test
10 innovative gear technologies;

11 (2) subsidizing acquisition of innovative gear
12 technologies to improve adoption of those tech-
13 nologies by fisheries participants, which may include
14 direct payment to fisheries participants;

15 (3) training for fisheries participants to im-
16 prove deployment, safety, and adoption of innovative
17 gear technologies;

18 (4) funding for monitoring necessary to support
19 dynamic management of fisheries, vessel traffic, or
20 other needs; and

21 (5) other uses as determined by the Under Sec-
22 retary in consultation with relevant eligible entities.

23 (d) PRIORITY.—In determining whether to fund
24 project proposals under this section, the Under Secretary
25 shall prioritize projects—

1 (1) with a substantial likelihood of reducing le-
2 thal and sub-lethal effects on North Atlantic right
3 whales from fishing gear entanglements or vessel
4 collisions;

5 (2) that include cooperation with fishing indus-
6 try participants or other private sector stakeholders;
7 and

8 (3) that demonstrate, or have the potential to
9 provide, economic benefits to small businesses based
10 in the United States.

11 (e) PROHIBITED USES.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (2), funds awarded under this section may not
14 be used to distribute resources to an entity or indi-
15 vidual that is not a United States person (as defined
16 in section 7701(a)(3) of the Internal Revenue Code
17 of 1986).

18 (2) EXCEPTION.—Funds awarded under this
19 section may be used to distribute resources to a
20 partnership that includes an entity or individual that
21 is not a United States person (as defined in section
22 7701(a)(30) of the Internal Revenue Code of 1986)
23 if the resources are distributed directly to a partner
24 in the partnership that is a United States person (as
25 so defined).

1 (f) PROJECT REPORTING.—

2 (1) IN GENERAL.—Each individual or entity
3 that receives assistance under this section for a
4 project shall submit to the Under Secretary periodic
5 reports (at such intervals as the Under Secretary
6 may require) that include all information that the
7 Under Secretary, after consultation with other gov-
8 ernment officials, determines is necessary to evaluate
9 the progress and success of the project for the pur-
10 poses of ensuring positive results, assessing prob-
11 lems, and fostering improvements.

12 (2) AVAILABILITY TO THE PUBLIC.—Reports
13 under paragraph (1) shall be made available to the
14 public in a timely manner.

15 **SEC. 202. REPORT TO CONGRESS.**

16 Not later than 2 years after the date of enactment
17 of this Act, and every 5 years thereafter, the Under Sec-
18 retary shall submit to the Committee on Commerce,
19 Science, and Transportation of the Senate and the Com-
20 mittee on Natural Resources of the House of Representa-
21 tives a report on the results and effectiveness of projects
22 receiving assistance provided under this title.

23 **SEC. 203. FUNDING.**

24 (a) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) AUTHORIZATION.—There is authorized to
2 be appropriated to the Under Secretary to carry out
3 this title \$50,000,000 (of which not less than
4 \$40,000,000 shall be for innovative gear deployment
5 and technology) for each of fiscal years 2023
6 through 2032.

7 (2) ADMINISTRATIVE EXPENSES.—Of the
8 amounts authorized to be appropriated under this
9 subsection for a fiscal year, the Under Secretary
10 may expend not more than 5 percent, or up to
11 \$80,000, whichever is greater, to pay the adminis-
12 trative expenses necessary to carry out this title.

13 (b) ACCEPTANCE AND USE OF DONATIONS.—The
14 Under Secretary may accept, receive, solicit, hold, admin-
15 ister, and use any gift, devise, or bequest, consistent with
16 policy of the Department of Commerce in effect on the
17 date of enactment of this Act, to provide assistance under
18 section 201.

19 **TITLE III—CONTINUOUS**
20 **PLANKTON RECORDER**

21 **SEC. 301. SURVEY.**

22 (a) IN GENERAL.—Not later than 180 days after the
23 date of enactment of this Act, and on an ongoing basis
24 thereafter, the Secretary of Commerce shall conduct a
25 Continuous Plankton Recorder survey.

1 (b) REQUIRED ELEMENTS.—For the purpose of con-
2 ducting the survey required under subsection (a), the
3 Northeast Fisheries Science Center shall—

4 (1) to the extent possible, utilize the resources
5 of and partner with, on a volunteer basis, research
6 institutions, nonprofit organizations, commercial ves-
7 sels, and other Federal agencies;

8 (2) in as short a time as possible, ensure rel-
9 evant survey samples and results are analyzed,
10 stored, archived, and made publicly available;

11 (3) prioritize the collection of plankton samples
12 and data that inform the conservation of North At-
13 lantic right whales; and

14 (4) to the extent practicable, coordinate with
15 the Government of Canada to develop a transbound-
16 ary understanding of plankton abundance and dis-
17 tribution.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—To carry
19 out this section there is authorized to be appropriated to
20 the Secretary of Commerce \$300,000 for each of fiscal
21 years 2023 through 2032, which shall be derived from ex-
22 isting funds otherwise appropriated to the Secretary.